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MASTER'S THESIS**



**THE IMPACT OF IMMIGRATION  
ON SPAIN'S LABOUR MARKET  
FOLLOWING ITS INCORPORATION  
INTO EU**


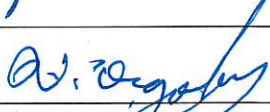

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**Name of Thesis** : The Impact of Immigration on Spain's Labour Market  
Following Its Incorporation to the EU

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### **ABSTRACT**

Historically, there have been many migratory waves over the past three decades from different geographical regions. Up to now, it continued to multiply and spread more day by day. People have entered into a process in which they move towards new areas, leaving their countries with the idea of having better economic and political conditions for living.

European Union has recognized the importance of the migration and it has implemented multiple policies in this direction, being the most advances issues not only the regularization of immigrants, also the illegal waves and its impact into the economies.

As a host country, Spain has been affected by those waves in terms of employment, especially after the entry into the EU. According to the labour market and governmental periods, in this essay, it is study the immigration policies carried out during and after the incorporation into the Union and the effects or consequences of those ones.

**Key Words:** Employment, European Union, Migration, Migration Policy, Spain Labour Market.

**Tezin Adı** : Göçün AB Üyeliği Bağlamında İspanya İşgücü Piyasasına Etkisi

**Hazırlayan** : Elena GONZÁLEZ PÉREZ

## ÖZET

Tarihsel olarak geçmiş yıllardan günümüze bölgeler ve kıtalararası birçok göç dalgası olmuştur. Günümüze kadar ise çoğalarak ve yaygınlaşarak devam etmiştir. Daha iyi ekoomik ve siyasi şartlar elde edebilmek düşüncesiyle daha iyi hayat koşullarında yaşayabilme imkânı fikriyle insanlar ülkelerini terk etmiş yeni yaşam alanlarına doğru başlayan bir sürece girmişlerdir.

Avrupa birliği göç olgusunun önemini fark etmiş ve bu yönde sosyal politikalar gerçekleştirmiştir. Göçmen alan ülkelerin odak noktalarının birini düzenli göç oluştururken bir diğer önem arz eden konu ise yasadışı göç ve göçün ekonomi üzerindeki etkisidir.

Göç alan bir ülke olarak İspanya, Avrupa Birliği'ne giriş ve sonrası süreçte özellikle iş piyasası ve istihdam açısından olumsuz etkilenmiştir. Bu çalışmada İspanya'nın Avrupa Birliği'ne giriş ve sonrası süreçte göç politikaları ile göçün İspanya'ya istidam ve işsizlik açısından etkileri açıklanmaktadır.

**Anahtar Kelimeler:** Avrupa Birliği, Göç, Göç politikası, İspanya İşgücü Piyasası, İstihdam.

## PREFACE

From the discussions in this thesis I believe that it is possible to get a better understanding of the migration impact in Spain's labor market. This research aims to mitigate the negative thinking that some people have about the rivalry of foreigners and natives when it comes to getting a job.

I hope that these pages will contribute to the social consideration in the perspective of immigrants who lives this circumstantial facts, to reach full to access to citizenship and respectable work, whatever the nationality of we talk about.

This thesis is a fruition of a both burdensome and gratifying process of study. My greatest thanks are for my thesis supervisor, Assis. Prof. Dr. Murat YORULMAZ, who has shared all his acknowledges with utmost attention to my work, always encouraging my study; likewise my deepest gratitude to the head of my department, Pr. Dr. Sibel TURAN, who firstly recommended me a helpful advisor and secondly but not less, she has been an invaluable professor of whom I fascinatingly learnt a lot during my two years in Trakya University.

My special thanks are undoubtedly to all my family, who has permanently support me in all spheres, sharing always their sincere opinions and having a bright critical attitude to help me and make me advance. Particularly, I cannot thank enough the backing of my parents, who had read this thesis word by word and who had gave me a vital contribution to improve all the details.

I hope you enjoy the reading,

Edirne, March 6<sup>th</sup>, 2017.

Elena González Pérez



*“El exiliado mira hacia el pasado, lamiéndose las heridas; el inmigrante mira hacia el futuro, dispuesto a aprovechar las oportunidades a su alcance.”*

**“The exile looks towards the past, badly bruised; the immigrant looks to the future, ready to take advantage of opportunities at your fingertips.”**

Isabel Allende.

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## THE PROBLEM OF THE THESIS

In the last years, Spain has become into the fate of elevated numbers in international migrants and it represents one of the key focuses of migration in Europe<sup>1</sup>. Nowadays, one of ten residents in Spain are foreigners, a figure that increased eightfold since the 80's of last century. Immigration is currently an important political and social issue for countries.<sup>2</sup>

The complexity and importance of the immigration phenomenon in Spain is linked to deep transformations in the population, as well as political and economic structure (especially in labour market issues).

One of the main interrogations to discern here is whether Spain's labour market has the enough capacity to absorb such a large number of foreigners who desire settle in Spain; and if it was possible, also it is a question if this absorption would be beneficial or not for the national economy .<sup>3</sup>

- *Is it immigration influencing significantly on the unemployment rate in Spain after the entry into the European Union?*
- *Is it linked the 'EU open borders' to the large increase of unemployment in Spain?*
- *Is there same opportunities for employment immigrants than natives?*

## THE AIM OF THE THESIS

The intention of this study is to explore the effect of immigration and the reasons, tendencies and consequences on the Spain's labour market due to its entry into European Union.

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<sup>1</sup>Victor Pérez-Díaz, Berta Álvarez-Miranda, and Carmen González-Enríquez. *España ante la inmigración*. Fundación" la Caixa", 2010. P.25

<sup>2</sup> Rosa Aparicio and Andrés Tornos. *La inmigración y la economía española*. Instituto de Migraciones y Servicios Sociales, 2008.

<sup>3</sup> Peter Scholten, *Integrating immigrants in Europe: Research-policy dialogues*. Springer, 2015.

The essay specifically look at the impact of this social happening according to the integration or exclusion applied during each presidential term in Spain, the multiple migratory policies, as well as the historical background and political, economic and demographic factors.

Within the framework of this discussion, also it is examined the last immigration's dialogues in Europe and the basic concepts related to the migration issue (e.g., immigrant, emigrant, refugee, undocumented, stateless, applicant for asylum ...).

### **THE SIGNIFICANCE OF THE THESIS**

The Spanish unemployment rate has such magnitude that it cannot be compared to another developed countries. This unemployment rate of is due to a compound causes among the labour market oversizing, the uncontrolled growth of the construction sector and the arrival of immigrants in response to the demand increase.<sup>4</sup> Some resources, target immigration as the cause or potential solution to the problem of unemployment, forgetting that the Spanish economy would have not grown without immigration.<sup>5</sup>

There are not too much studies which measured the impact of immigration on the Spain's labour market. Then, it makes this an interesting topic to deepen more about the boom of this contemporary phenomenon which has positively contributed to the modification of some structural parameters in Spain's economic system.

In this way, this thesis will contribute to EU and Spain immigration policies explaining how this factor had and still has influence on the unemployment rates.

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<sup>4</sup> Lorenzo Cachon. "Segregación sectorial de los inmigrantes en el mercado de trabajo en España." *Cuadernos de relaciones laborales*. España, 1997. P.49.

<sup>5</sup> Eva Medina Moral, Ainhoa Herrarte Sánchez, and José Vicéns Otero. *Inmigración y desempleo en España: impacto de la crisis económica*. Información Comercial Española, ICE: Revista de economía. España, 2010.

## RESEARCH LIMITATIONS

To study “*The impact of immigration on Spain’s labour market following its incorporation into EU*”, it has been necessary to establish the space and time borders because it isn’t intended to prepare a comprehensive study about the influences of immigration with all possible aspects into account.

On the one hand, it will mainly focus on the impact produced in labour market and unemployment. It has also been delimited in the sense of that the research question is just linked to Spain.

On the other hand this work has bounded in time conducting a study that goes from the entrance of Spain in to EU to up to now and covering the period since 1985 until the end of 2016. Within this period of three decades of Spain in the EU, it has been made another sub-delimitation which occupies four periods corresponding to each government.<sup>6</sup>

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<sup>6</sup> Sergio Oliete and Francesc Magrinyà Torner. *La Unión Europea y el papel de los gobiernos locales en la futura agenda de desarrollo post-2015. The European Union and the role of local governments in the future post-2015 development agenda*. Revista relaciones Internacionales. France, 2015. P.37.

**LIST OF ABBREVIATIONS**

AFSJ	Area of Freedom, Security and Justice
ALC	Free Trade Agreements
APS	Active Population Surveys
BNG	Galician Nationalist Group
CF	Cohesion Fund
CIDOB	Confederation of Indigenous Peoples of Bolivia
CIES	Comparative and International Education Society
CIS	Commonwealth of Independent States
CIU	Convergence and Union Party
COM	Communication
CPI	Consumer Price Index
CSIC	Higher Council for Scientific Research
CVS	Living Conditions Surveys
EA	Eusko Alkartasuna Party
EAFRD	European Agricultural Fund for Rural Development
EAPN	European Anti Poverty Network

ECB	European Central Bank
ECRE	European Council on Refugees and Exiles
ECSC	European Economic and Social Committee
EEC	European Economic Community
EFTA	European Free Trade Agreement
EH	Euskal Herritarrok Party
EIF	European Integration Fund
EMI	European Monetary Institute
EMU	European Monetary Union
ENI	National Survey of Emigrants
ERDF	European Regional Development Fund
ESCB	European System of Central Banks
ESF	European Social Fund
ETA	Euskadi Ta Askatasuna (terrorist group in Spain)
EU	European Union
EURATOM	European Atomic Energy Community
EURES	European Employment Services
EUROPOL	European Police Agency

EUROSTAT	European Statistical Office
FAO	Food and Agriculture Organization (United Nations)
FEMP	European Maritime and Fisheries
FRONTEX	European Border and Coast Guard Agency
GAMM	Global Approach to Migration and Mobility
GPD	Gross Domestic Product
HB	Herri Batasuna Party
ICHRP	International Council on Human Rights Policy
IGC	Intergovernmental Conference
ILO	International Labour Organization
IMF	International Monetary Fund
INE	National Statistics Institute of Spain
INEM	National Employment Institute of Spain
IOM	International Organization for Migration
IU	Left Unity Party
JAP	Joint Action Plan
MEP	Member of the European Parliament
MSF	Doctors Without Borders



NATO	North Atlantic Treaty Organization
NGO	Non-Governmental Organization
NTA	New Transatlantic Agenda
OECD	Organisation for Economic Co-operation and Development
OIM	International Organization for Migration
PMC	Continuous Municipal Register
PP	Popular Party
PSOE	Popular Party
RENFE	Spanish Socialist Workers Party
RIO	Risk Immigration Operation
SEPE	Public State Employment Service
SEPI	Modernization program of Public sector
SIS	Schengen information system
SIVE	Integrated External Surveillance System
TEU	European Union Treaty
TFEU	Treaty on the functioning of European Union
UK	United Kingdom
UN	United Nations

UNESCO United Nations Educational, Scientific and Cultural Organization

UNHCR United Nations High Commissioner for Refugees

USA United States of America

USSR Union of Soviet Socialist Republics

VIS Visa Information System

WHO World Health Organization



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## INTRODUCTION

For decades the inhabitants of Spanish towns and cities saw their families and neighbors emigrate trying their luck and trying to improve their status in other regions. Latin America or Europe in post-war were the destinations mainly chosen by those who sought a better life even at the cost of sacrificing, in most of the cases, the contact with their family. At that time, another type of immigration also start to prolife, people began to move towards more developed and industrialized regions inside de country. But it is at the beginning of the 90s when the presence of foreigners in the Spanish cities and towns begins to be noticed. In addition to the European pensioners who migrated to Spain to enjoy a privileged climate and a very affordable economy to their pockets, Latin American exiles began to arrive mainly to Madrid and Barcelona and also foreigners of Asia and sub-Saharan areas began to settle in the country. This demographic change required an adaptation of mentalities and political measures.

Spanish society and institutions, between uncertainty, fear and surprise, had to address the challenges that arose from the entry of immigrants. The Spanish people began to position themselves to this phenomenon (sometimes those points of view were xenophobic or racist) and it was necessary to establish and modify protocols to regulate and accommodate the new foreign labor. In recent years immigration has become one of the phenomena with the highest impact on the processes of social, economic and labor change in Spain.

The growth of immigrant population has contributed to increase a general interest in issues related to its presence in Spain's labour market. This coincides with a gradual increase of the perception of immigration as a problem. Accordingly the barometers of the Centre for Sociological Investigation, collect how the immigration issue, from October 2005, has been located in the second problem for Spanish citizens after unemployment. This fact has led to media launch different surveys to the citizens who have considered that measures against illegal immigration should be: diplomacy with the delivering countries, secondly, increase the surveillance borders and in third, repatriation of illegal immigrants. These data highlight the concern of population about

the immigrants' growing increase. Therefore, it is needed to analyze if truly this situation influences or not in the Spanish labour market.

The increase of foreign workers has raised a certain "fear" in society such as the impact that have experienced in the conditions for native employees. Carlos III University of Madrid, published in 2005, a study comparing the results of the Census of Immigrants Workers with other obtained using own survey data. They couldn't find a revealing impact or a strong connection by the entry of immigrants into Spain's labor market. It is revealed that it should be an effect of complementarity between the two types of workers rather than replacement reaching the conclusion of:

- Immigration processes have introduced positive effects on the demographic situation in our country, contributing to the rejuvenation and growth of the population through the increase of the birth rate.
- There is not detected signs of immigrant labor compete intensely against the native of Spain, since labour markets in which are immersed are usually different.
- The immigrant population has also resulted in a very important contribution to the Social security system.
- Immigrant labour is becoming a factor that adds flexibility to the labour market, resulting in beneficial effects on the operation of our labour market.

Subsequent studies suggest that the upward trend of the employment rate experienced in both groups –Spain citizens and immigrants-, is interrupted with the onset of the economic crisis. This decrease in the provision of employment was further accused for the immigrants, keeping the gap between both groups in recent years. To recapitulate the economic crisis has had a bigger impact on immigrants than on the Spanish nationals, making more difficult the access to them to Spain's labour market.

The objective of this thesis is, as the name infers, to know the impact that all this avalanche of foreigners has had in Spanish society and especially in terms of employment and labour market after the incorporation to the European Union.

To understand the current foreign immigration in Spain and the impact that it has had on Spanish society requires a global contextualization. Therefore, the **Chapter I** of this study, starts clarifying different concepts and categories of migrations, as well as the deeply meaning of those ones. It is explained *the history of the European migration* since 19<sup>th</sup> century until nowadays. This section continues detailing what can be considered as *illegal immigration* and what surrounds it. It attends all existing legislation regarding immigration within EU policies. Finally, it analyzes *the effects of migration flows* in countries of origin and destination to make a conclusion. **Chapter II** focuses on explaining the entry of Spain into the EU and the diverse immigration policies that it has been followed according to different periods associated to new Governments. It is explain how was the road that led the country enter to the Union and later it will be discussed immigration policies of: Felipe González, Aznar, Zapatero and Mariano Rajoy. **Chapter III**, examines the impact that foreign population has marked in the labour market. It is checked here whether high rates of foreign population registered in some Spanish provinces, are having a negative impact on the chances of finding employment for national workers. That will let us know what is the difference between work opportunities for native population and immigrants living in Spain. To avoid the risk of abusive generalizations, which are always present in an overall analysis, we dwell in greater detail on the analysis of the main "job niches" occupied by foreign workers.

The literature on the impact of immigration on the labor market is not without controversy, since there is no consensus among researchers who have analyzed the phenomenon. It has been done an analysis with a descriptive model as well as longitudinal but dynamic since the results of a variable are studied during the long period of time but also what is currently happening. Some of the sources to carry out the scrutiny are: **The workforce survey**: continuous and periodical research every three months to families, carried out by INE (National Statistics Institute in Spain)



since 1964; **The Population Census** as well as the **Municipal Register** of Spain's regions, to collect all foreigners who normally reside in Spain and **The "Survey of immigration"**, given by INE, which collects information on a sample of 15,000 immigrants living in Spain.

To substantiate and reinforce data extracted from these databases, parallel to this, it has been researched literature related and connected with the subject of research which also can contribute in this investigation with updated information: Books and articles, Newspapers, Magazines, Streaming conferences, television, radio and Websites. The set of all these basic sources are also contrast with other monographic and partial investigations that have been carried out on the Spanish labour market. The bulk of this volume was written during the year 2016, so the data and bibliographic references that have been used are those that were available at that date. However, during the editing and correction process some statistics have been updated, incorporating the most recent ones. The review of the data is supported by statistical sources and it will contrast information extracted from several surveys. Finally, conclusions reached in the investigation will be exposed and the issue of immigration's impact on the Spain's labour market will be assessed.

# CHAPTER I

## EUROPEAN UNION AND MIGRATION: A GENERAL OVERVIEW

### 1.1. Definition and Types of Migrations

According to Castles, S., Miller, M.J & Ammendola, G., the emergence of international migration is a force for social change. Movements of people across borders have given way to States and societies since immemorial times, but more recently it also has a global reach and enormous economic consequences.<sup>1</sup>

Migratory flows are massive movements of people that travel regions to others in the world for setting up in the host country in provisional, temporary or permanent way. Millions of people are looking for work or a safe place to live outside their countries of birth. Migrations can change the demographic, economic and social structures and lead a new cultural diversity, which often questioned their national identity. The growing inequalities of wealth between the North and the South make to increase the number of people who move searching for better conditions of life. Also, political, ecological, and demographic pressures force that many people seek refuge outside their countries.<sup>2</sup>

First of all we will define two terms that must be taken into account in the migratory flows. As UNHCR<sup>3</sup> says;

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<sup>1</sup> Stephen Castles - Mark J. Miller - Giuseppe Ammendola, *The Age of Migration: International Population Movements in the Modern World*, New York 2003, p. 537-542.

<sup>2</sup>Luna, Saavedra, *Frontera y migración de México a Estados Unidos a través del cine contemporáneo*, Universidad Autónoma Metropolitana, México. Departamento de Historia. Facultad de Filosofía y Letras, San Miguel de Tucumán. 2007.

<sup>3</sup> United Nations High Commissioner for Refugees is the body of United Nations in charge of protecting refugees and displaced by persecution or conflicts and promoting solutions lasting to their situation, through the resettlement voluntary in its country of origin or in the host one. Its headquarters are in Geneva, Switzerland, and it has more than 250 offices distributed by all over the world in 125 countries.

- *Immigration refers to the reception of persons in the country of destination that have split from other countries or regions of the world for economic, political, social or cultural reasons. The term immigrant covers the majority of people who move from one country to another for different reasons and for a long period of time (generally more than one year, to distinguish it from temporary visitors such as tourists or people in business). This temporality is it that makes the difference with the “immigrant”, as a person who sets his permanent residence in a country other than their own home.*
- *Emigration is including all people who take the decision to leave their home to search for new employment opportunities, higher standard of living or for other reasons such as wars, natural disasters, political issues, etc.<sup>4</sup>*

We can differentiate many types of migrations depending on the flow migration characteristics or the person profile who decides to emigrate. Thus, and according to these variables:<sup>5</sup>

According to the length of the destination country:

- *Temporary: movements carried out occasionally, mainly for business reasons, in which there are periods during the year in which certain areas of the world need more workers to cover their business needs. These displaced persons are not pretending to settle subsequently on the country of destination, just they move in order to increase their income and return to the country of origin.*
- *Permanent: movements which looks for a higher standard way of living, with purpose of finding greater opportunities of work, and thus settle in the country of destination to adopt it as country of residence. Also the*

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<sup>4</sup> According to Max Derruan: "Emigration is the abandonment of a State which has been living since birth or for a long time to go to another State, with the intention to establish himself permanently" Max Derruan, *Treaty of Human Geography*, 4<sup>th</sup> ed., Barcelona, 1974.

<sup>5</sup> Other authors such as H. P. Fairchild classified international migration following historical criteria as invasions, conquests, colonization or free migration.

*workers who emigrated is looking for a permanent life in that country, usually to keep family circles or make possible the migration of the rest in the family.*

According to the area of displacement:

Many researchers argue that internal and international migration are part of the same process and, therefore, it should be analyzed together. However the rigid classifications may be misleading: thus, international migration can occur between and among similar cultures; internal migration can cover long cultural distances and bring together many different people.<sup>6</sup>

- *Internal: displacement inside the same country or region to which it belongs to the person who decided to emigrate. Sometimes internally displaced persons have been forced to leave their home due to a conflict, persecution, to a natural disaster or other similar and unusual circumstance. However, unlike refugees, internally displaced persons remain in their own country. We can refer to a national migration.*
- *External: when the population displacement are made out of the countries in which they reside. In this case refers to international movement and in which they cross the borders that separate the different countries.<sup>7</sup>*

Depending on the level of qualification received:

- *Low qualification: includes persons who have not had access to education to develop in a more competitive way. In general, it is people who will access to jobs poorly-paid and low-skilled by not having higher levels of training.*

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<sup>6</sup> Stephen Castles, International Migration at the Beginning of the Twenty-First Century: Global Trends and Issues. *International Social Science Journal*, Vol. 52, No.165, 2000, p. 269-281.

<sup>7</sup> Serim Timur, Las migraciones internacionales, *Revista internacional de ciencias sociales*, Vol.165, 2000.

- *High qualification: population with high level education and they cannot develop their capacities in the country of origin due to technological shortcomings or similar situations. They the need to migrate to other countries in which is possible to develop their competencies, or simply seeking for a high level and quality life.*<sup>8</sup>

According to the labor or political situation of the person who decides to migrate:

- *Legal: people who own the necessary conditions for the access to the host country, and awarded them temporary or permanent residence permits. That person would enjoy all the rights and obligations that commit you because of being resident of the country which they decide to emigrate. A significant number of people who migrate legally are economic migrants, which leave their country of origin with the aim of improving their quality of life in social and economic terms.*
- *Illegal: people that they cross borders among countries not regularly, i.e. without showing any requirements that are necessary to gain access to the country. Often the access in host countries entails great difficulties for migrants since sometimes they even carry documents identifying them.*<sup>9</sup>
- *Refugees: According to the Convention of the United Nations, of 1951, "A refugee is a person residing outside of their nationality country, which cannot or do not want to return for a founded fear of persecution,*

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<sup>8</sup> Many South American authors like Albornoz and Sebastian, 2011 (Argentina), García and Muñoz, 2009 (Brazil) and Didou and Badillo, 2012 (Mexico) study the different aspects of scientific migration and exchanges of knowledge during XX, through collaborative projects Academic and interventions of international organizations. The first contributions to emigration of highly qualified human resources emerged in the decades of the 60s and 70s. Meyer and Charum, (1994) studied the impact of this migration on countries of origin and destination and, depending on their traditional approach, denounced the effects of international economic inequalities on less developed countries.

<sup>9</sup>Alejandro Peña Pérez, Inmigrantes ilegales: concepto infame. Responsables y deshonrados. *Revista de Derecho Migratorio y Extranjería*, Vol. 29, No. 134593, 2012, p. 1-25.

*for reasons of race, religion, nationality, membership in a particular social group or political opinion”.*<sup>10</sup>

In contrast to legal and illegal migration which is used to tend to produce voluntarily by the population; the emigration of refugees is a forced migration, in which the person has no other choice than to move from their country. Refugees fleeing the war, political or religious persecution, often at the hands

It is appropriate to consider that they are “forced migrants<sup>11</sup>” who move to escape from harassment or conflict, and not of “voluntary migrants”, that make it by economic benefits or otherwise. Some observers claim that refugees are only economic migrants concealed in many conflict situations, and it is difficult to distinguish between the flight that originates in the persecution and heading for the destruction of its economic and social stability in order to survive.<sup>12</sup>

- *Asylum seekers: The Universal Declaration of Human Rights of 1948, guarantees the right of people to seek and to enjoy asylum (Article 14). In a recent publication by UNHCR, it is defined as asylum seekers to those who have submitted an application in which it is stated that he or she is a refugee and is waiting the decision of their application. The term does not imply any presumption; it simply describes the fact that someone has submitted the application. Through proper procedures, it is determined if asylum seekers qualify for refugee status or some other form of international protection. Those who do not qualify could be returned to the respective countries of origin if finally are not considered refugees.*<sup>13</sup>

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<sup>10</sup> Stephen Castles - Mark J. Miller - Giuseppe Ammendola. *Ibid.*; Art.1, A.2 of the UN Convention relating to the Status of Refugees.

<sup>11</sup> Forced migration is defined as "A migratory movement in which an element of coercion, such as threats to life and livelihoods as a result either of natural causes or from causes created by humans (e.g., movement of refugees and internally displaced persons, as well as people displaced by natural or environmental disasters, chemical or nuclear disasters, famine or development projects" as follows: IOM, *International Organization for Migration*, <https://www.iom.int/es>, (12.01.2017).

<sup>12</sup> Salih, Ismail Idowu, *Dissecting Domestic Workers' Problems: Domestic or International Way out—Which Way Forward*, 2013.

<sup>13</sup> Protection of refugees and the role of UNHCR (2012). UNHCR / UNHCR.

- *Stateless persons: A “stateless person” is someone who is not considered as a national by any state under the operation of its law (article 1 of the 1954 Convention relating to the Status of Stateless Persons). We can also say that they are those people who do not enjoy of fundamental rights as those who enjoyed by others in their State of origin. Some stateless do not exist officially, and therefore do not enjoy virtually any right. Unlike other groups mentioned here, maybe that they have never moved from the place where they were born, but some stateless persons are also refugees. In one of the High meetings<sup>14</sup>, there was some consensus around the idea that a person should be outside their country of nationality – and without its protection – in order to be considered “de facto stateless”. The concept of “de facto stateless persons” is most often invoked to describe a situation in which a person holds a nationality – is considered as a national by a state under the operation of its law – but this nationality is in some way ineffective. There was also broad agreement at this meeting that many categories of people or types of cases that have been described as a situation of “de facto statelessness”, in fact fall within the scope of the definition of a stateless person as set out in article 1 of the 1954 Convention relating to the Status of Stateless Persons.*

## **1.2. History of The Migrations in European Population**

Although Europe population movements are a historical phenomenon of long tradition, its importance has increased significantly over the past 150 years as a result of the social, economic, demographic and political changes.

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<sup>14</sup> This expert meeting held in May 2010 in Prato (Italy) and organized by the Office of the High Commissioner of the United Nations for Refugees.

### 1.2.1. European Migrations Since the 19<sup>th</sup> Century to The First World War

Until about 40 years ago, Europeans tended to emigrate to other countries or continents. Almost all towns and families had a member who had to emigrate. No nation in Europe, some more extent than others, has been exempted of sending their young people outside of its borders.<sup>15</sup>

Most of migration flows in the decades of massive emigration of the late nineteenth and early twentieth century had similar characteristics in terms of its composition: most were young men, who were traveling alone and had a low staff qualifications.<sup>16</sup>

Since the end of the 18th century improvements in transport systems and the colonization of America, Africa and Oceania, increased overseas migration flows. Between 1824 and 1924, 52 million of Europeans emigrated to New Zealand, Australia and America. Of them, nearly 39 million were left outside their countries of origin. Most of these immigrants came from the British Islands, Italy, Germany and Spain, having as main target United States, Argentina, Canada, Brazil and Cuba.<sup>17</sup>

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<sup>15</sup> According to historical research by Hatton and Williamson (1998), European emigration was more intense where the population had grown faster in the pre-migration rates explosion decades. It was also more intense towards where the difference in real wages between origins and destinations was higher. Emigration was greater to countries where the changes brought about by the economic modernization were already underway. This caused migrant networks transmitting information and facilitated the travel and employment in the host country.

<sup>16</sup> According to Hatton and Williamson, the fact that migrants from southern Europe were basically unskilled workers allowed them to better adapt to labor markets.

<sup>17</sup> The Spanish agrarian crisis of the late nineteenth century has been identified as one of the great fuses rural exodus. The Spanish transoceanic emigration of the second half of the nineteenth century until the thirties of the twentieth century did not correspond proportionately with the one in the rest of Europe, was later pronounced and prolonged in time, but with similar respect to Italy and Portugal, especially its late economic modernization. Blanca Sánchez Alonso, *Las causas de la emigración española 1880-1930*, Alianza Universidad, Madrid, 1995; Sandra Gil Araujo, *Políticas migratorias y relaciones bilaterales España-América Latina. Inmigración latinoamericana en España el estado de la investigación*, 93.



**Table 1.** European migration rates (annual average per 1000 inhabitants)

COUNTRY	1851-1860	1861-1870	1871-1880	1881-1890	1901-1910	1913	1921-1930
Ireland	14,0	14,6	6,6	14,2	7,0	6,8	5,9
United Kingdom	5,8	5,2	5,0	7,0	6,5	11,0	5,9
Norway	2,4	5,8	4,7	9,5	8,3	4,2	3,1
Sweden	0,5	3,1	2,4	7,0	4,2	3,1	1,8
Denmark			2,1	3,9	2,8	3,2	1,7
Austria-Hungary			0,3	1,1	4,8	6,1	1,4
Germany			1,5	2,9	0,5	0,4	1,0
France	0,1	0,2	0,2	0,3	0,1	0,2	0,2
Italy			1,1	3,4	10,8	16,3	3,4
Spain				3,6	7,0	10,6	6,3
Portugal		1,9	2,9	3,8	5,7	13,0	3,2

**Source:** Ferenczi and Willcox (1929), pp. 200-201, except for Spain, Alonso Sánchez (1995).<sup>18</sup>

This intense emigration, was motivated by excessive population and conflicts which ravaged Europe. For example in Ireland, where the crop had caused several famines, more than seven million people emigrated to United States, what it make to reduce the island population up to less than in the year 1800.<sup>19</sup> Reception areas, needy agricultural and industrial labor allowed access without restrictions until the beginning

<sup>18</sup> Ferenczi and Willcox (1929) have the largest collection of historical statistics of migration. Although the data have been edited by another authors in other countries; as Spain, Sanchez Alonso (1995); Portugal Baganha (1990, for example), still they remains a fundamental reference source.

<sup>19</sup> In 1996 Francis A. Boyle, Professor of Law at the University of Illinois at Urbana-Champaign, wrote a report commissioned by the Irish Famine / Genocide New York Committee, with the following conclusion: "It is evident that between 1845 and 1850, British government pursued a policy of mass starvation in Ireland with the intention of destroying the racial substantially national, ethnical and commonly known as the Irish people ... therefore, during the years 1845-1850, the British government knowingly pursued a policy of mass starvation in Ireland that constituted acts of genocide against the Irish people in the meaning of Article II (c) of the genocide Convention [the Hague] 1948 ". Based on the report of Boyle, the state of New Jersey (USA) included the Irish famine in the curriculum on the Holocaust and Genocide in secondary education.

of the 20<sup>th</sup> century, when the average annual immigrants surpassed the one million people.<sup>20</sup>

From then on, they began to establish annual quotas for entry. Priority was given to the admission of certain groups of immigrants according to their nationality or language. This people flow and money motivated changes in the socio-economic structure both in Europe and in America, since it began the exploitation of American natural resources. It opened new markets for European products, boosted the industrialization of the newly formed American Nations, favored the expansion of European culture, and increased the bonds of union between the two continents.<sup>21</sup>

France is an atypical case in relation to the European structure of migration. In the second half of the 19<sup>th</sup> century and the early years of the 20<sup>th</sup> the French population started not an emigration to overseas as it became known in other European countries. On the contrary, thousands of foreigners came to settle in France during that period.<sup>22</sup> Several factors explain this process:

- *Economic: The development of the economy during the first half of the 20th century created a labor demand which, in a context of demographic depression, could not be covered by the local population.*

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<sup>20</sup> According to the article "Immigration in US history", published in the electronic journal "Integration of immigrants in the Mainstream" in 2008 by Hasia Diner, US restrictions advanced slowly during the late nineteenth and early XX. After the First World War (1914-1918) and the early 1920s, Congress changed the basic policy of the nation on immigration. The National Origins Act of 1921 limited the number of immigrants who could enter the United States and allocated quotas based on national origins. Essentially it gave preference to immigrants from northern and Western Europe, limited to those from Eastern and Southeastern Europe, and declared all potential immigrants from Asia as unworthy to enter in the United States. United States Embassy, <http://iipdigital.usembassy.gov/st/spanish/publication/2008/09/20080919144039emanym0.150326.html#ixzz4MiOvKmpd>, (14.01.2017).

<sup>21</sup> Económico, Mediterráneo. "Publicaciones de Cajamar Caja Rural." *Mediterráneo Económico*, 2006.

<sup>22</sup> The growing economic demands, especially from workers and soldiers during the First World War, caused France received tens of thousands of foreigners coming from European countries such as Spain (167,000 immigrants), their African possessions, and Asia and its Asian colonies. The post-war reconstruction required another massive influx of foreigners, as in the prewar period, returned to unleash xenophobic reactions. "Experts" doctors, university professors, lawyers, bureaucrats said they were more likely to assimilate groups of foreigners than others. Quickly they concluded that Africans were more likely than European immigrants end up in jail or in the hospital. Both experts and public opinion created stereotypes of immigrant groups: Jews were tireless workers; Italians, religious; Poles, both religious and heavy drinkers. Generally, however, the French continued to reject any kind of official recognition of national or religious communities and insisted that assimilation is individually produced. Max Seidman, *Immigration in France: A historical perspective*, 2006.

- *Demographic: The early completion of the demographic transition caused that France was a country with a low growth rate, so the population was close to stagnation.*
- *Politicians: During the revolutionary crisis, the Government adopted legislation favorable to immigration and the integration of the foreign population favoring at the same time the emigration.*<sup>23</sup>

Main countries that hosted the European emigrants during the time of the mass emigration have common characteristics that could be summarized in shortage of labor, and therefore a high demand for labor, abundant natural resources and rapid economic growth derived from its insertion into the economy world and its ability of attracting capital and labor from abroad. Thus, immigration, together with investment in transport networks, became a key element of the intense economic growth experienced countries such as Argentina and Canada. Some countries carried out attractive labour policies.

The most outstanding case is the one of Brazil. The abolition of slavery in the eighties of 19<sup>th</sup> century and the fear to the shortage of workers in the cultivation of coffee, made the State of São Paulo undertook an ambitious program of subsidiary immigration to European workers. The Government paid a trip to Sao Paulo to entire families to work on farms during a period of five years. Italians, Spaniards and Portuguese were the main beneficiaries of this type of emigration.<sup>24</sup>

### **1.2.2. Forced Migration during Interwar Period (1914-1950)**

The interwar period is characterized by procedures of ethnic cleansing and displacement forced with political and religious reasons. The First World War and the

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<sup>23</sup> Geography: European Migrations, <http://www.ub.edu/medame/TEMA2-2.pdf>, (16.01.2017).

<sup>24</sup> Despite competition from the Brazilian government, between 1880 and 1930, Argentina had few rivals in attracting immigrants and became the main destination for European migrants who went to Latin America. Blanca Sánchez Alonso, "The other Europeans: immigration into Latin America and the international labour market (1870–1930). *Journal of Iberian and Latin American Economic History (Second Series)* March 25<sup>th</sup>, 2007, p. 395-426.

changes resulting from the conflict in the political map of Europe, caused the forced resettlement of more than six million of people. Soon after, the Soviet Revolution and the growth power of Nazism in Germany gave continuity to this process.<sup>25</sup>

The Nazi regime recruited enormous amounts of foreign workers (in force most of them) to replace the 11 million German workers recruited for military service. The basic principle to treat foreign workers was “all men will be fed, housed and treated in such a way that we can exploited them as much as possible with the conceivable minimum of expenditure”.<sup>26</sup> Many foreign workers died from ill-treatment.

During the Second World War, international migration with economic reasons were detained, being replaced by the deportations and the mass exodus of people to seek a place to refuge. In Europe, between 25 and 30 million people were displaced during the conflict, mainly in Germany and the Soviet Union, while in the years after the war, and until the construction of the Berlin wall in 1961, four million German refugees relocated from the Democratic Republic to the Federal Republic.<sup>27</sup>

France will be again a special case, it was the only country in Western Europe that underwent a substantial immigration in the interwar years. Nearly two million foreign workers entered in France between 1920 and 1930. Of them, about 567,000

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<sup>25</sup> During the interwar period and as a result of arbitrary distribution of land, about 8 million people were considered international migrants, in most cases by the transfer of frontiers. Among these, Germans, Poles and Greeks were the most affected. German territorial losses amounted to 76 000 km<sup>2</sup>, where 6.5 million people residing representing 10% of the country's population. Germany also lost all its colonies, which impudently not be granted independence, but by mandate of the League of Nations was divided between the British Empire and France. There was also a great exodus in the territories of the former Union of Soviet Socialist Republics in order to escape the civil war.

<sup>26</sup> Edward Homze, *Foreign Labor in Nazi Germany*, Princeton University Press, 2015.

<sup>27</sup> They fled from East Germany to the western sectors of Berlin. Only in July 1961, 30,000 people escaped. The German Democratic Republic could not admit that the exodus continued, so they began building the Berlin Wall marked a watershed (first done with tanks and trenches and later erected the wall that mark the life of the city until its demolition in 1989. Peter Burke, *A escola dos Annales (1929-1989)*. Unesp, 1997.

were recruited by the SGI (Société Generale d'immigration), a private institution established by agricultural and mining interests in France.<sup>28</sup>

Deportations and intensive people exodus in search of refuge, replaced the economic reasons which in other times drove immigrants to take the decision to leave their country.<sup>29</sup>

### **1.2.3. The Boom in Post-War Towards European Central Countries (1950-1973)**

After the Second World War starts a new historical period characterized in the political sphere, by the hegemony of the United States in the Western world, the emergence of the “Soviet bloc” hegemonized by the USSR, the acceleration of the decolonization process and national liberation in the “third world”. Different migration scenarios are produced during this period. Three main types of migration were the basis for the creation of new ethnically different populations in advanced industrial countries:<sup>30</sup>

- Migration of workers from the European periphery to Western Europe.
- Colonial migration towards the former colonial powers.
- Permanent migration to North America and Australia, initially from Europe and later Asia and Latin America.

The main purpose of their transfers to other regions it was the improving of life conditions in which they lived. Most of migrations were from developing to

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<sup>28</sup> In 1924, as an initiative of the Committee for coal mines and large farmers in northeastern France, a "General Immigration Agency" (Société générale d'immigration) was founded. He opened employment offices in Europe, operating as suction pumps. In 1932 there were 2.7 million foreigners in France, i.e. 6.6% of the total population. At this time, France showed the highest level of immigration in the world (515 per 100,000 inhabitants). Because of this, a large number of large employers began to exert downward pressure on wages.

<sup>29</sup> Alba Mendoza Ruiz, *Migraciones: uno de los retos de la economía mundial*, 2012.

<sup>30</sup> The precise timing of these movements had variations: began much later in Germany and ended earlier in Britain. Migration to the United States grew after the immigration reforms of 1965 and did not decline until the mid-sixties.

developed countries. After the end of the Second World War (1945), in countries such as France, Germany, Switzerland, Austria or Belgium, there was a shortage of labor, completed by workers from southern Europe (mainly from Portugal, Spain, Italy and Greece) and North Africa. Thus contributing to the growth and economic expansion in the developed countries. More than 80 per cent of this population chose Germany or Switzerland.

This migration was possible since there was that shortage of labor in developed countries. On the other hand, there were people in this countries who sought a job in order to survive, which in its country of origin could not get easily. It should be noted that this labor migration was temporary, and it was due somehow because of the difference between the wages in the country of origin and destination.

Spanish emigration to Europe had its zenith between 1962 and 1964, and its decline in 1973, as a result of the oil crisis that hit western economies. Undoubtedly, the heyday of Spanish progressive growth during the sixties output slowed population to Europe. Not so with temporary migration, exclusively addressed to France and Switzerland. They endured stable flows and significant funds to France until 1972 (G. Hermet, 1969; G. Tapinos, 1975; F. Parra, 1981), driven by a favorable French policy on immigration (family reunification, comparatively easy access to nationality avoid foreign exchange loss ...). The nature of the activities of Spanish seasonal (farming, especially vintage) will still have its continuity until later, since even in 1987 there were 60,000 seasonal workers.<sup>31</sup>

Simultaneously to labor migration, during the second half of the 20<sup>th</sup> century, there were two other types of flows. On the one hand, the process of decolonization led to return to their countries of origin thousands of settlers, employees of public and

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<sup>31</sup>Until the sixties there was no record of exits and entries Spanish in Europe, so it is difficult to make an accurate estimate of the number of Spanish immigrants. Antonio Izquierdo, 1980-1990, *Centro de publicaciones Ministerio de Trabajo y Seguridad Social*, Madrid, 1992, p. 28.

military. It was the case of the Netherlands with Indonesia (1949), France with Algeria (1962)<sup>32</sup>, or Portugal with Mozambique and Angola (1975).

#### **1.2.4. Migrations from 1973 Crisis until 2016: Globalization and Diversification**

After the first oil crisis in 1973, the most developed countries ceased to apply for foreign labor, and also tried to foreign workers residing in the country leave as soon as possible, since they began to feel an increase of the unemployment. Therefore, net migration rates decreased significantly from 1975. Also the signs of a growing xenophobia, led to Great Britain, Switzerland and Sweden to adjust its immigration policies.

As it is mentioned in an article written by Mirandona, E. A. in 2003, after the fall of the Berlin Wall (1989) some increases occurred in migratory flows. At least one million East Germans moved towards Western Europe and the Mediterranean between 1989 and 1991. These migration waves were motivated by the fall of communism, involving political and economic liberalization in the countries of Eastern Europe and the former USSR, which allowed the free movement of persons.<sup>33</sup>

In addition to the redistribution suffered in Germany and the countries that made up the former Soviet Union, the rest of the East considered the European Union

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<sup>32</sup> In 1962, date of the independence of Algeria, an agreement between this country and France, which guaranteed freedom of entry and exit of people between the two countries was established. But two years later, the entry of Algerian immigrants in France, according to the needs of the labor market was limited. In 1968, the entrance to 35,000 people a year was restricted. The emigrant received the "carte d'émigrant" by the "Office National Algérien of the main-d'oeuvre" (O.N.A.M.O), which allowed him to enter French territory after passing a medical examination. Then nine months to find work to obtain the certificate of residence for one year. If not, he should leave France. In 1971, the annual quota was reduced to 25,000 entries. And from 1972, it was established as a necessary condition that the immigrant present a valid work contract for at least a year and a residence certificate. In 1981 it was agreed that foreigners "without papers" which could justify having a job, could regularize their situation in France. At the same time, immigration policy was more tolerant input inactive in view of family reunifications (George, 1986; Collinson, 1993).

<sup>33</sup> Efrén Areskurrinaga Mirandona, "La evolución de los flujos migratorios hacia la Unión Europea en las dos últimas décadas y su impacto en el mercado de trabajo", *Lan harremanak: Revista de relaciones laborales*, No. 8, 2003, p. 39-72.

as an economic center of attraction where to find better living conditions. These migrations were reduced at the end of 1990, since conditions in the East countries were improving by the time. That is why countries like Spain and Italy, which were issuers of labor to other countries of Northern Europe until 1990, become recipients of foreign human capital to cover cheap labor and jobs that native workers did not accept were offered.<sup>34</sup>

More recently, the so-called migration of elites, led by retired people with high income or high qualification and which usually does not generate social conflicts is gaining relevance. In 1995, the total of the foreign population in European countries of the OECD was 19.400.000, of whom 6.700.000 were citizens of the EU.<sup>35</sup> The European Parliament declares on its website that currently, one of the fundamental purposes of the European Union is having a policy of comprehensive European migration, with vision and based on solidarity. Migration policy should establish a balanced approach to address both legal and irregular migration based on articles 79 and 80 of the Treaty on the functioning of European Union (TFEU).<sup>36</sup>

The proper management of migration flows requires to ensure equal treatment to nationals of third countries residing legally in Member States, improving measures to fight irregular immigration and fostering cooperation with no developed countries. The EU aims to develop a uniform standard of rights and obligations to regular immigrants and similar to the citizens of the Union. According to the Treaty of Lisbon, immigration policies are governed by the principle of solidarity and fair distribution

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<sup>34</sup> According to Lorenzo Cachón, cited by Sandra Gil Araujo, from the mid-eighties it is started to talk about the Spanish State as a country of emigration. Spain in the eighties is transformed into a country of immigrants, getting a new immigration as a result of a series of social changes that favored the fact that certain jobs began to be undesirable for the Spaniards, i.e. below the level of what it seemed to them socially acceptable.

<sup>35</sup>In 2010, countries such as Luxembourg, Ireland, Belgium and Sweden, had more than half of their foreigners from countries in the EU-27 or any of the four affiliated countries of the European Free Trade Agreement (EFTA, for its acronym in English). Sweden also had a high weight foreigners from underdeveloped countries (one fifth of foreigners). In Spain, those from other countries in the EU-27 or EFTA countries accounted for 42% of all foreigners. “La población extranjera en los grandes países europeos/Capital Humano” *Compromiso Social Bancaja*, No.130, 2011.

<sup>36</sup> European Parliament. *Immigration policy*, [http://www.europarl.europa.eu/atyourservice/es/displayFtu.html?ftuId=FTU\\_5.12.3.html](http://www.europarl.europa.eu/atyourservice/es/displayFtu.html?ftuId=FTU_5.12.3.html) (18.01.2017)



of responsibility among the member states (also on the financial aspect -article 80 of the TFEU-).

According to the Immigration Policy of the European Union, “one of the fundamental objectives of this is to have a comprehensive European migration policy, forward-looking and based on solidarity. Migration policy is to establish a balanced approach to address both legal migration and irregular approach”. Through various EU Guidelines, the conditions of entry and residence to this immigrants are regulated with the issuance of a special permit of residence. Also regulates the conditions of entry and residence of nationals of third countries with purposes of employment such as temporary workers that will provisionally remain legally in the EU for a maximum period of five/nine.

The European Directive number 2014/66/EU regulates the conditions of entry and residence of business transfers. Provides that companies and multinationals can be temporarily managers, specialists and workers in training to branches and subsidiaries located in the European Union.<sup>37</sup> It is also establish provisions which aimed to improve the existing legislative instruments applicable to the nationals of third countries who want to enter the European Union for the purpose of research and also the right to family reunification.<sup>38</sup>

In July 2011 the European Agenda for the Integration of third-country nationals was approved. Two instruments were created to address the issue of integration: the European Integration Forum and the European website on Integration. The European Integration Forum expanded its field of action in January 2015 and became the European Forum for Migration. Finally, in June 2016 the Commission presented an action plan that included a framework for action and initiatives aimed at helping

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<sup>37</sup> The deadline for the application of this Directive is the November 29<sup>th</sup>, 2016, and provides for an assessment of its implementation by November 2019.

<sup>38</sup> Directive 2003/86/EC lays down provisions on the right to family reunification that according to the 2008 report on its application was not made fully and correctly. Technical data sheets on the European Union 2016.

Member States to integrate the nearly 20 million third country nationals legally residing in the territory of the Union.

**Table 2.** Foreign population resident in countries of the OECD (in thousands).

COUNTRY	1980	1985	1990	1995	1999	Percentage of total population 1999
Austria	283	272	423	724	748	10,0
Belgium	-	845	905	910	900	8,8
Denmark	102	117	161	223	259	4,9
France	3714	.-	3597	.-	3263	5,6
Germany	4453	4359	5242	7714	7344	8,9
Ireland	-	79	80	94	126	3,3
Italy	299	423	781	991	1520	2,6
Luxemburg	94	98	.-	138	159	36,6
Netherlands	521	553	692	757	651	4,1
Norway	83	102	143	161	179	4,0
Portugal	-	.-	108	168	191	2,0
Spain	-	242	279	500	801	2,9
Sweden	422	389	484	532	487	5,5
Switzerland	893	940	1100	1331	1440	19,2
United Kingdom	-	1731	1873	2060	2208	3,8

\* The figures for Germany refer to the area of the former Federal Republic of Germany until 1990 and for all Germany thereafter.

**Source:** "The Age of Migrations", 2004

### 1.3. Illegal or Irregular Immigration

According to Chueca Sancho, A.G. (2010), war, hunger, poverty and oppression are some of the reasons behind the immigration into Europe. Due to its characteristics of opacity this group is hardly quantifiable; in addition, its composition is relatively fluid given the relative frequency with which possibilities of regularization have opened over the past years.<sup>39</sup>

In the same book “Human rights, illegal immigrants and the European Union” the author notes that in 2014, they may have been up to 300,000 people who crossed the borders irregularly to reach the European Union, of which at least 218.000 did it via the Mediterranean, according to the UN. The other great route for immigrants is terrestrial, from Near East up to the Western Balkans. Another indicator of the growth of the irregularity comes from non-approved applications for asylum.

A more rigorous immigration system, is part of the legitimate response from states to irregular migration, but the result it could be to push more people into the hands of smugglers and traffickers. Smuggling can lead to exploitation and traffic and this it may weaken the security of the country due to links with organized crime, violence and corruption. The European Union has a long history in the fight against organized crime that has resulted in numerous legal actions against trafficking and the illegal immigrant traffic.<sup>40</sup>

According to OIM<sup>41</sup>, effective measures to combat irregular migration are combined with law prevention and education, both within States and internationally

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<sup>39</sup> UNODC, *United Nations Office Drugs and Crime*, <https://www.unodc.org/documents>, (22.02.2017).

<sup>40</sup> Andrea Giménez-Salinas Framis (2012) in "The Fight against organized crime in the European Union", explains that the laws in force in a country can facilitate various forms of organized crime. The most common is to maintain criminal laws that compared with other countries, present a more lax or nonexistent treatment of crimes directly or indirectly related to organized crime. An example of European illegal market generated from this premise is trafficking in human beings. This phenomenon was not typed in the nineties in most criminal laws of the countries of the European Union, thus creating a space of opportunity for criminal organizations that took advantage of the need for emigration of victims from countries with poor economies and ease of entry and internal displacement in Europe.

<sup>41</sup> The International Organization for Migration (IOM) has conducted a series of studies on Migration from 2001. It is the responsible for policy formulation and it have been published 51 documents until May 8<sup>th</sup>, 2016.

perspective. International cooperation should include measures of control, training, research, information and a variety of preventive measures. It is important to understand the differences between “trafficking in persons<sup>42</sup>” and “smuggling of migrants<sup>43</sup>”.

These terms are not interchangeable and both represent important challenges for the administration of contemporary migration. These both forms of irregular migration are penalizing internationally.

The campaign against irregular migration takes place within a broader context of migration management, which can strengthen and focus on the efforts of human rights and protection to those who really need it.<sup>44</sup> At the same time efforts are expanded to improve the legal opportunities for migration, mainly through regulated labor programs.

The number of migrants in an irregular situation has not diminished, despite the increase in the cost of measures to enforce the law in the most destination countries. This is because of the thrust factors in the countries of origin, including poverty, unemployment and the crisis, and the factors of attraction in the countries of destination, including higher salaries, job opportunities and security, have not changed since many years.

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<sup>42</sup> The United Nations Convention against Transnational Organized Crime in the preamble to the Protocol concerning trafficking in persons (art. 3 of Protocol 3) provides that "Trafficking in persons shall mean the recruitment, transportation, transfer, harboring or receipt of persons, by means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for purposes of exploitation.

<sup>43</sup> The United Nations Convention against Transnational Organized Crime, the Protocol on the smuggling of migrants by land, sea and air (smuggling) provides some basic definitions: In Article 3 (your) defines that "smuggling of migrants" will understand, "facilitating the illegal entry of a person into a State Party of which the person is not a national or permanent resident in order to obtain, directly or indirectly, a financial or other material benefit".

<sup>44</sup> In 1998 it was established in Geneva the International Council on Human Rights Policy (ICHRP) in order to conduct research related to current issues of human rights. His research will practice for defining policies in international and regional organizations, governments and intergovernmental bodies, and in all kinds of voluntary organizations relevance. The Council is independent, international in its membership, and participatory in its approach. It is registered under Swiss law as non-profit foundation.

### 1.3.1. Immigration Industry

In his book “The Desert of Broken Dreams”, Guillermo Alonso states that *“Migration policies find difficult to meet their goals by the emergence of the so-called ‘migration industry’. Many people make their living by organizing migrant movements. These range from travel agents, lawyers, interpreters, intermediaries... until smugglers who transport migrants illegally across borders”*.

According to Daniel Sosa, Director for International Migration of the Argentina Association of Public Administration, trafficking and human trafficking are crimes that have increased alarmingly in recent years, due to the difficult living conditions in less developed countries, the tightening of immigration policies in industrialized countries and the fact that for a long time these phenomena were not considered as a structural problem but as a series of isolated episodes.<sup>45</sup>

There are significant differences between “trafficking in persons” and “smuggling of migrants”. Trafficking<sup>46</sup> should be understood as the exploitation of a victim by means of coercion and the violation of human rights. The smuggling is organized illegal border crossing, which is provided in return for some payment by migrants.

According to study conducted by Europol in February 2016, “Migrant smuggling in the EU”, *“Smuggling hotspots are located along the main migration routes and attract migrant smuggling networks. These hotspots may be favorably*

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<sup>45</sup> Figures released by the United States Department of State in April 2004, indicate that between 600,000 and 800,000 people are trafficked through international borders worldwide. Approximately 80 percent of the victims are women and girls, of which 70 percent are trafficked for exploitation in the commercial sex industry. These data do not traffic within countries or trafficking of men are included. The European Commission also reported in March 2001 that an "estimated 120,000 women and children are trafficked into Western Europe every year"

<sup>46</sup> *Trafficking in Persons* is: the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person for the purposes of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs”. *Smuggling of Migrants* is: “... the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident”. Anne Gallagher, Trafficking, smuggling and human rights: tricks and treaties. *Forced Migration Review*, Vol. 12, No 25, 2002, p. 8-36

*located along routes where most migrants travel or may feature easy access to transport infrastructures used for illegal facilitation activities”.*

Sometimes, in the illegal transit of migrants by European countries are involved specialized mafias that, according to United Nations data, manage one of the most profitable businesses, surpassing even the traffic of drugs (it is estimated between 1,000 and 3,000 euros have to pay an immigrant to the mafia and to facilitate its entry into Europe). Those mafias are not only located in the countries of origin or settled on the shores of the Mediterranean where immigrants depart on high-risk crossings, they are also established in the European countries.<sup>47</sup>

It is estimated that during the year 2015 criminals had a turnover between 3000 and 6000 million euros. More than 90% of the one million immigrants who arrived in 2015 to Europe used the services of these mafias through sea and land routes.<sup>48</sup> According to Europol data there are also disappearances of unaccompanied children, mostly Afghans and Syrians, in shelters of some European countries. It is assumed that they are kidnapped by the mafia for sexual exploitation or the removal of organs.

Europol analyzes also evidence of corruption among Customs officers and border control posts that receive money for allowing the transit of immigrants. In response to this set of problems, the European police opened on February 22<sup>th</sup>, 2016 a European Centre on Illicit Trafficking of Immigrants (EMSC) in order to improve coordination between the Member States and to dismantle mafia networks.<sup>49</sup>

According to Anna Gallagher (2002) in the High Commissioner for human

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<sup>47</sup>As indicated by the European Police Agency (Europol), the European Intelligence has in its database the names of more than 40,000 suspects from more than a hundred countries, among which are for example Bulgaria, Egypt, Hungary, Syria, Pakistan, Romania, Iraq, Tunisia and Turkey. 44 percent of these networks are formed exclusively by citizens of countries outside the European Union, 30 percent born criminals in the EU, and 26 percent of mixed character.

<sup>48</sup> Guillermo Alonso Meneses, *El desierto de los sueños rotos, detenciones y muertes de migrantes en la frontera México-Estados Unidos 1993-2013*, 2013, p. 137-364.

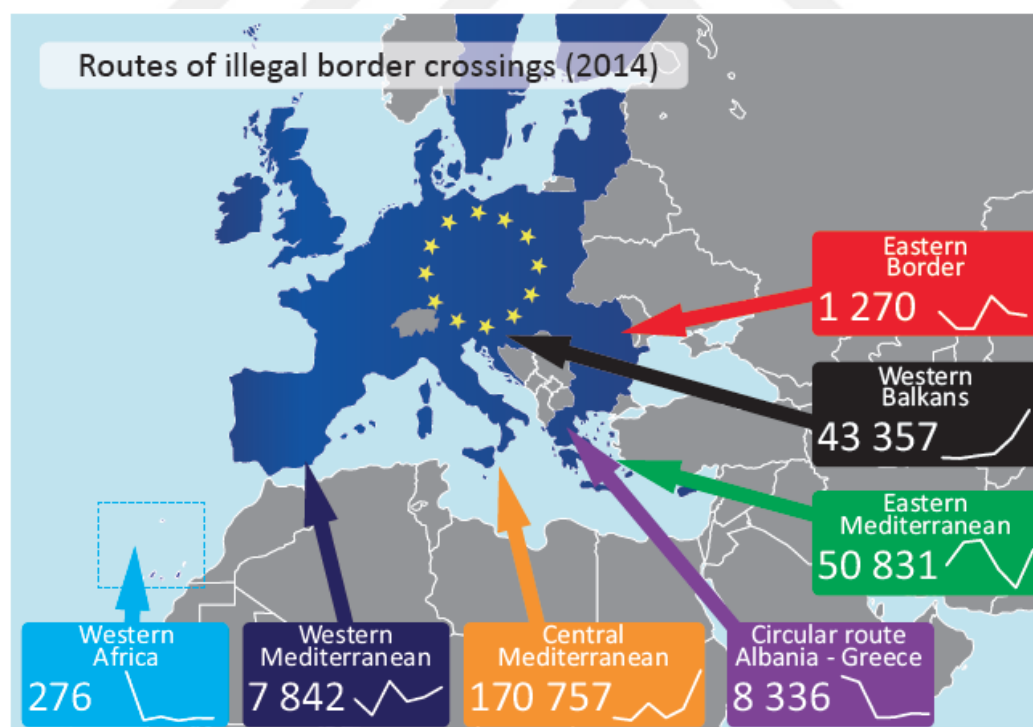
<sup>49</sup> Part of the European Migrant Smuggling Centre is the hotspot model of the EU Regional Task Force recommended by the European Commission's Agenda on Migration. The aim of the regional hotspots is to assist national authorities in the field of identification, asylum support, intelligence sharing, criminal investigations and the prosecution of criminal networks of people smugglers. So far two hotspots exist in Catania, Italy and in Piraeus, Greece.

rights, “the migrants who are smuggled are transferred illegally for profit; they are partners, although they are unequally, in a commercial transaction. In contrast, the movement of people for trafficking is based on deception and has intended exploitation. The gain in traffic comes from the sale of sexual services or the labour of the person who was trafficked”.<sup>50</sup>

### 1.3.2. Main Routes of Illegal Immigrants to Europe

The next map shows the routes of illegal entries in the year 2014. The Central Mediterranean route (Italy and Malta) is the most used, with 171.000 detections - an increase of more than four times compared to 2013. The line chart within each box shows the trend over 276 the period 2009 - 2014.

**Figure 1:** Routes of Illegal Border Crossings (2014)



**Source:** Irregular immigration in the EU: Facts and Figures; <https://epthinktank.eu/2015/04/27>.

<sup>50</sup> Joan Fitzpatrick, *Trafficking and a human rights violation: The complex intersection of legal frameworks for conceptualizing and combating trafficking*, Vol. 24, 2002, p. 1143.

Currently thousands of people are crossing the Mediterranean from enclaves located in the South and to East with the aim of reaching the European Union. In these flows we find economic migrants and asylum seekers looking for refuge. Both use the same routes, ways of transport and networks of people traffickers. Gangs control the tours for those who want to reach the European Union. Almost 700,000 people used them during the year 2015.

The European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (FRONTEX) has studied which are the main routes of entry to the European Union for illegal immigrants. The routes are mutable and depend on multiple factors, such as more or less vulnerable border points, agreements that reach the countries of origin with Europe or changes in law policies.

According to FRONTEX, the main routes used to entry into the EU are:

- **The Eastern route:** this route is used by people from Vietnam, Afghanistan and Georgia. In 2014, a total of 1,270 people tried to reach Europe through this route which runs through 6,000 kilometers of natural border separating Belarus, Moldova, Ukraine and Russia of the European States of Eastern Europe (Estonia, Finland, Lithuania, Latvia, Norway, Poland, Romania and Slovakia). Until 2015, Ukraine was the main transit country both for the citizens of the CIS, and non-CIS irregular migrants (primarily Somali and Afghan nationals) aiming to reach the EU through its eastern borders. In addition, Ukraine is also a major route for migrants from the Caucasus region and Central Asian countries travelling towards (or from) the Russian Federation<sup>51</sup>.

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<sup>51</sup> In 2015 a new migrant route appeared to open up: the so-called Arctic route through Russia over the land borders with Norway and Finland. About 6000 asylum applicants were counted between October and December. Most were originally from Afghanistan and Syria, although recently they have been joined by migrants of other nationalities. The main crossing point was Storskog, the only legal land border crossing between Norway and Russia, which saw 5200 applications for asylum in 2015, compared to less than 10 the previous year. Migrants took to using bicycles to negotiate the border zone because pedestrian traffic is banned and drivers are fined if they give lifts to passengers without proper documents.



- **Eastern-Mediterranean route:** this route is used by Syrians, Afghans and Somalis. In 2014, 50.831 people tried to enter Europe through this option. The route, which runs through Turkey, has become the second largest number of illegal entries.<sup>52</sup>
- **Balkan's route:** the Balkan's route has become in recent months one of the terrestrial entrances with most increased influx of undocumented immigrants. A way to enter in Europe through Greece. They used to be hidden on trains to cross illegally into the heart of the EU. This route has experienced a large rise in the last year. In 2013, 19.950 undocumented entered in 2013, in 2014, 43.360 did it. Kosovo, Afghanistan and Syria are the nationalities of the most immigrants. In all of 2015, the region recorded 764 000 detections of illegal border crossings by migrants, a 16-fold rise from 2014. The top-ranking nationality was Syrian, followed by Iraqis and Afghans. In the year, unprecedented numbers of Kosovo nationals crossed the Serbian-Hungarian border illegally.<sup>53</sup>
- **Apulia and Calabria route:** this route refers to the irregular migration in Turkey and Egypt and also includes the migratory movements between Greece and Italy. Most of the migrants used this route to enter in the Schengen area crossing the border between Turkey and Greece. Unlike the other routes through the Mediterranean, traffickers use pleasure craft not to draw attention. The peak year it was 2011 with 5259 detections of illegal border crossings, the year of the Arab Spring.

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<sup>52</sup> The largest number of irregular migrants arrives in Greece. From there, migrants travel towards their intended destinations on one of three different routes: transiting through the Western Balkans to re-enter the EU in Croatia and, to a smaller extent, via Hungary, Bulgaria, and Romania, or by sea towards Italy. (Europol, 2016). In 2015, some 885,000 migrants arrived in the EU via the Eastern Mediterranean route – 17 times the number in 2014, which was itself a record year. The vast majority of them arrived on several Greek islands, most on Lesbos. FRONTEX, *European Border and Coast Guard Agency*, <http://frontex.europa.eu/publications/>, (26.01.2017)

<sup>53</sup> The record number of migrants arriving in Greece had a direct knock-on effect on the Western Balkan route, as the people who entered the EU in Greece tried to make their way via the former Yugoslav Republic of Macedonia, Serbia into Hungary and Croatia and then towards western Europe. This led to unprecedented numbers of migrants seeking to re-enter the EU through Hungary's borders with Serbia. After Hungary completed the construction of a fence on its border with Serbia in September of 2015, the flow of migrants shifted to Croatia. FRONTEX, *Ibid*, (26.01.2017).

- **The route of the Central Mediterranean:** it is also called as “route of death” because of all losses occurred while the immigrants attempting to cross the Mediterranean (77% occurred on this route). It is the route used by immigrant fleeing from Syria, Libya, Yemen or the Horn of Africa. In 2014, they entered 170.757 people. The vast majority, 39.651, comes from Syria, from Eritrea 33.559 and sub-Saharan Africa, 23,340. In 2015 Eritreans, Nigerians and Somalis accounted for the biggest share of the migrants making the dangerous journey.<sup>54</sup>
- **The route of the Western Mediterranean:** this is the route chosen by undocumented immigrants seeking to reach Europe through the Iberian Peninsula, and the enclaves of Ceuta and Melilla (Spanish territory on the African continent since the time of the Phoenicians). A total of 7.842 immigrants arrived in Europe via this route using people from Cameroon, Algeria and Mali, mainly.
- **The West African route:** undocumented immigrants use it to enter Europe through the Canary Islands (also Spanish territory). Moroccan, Senegalese and Guineans used this route. For this they use canoes from wood or small boats such as the rafts. In 2008, broke all records of illegal entries, posting 31.600.

According the document “Migrant smuggling in the EU of Europol Public Information” (2016), migrant smuggling by air is currently a less frequent modus operandi but is likely to become more attractive in the future due to increased controls on the land and sea routes.

It is generally perceived as a safer though more expensive mode of travel which offers high chances of success. Flights can be booked as part of a full travel package either directly from the country of origin to an EU or via multiple countries before reaching

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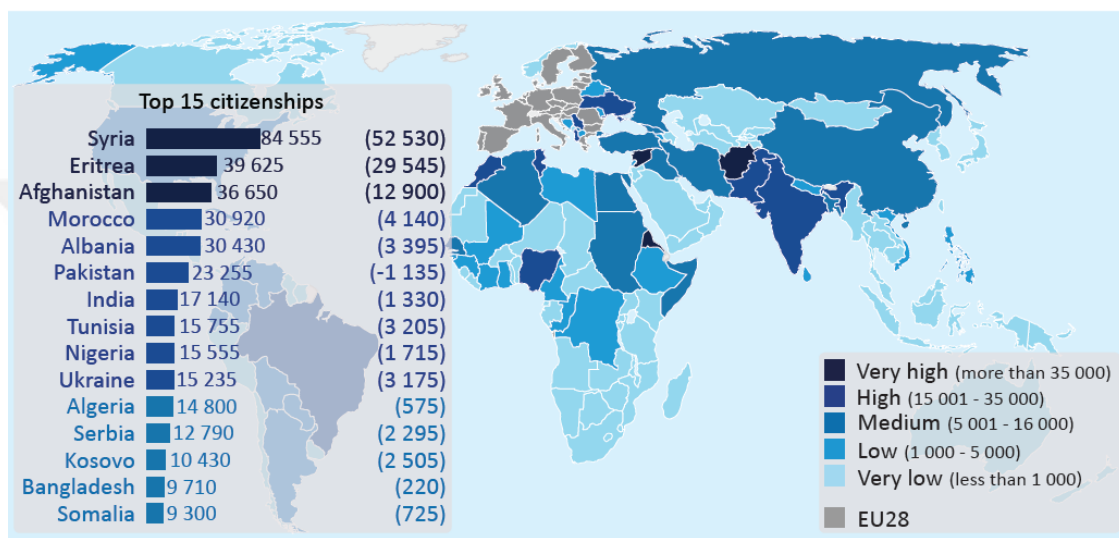
<sup>54</sup> The Central Mediterranean entry route: Italy is second in the EU in terms of the number of irregular migrant arrivals. After arriving in the south of Italy, irregular migrants typically depart from Milan to reach destinations in Northern Europe via Switzerland, Austria and Germany. To reach destinations in Western Europe, migrants travel via France.

the destination. Migrant smuggling by air typically includes the provision of fraudulent documents.

**Figure 2:** Nationality of Persons Found to be Illegally Present in the EU (2014)

### Nationality of persons found to be illegally present in the EU (2014)

Most citizens found to be illegally present in the EU are from Syria, Eritrea and Afghanistan, with citizens from these countries representing one third of the total. The top 10 altogether represents more than 50%.



**Source:** Irregular immigration in the EU, Facts and Figures. Briefing, April 2015. European Parliament; <https://epthinktank.eu/2015/04/27>.

### 1.3.3. Strategies to Counteract Irregular Migration

The motivation of the different states to reduce irregular migration could arise from a desire, and not just to limit the number of irregular migrants who enter or travel within their country. It is also to weaken or eliminate the criminal elements involved in the smuggling, trafficking and other crimes.

As it established by the International Organization for Migration (IOM) reducing irregular migration, can better ensure the security of migrants and migrant potentials, keeping them away from the hands of people who are not concerned about the well-being of migrants and those who are prepared to use force and abuse to

achieve their purposes. Strategies to counteract irregular migration, can also address root causes and enhance the links between migration and socioeconomic development in the countries of origin.

The global response to the growth of crime was the “Convention against crime” signed in Palermo in 2000 along with two protocols in the same year: “Protocol against the Smuggling of Migrants by Land, Sea and Air<sup>55</sup>” and “Protocol to prevent, suppress and punish trafficking in persons, especially women and children”.<sup>56</sup> During the European Conference on Preventing and Combating Trafficking in Human Beings in 2002 the Brussels Declaration was developed sought to intensify European and international cooperation. In 2011 it was approved by the European Union a “Directive 2011/36 / EU” on preventing and combating trafficking in human beings and the protection of victims of trafficking in human beings.<sup>57</sup> This Directive contrasts with the policy that had supported the Union.

Some strategies were taken to counteract the irregular migration can be accomplished with an appropriate legal code; improving the research capacities and increasing international cooperation; improving the management of borders and pre-frontier: improving the personal documentation for migrants and limiting the possibilities of illegal employment; opening up legal migration channels, ordered and controlled, to relax some emigration pressures.

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<sup>55</sup> According to data taken from United Nations documents (2000), on its website [https://www.unodc.org/documents/.../convention\\_smug\\_eng.pdf](https://www.unodc.org/documents/.../convention_smug_eng.pdf), the purpose of this Protocol is to prevent and combat the smuggling of migrants, as well as to promote cooperation among States Parties to that end, while protecting the rights of smuggled migrants. (29.01.2017).

<sup>56</sup> The purposes of this Protocol are: To prevent and combat trafficking in persons, paying particular attention to women and children; to protect and assist the victims of such trafficking, with full respect for their human rights and to promote cooperation among States Parties in order to meet those objectives. OSCE, *Organization for Security and Cooperation in Europe*, <http://www.osce.org/odihr/19223?download=true>, (29.01.2017).

<sup>57</sup> Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA.

## 1.4. Immigration Policy and Legislation in European Union

According to the document "The immigration policy" published in January 2016 by Céline Chateau through the European Parliament:

*“A forward-looking and comprehensive European migration policy, based on solidarity, is a key objective for the EU. Migration policy is intended to establish a balanced approach to dealing with both regular and irregular immigration.”*<sup>58</sup>

The regulation of international migration is a fundamental premise for the EU, arising from massive population movements in the current period.

The EU aims to establish a balanced approach to create legal immigration and fight illegal one. The proper management of migration flows requires also ensure equal treatment of nationals of third countries residing legally in Member States; improving measures fighting against irregular immigration and fostering cooperation with third countries in all areas. The EU aims to develop a uniform standard of rights and obligations of regular immigrants comparable to the citizens of the Union. For this purpose it have been done many treaties and agreements established in order to regulate the phenomenon of migration.

The legal bases of this immigration policy are laid down in the articles 79 and 80 of the **Treaty on the functioning of European Union (TFEU)**. Actually, it already started with the European Union Constitution, with the **Schengen Agreement** and later with the **Maastricht Treaty** in 1992 (also called the Treaty of the European Union) and the **Treaty of Amsterdam**<sup>59</sup> in 1997. The signatory countries began to emerge and establish norms to regulate immigration in the European Union,

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<sup>58</sup> Celine Chateau, Immigration policy, *Data Sheets on the European Union, 2016*, [http://www.europarl.europa.eu/atyourservice/es/displayFtu.html?ftuId=FTU\\_5.12.3.html](http://www.europarl.europa.eu/atyourservice/es/displayFtu.html?ftuId=FTU_5.12.3.html), (05.02.2017).

<sup>59</sup> After Amsterdam Treaty, the Union started to address all issues relating to the management of migration policy. It does not mean that it did not exist before, but EU actions after this treaty can be described as an exponential increase; as an example, readmission clauses inserted in EU agreements increased from 5 in 1999 to 102 in 2007. Annabelle Roig-Thomas Huddleston, EC readmission agreements: A re-evaluation of the political impasse. *European Journal of Migration and Law*, Vol. 9, No 3, 2007, p. 363.

guaranteeing the safety and the free movement of persons in the Member States.

Thanks to the **Dublin II Regulation** (2003) - successor of the Dublin Convention of 1990- it is established the criteria and mechanisms for examining asylum applications. Similarly, the **2009 Stockholm Program** -successor of Tampere (1999) and the Hague Multiannual Programs, defined strategic orientations of the legislative issues for the period 2014-2020.

The **European Pact on Immigration and Asylum**<sup>60</sup> (2008) aims to provide the basis for immigration and asylum policy for the European Union. And in 2009 the **Lisbon Treaty** introduced a new legislation for integration measures.

Other regulations adopted by the Commission of the European Union in 2011 was the so-called **Global Approach of Migration and Mobility** (GAMM), which established a framework for the relations of the Union with other countries in the field of migration. Likewise, in 2015, the member states of **European Migration Agenda**<sup>61</sup> pledged to take measures and save lives in the field of migration.

All these agreements and regulations attached to various directives which it have been adopted in the field of immigration and asylum, it have been also setting up the regulation of migration within the European Union.

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<sup>60</sup> The European Council decided on June 17<sup>th</sup>, 2008 to adopt the European Pact on Immigration and Asylum, and made five basic commitments, which will continue to be transposed into concrete measures, in particular in the programme to follow on from the Hague Programme in 2010: to organize legal immigration to take account of the priorities needs and reception capacities determined by each Member State, and to encourage integration; to control illegal immigration by ensuring that illegal immigrants return to their countries of origin or to a country of transit; to make border controls more effective; to construct a Europe of asylum; and to create a comprehensive partnership with the countries of origin and of transit in order to encourage the synergy between migration and development. Document data from the *Council of the European Union*, [https://europa.eu/european-union/documents-publications\\_en](https://europa.eu/european-union/documents-publications_en), (05.02.2017).

<sup>61</sup> The EU aims at taking immediate action to prevent further losses of migrants' lives at sea by providing additional funding to Frontex joint search and rescue operations, to the safe and legal resettlement of people to Europe, to the Regional Protection and Development Programmes and to the most affected Member States located at the EU's external borders. *European Commission on Migration and Home Affairs*, [https://ec.europa.eu/home-affairs/index\\_en](https://ec.europa.eu/home-affairs/index_en), (05.02.2017).

### 1.4.1. Treaty on The Functioning of The European Union

According to data collected in the European Union Law book, written by Damian Chalmers, Gareth Davies & Giorgio Monti, we describe Articles 79 and 80 of the Treaty on the Functioning of the European Union, closely linked to immigration:

#### ARTICLE 79

1. *The Union shall develop a common immigration policy aimed at ensuring, at all stages, the efficient management of migration flows, fair treatment of third-country nationals residing legally in Member States, and the prevention of, and enhanced measures to combat, illegal immigration and trafficking in human beings.*

2. *For the purposes of paragraph 1, the European Parliament and the Council, acting in accordance with the ordinary legislative procedure, shall adopt measures in the following areas: (a) the conditions of entry and residence, and standards on the issue by Member States of long-term visas and residence permits, including those for the purpose of family reunification; (b) the definition of the rights of third-country nationals residing legally in a Member State, including the conditions governing freedom of movement and of residence in other Member States; (c) illegal immigration and unauthorized residence, including removal and repatriation of persons residing without authorization; (d) combating trafficking in persons, in particular women and children.*

3. *The Union may conclude agreements with third countries for the readmission to their countries of origin or provenance of third-country nationals who do not or who no longer fulfil the conditions for entry, presence or residence in the territory of one of the Member States. 26.10.2012 Official EN Journal of the European Union C 326/77.*

4. *The European Parliament and the Council, acting in accordance with the ordinary legislative procedure, may establish measures to provide incentives and support for the action of Member States with a view to promoting the integration of*

*third-country nationals residing legally in their territories, excluding any harmonization of the laws and regulations of the Member States.*

5. *This Article shall not affect the right of Member States to determine volumes of admission of third-country nationals coming from third countries to their territory in order to seek work, whether employed or self-employed.*

#### ARTICLE 80

*The policies of the Union set out in this Chapter and their implementation shall be governed by the principle of solidarity and fair sharing of responsibility, including its financial implications, between the Member States. Whenever necessary, the Union acts adopted pursuant to this Chapter shall contain appropriate measures to give effect to this principle.<sup>62</sup>*

### **1.4.2. Schengen Agreement**

The Schengen agreement emerged in Luxembourg in June 1985, being part of an agreement among five countries members of the European Union (Germany, Belgium, France, Holland and Luxembourg). The stated aim was the gradual removal of all internal boundaries between the signatory countries. At the same time, they wanted to ensure security, immigration and free movement of persons which meant to keep controls on borders to distinguish between national and European citizens in third countries.

This area represents a territory where the free movement of persons is guaranteed. States that signed the Schengen Treaty of 1995 have abolished all internal borders and instead have established a single external border. Within that space common standards and procedures are applied with regard to the issue of visas, so that once crossed the border of any of the countries included in the Schengen Area, may

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<sup>62</sup> Damian Chalmers - Gareth Davies - Giorgio Monti. *European Union law: cases and materials*. Cambridge University Press, 2010.



move freely within that space and stay on it until the deadline for their visas without being required to obtain a visa different for each country intended visit.

Currently, the Schengen area is made up of 26 States, of which 22 are members of the European Union and 3 are only the European Economic Area, plus Switzerland.<sup>63</sup>

#### **1.4.2.1. Implementation of Schengen Agreement into The European Union Countries**

In 1990, Belgium, France, Holland, Germany and Luxembourg signed the implementing Convention of Schengen, it formally established the definitive elimination of controls at internal boundaries, reinforced controls in the outdoor, it defined the procedures for issuing Schengen visas, establishing the Schengen information system (SIS)<sup>64</sup>, intensified police cooperation at the internal borders and improving the fight against drug trafficking.

The roots of these agreements go back to July 1984 with only two signatory countries, France and Germany. Subsequently, and some years later another states adhered also: Benelux (1985), Italy (1990), Spain and Portugal (1991), Greece (1992), Austria (1995), Denmark, Sweden, Finland, Iceland and Norway (1996), Cyprus, Czech Republic, Slovak Republic, Slovenia, Estonia, Hungary, Latvia, Lithuania, Malta, Poland (2004), Switzerland (2005) , Bulgaria and Romania (2007), Liechtenstein.

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<sup>63</sup> *European Union Law*, [https://europa.eu/european-union/law\\_es](https://europa.eu/european-union/law_es), (08.02.2017).

<sup>64</sup> The Schengen Information System (SIS) is a highly efficient large-scale information system that supports external border control and law enforcement cooperation in the Schengen States. The SIS enables competent authorities, such as police and border guards, to enter and consult alerts on certain categories of wanted or missing persons and objects. EC, *European Commission*, [http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/borders-and-visas/schengen-information-system/index\\_en.htm](http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/borders-and-visas/schengen-information-system/index_en.htm) (10.02.2017).

The Schengen States share a common external border of 7.721 terrestrial km and 42.673 km of maritime borders. Prior to joining the Schengen area, States have had to demonstrate its ability to assume responsibility for controlling the external border of the space of the existing regulations. The Schengen States are periodically evaluated to verify that legislation is correctly applied. Current legislation allows national authorities to exceptional and temporarily reintroduce internal border controls in the event of a serious threat to the security or serious deficiencies at the external borders which could endanger the general functioning of the Schengen area.

Denmark has a clause in which they can decide whether or not adopting the new legal measures in the territory of Schengen. Ireland and the United Kingdom have opted to remain outside Schengen although they participate in police and judicial cooperation and fighting against drug trafficking.

#### **1.4.2.2. Documentation and Security in Schengen Area**

Nationals of EU States who are not members of Schengen area are usually subjected to a minimum of controls to verify their identity using the passport or identity card. Nationals of third countries must present a document valid to travel (passport or identity card) and a visa, (if it is applicable) or a residence permit. As well as other documents that justify the purpose of their stay and demonstrate their financial resources for the subsistence during the stay. The visa application must be presented at the Consulate of the destination state. In 2014 were issued almost 16 million Schengen visas for travelers from non-EU countries.

The States of the Schengen area have a private information system of Schengen (SIS), set up when border controls were abolished. *“Is an information system on a large scale through which police, immigration authorities, judicial and others can enter and check alerts with descriptions about missing persons, persons or*

*objects related to national and criminal infringements of third countries who are not allowed to enter or stay in the Schengen area”.*<sup>65</sup>

For the period 2014-2020 the EU aims to *“improve the management and external border controls, in order to get a better deal with irregular migration and expedite the processing of applications for Schengen visas”* in addition to *“optimize police cooperation and the exchange of information on the Schengen area”*.<sup>66</sup>

The legislation allows police controls *“but only on the basis of possible threats to public security or suspected of cross-border crime”*. In the same way, in ports and airports, authorities can make ad hoc controls, but only to check the identity of the ticket holder.<sup>67</sup>

The Visa Information System (VIS) connects consulates and border crossings with the Schengen States to share information and to verify the identity of visa applicants. Any person who has entered regularly through an external border of one of this countries, has the right to move freely through the territory of the Schengen area with a maximum duration of 90 days within any 180-day period.<sup>68</sup>

Furthermore, in 2013 it became operational the SIS 2 with greater information exchange between the supervisory authorities of national borders, customs and police

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<sup>65</sup> EC, *European Commission*, [http://ec.europa.eu/home-affairs/doc\\_centre/borders/borders\\_schengen\\_en.htm](http://ec.europa.eu/home-affairs/doc_centre/borders/borders_schengen_en.htm), (12.02.2017).

<sup>66</sup> Communication from the Commission to the European Parliament and the Council 5<sup>th</sup> Annual Report on Immigration and Asylum, 2013.

<sup>67</sup> The Schengen area guarantees unrestricted travel within a territory of 26 countries, home to more than 400 million citizens. EC, *European Commission*, [http://ec.europa.eu/dgs/home-affairs/index\\_en.htm](http://ec.europa.eu/dgs/home-affairs/index_en.htm), (12.02.2017).

<sup>68</sup>The Visa Information System is defined in Regulation (EC) No 767/2008 of the European Parliament and of the Council of July 9<sup>th</sup>, 2008, on the Visa Information System (VIS) and the exchange of visa data short duration between Member States (VIS Regulation), whereas the procedures and conditions for issuing visas for transit through or intended stays in the territory of not more than three months in a period of six months Member States are governed by the Regulation (EC) n°810 / 2009 of the European Parliament and of the Council of July 13<sup>th</sup>, 2009, establishing a Community Code on visas.

authorities on persons who may have participated in a serious crime. It also includes descriptions of missing persons and stolen property information.<sup>69</sup>

### **1.4.3. European Union Treaties and Agreements Concerning Migration Issues**

#### 1990 Dublin Convention (Dublin Regulation II. 2003)

The Dublin II regulation signed in 2003 replaces the Dublin Convention of 1990, which established the criteria for asylum application. All EU Member States applied the rules of this procedure, as well as Norway, Iceland, Switzerland and Liechtenstein. The regulation lays down as a principle in which the application for asylum shall be reviewed by only one Member State. The Member State which has granted the applicant a document of residence or a visa, is in effect, his responsible for the asylum application.<sup>70</sup>

If the asylum seeker is an unaccompanied minor, the State in which his/her family is legally living, will be responsible for the examination of their application. In the absence of a family member, it will be responsible for examining this request the Member State in which the child has applied it. To the elderly, if a member of the family of the applicant already have refugee status in a Member State, this one it will be responsible for the application for asylum. If the applicant has crossed the border of a Member State on an irregular basis or has lived in a Member State for one continuous period of more than five months, that State shall be responsible for the examination of the asylum application also.

If a resident from a third-country applies for asylum in a Member State

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<sup>69</sup> Mariona Illamola Dausà, Hacia una gestión integrada de las fronteras. El Código de Fronteras Schengen y el cruce de fronteras en la Unión Europea. *Documentos CIDOB: Migraciones*, No 15, 2008, p. 1; MAEC, *Spanish Ministry of Foreign Affairs and Cooperation*, <http://www.exteriores.gob.es/Portal/en/Paginas/inicio.aspx>, (13.02.2017).

<sup>70</sup> UNHCR has denounced the situation that asylum seekers are often separated from their families and under arrest, waiting to be transferred to the State which is considered responsible for their applications. Both UNHCR and the European Council on Refugees and Exiles (ECRE) have called on governments to stop sending asylum seekers back to certain countries.

where it is not subject to visa obligation, the Member State in which the application was lodged shall be responsible by the same procedure as the others.<sup>71</sup>

In the 5<sup>th</sup> edition of *The European Union book*, written by Ramon Tamames and Mónica Lopez, we have been able to verify all data concerning the Treaties of Maastricht and Amsterdam, which we review below.

#### Treaty of the European Union or Maastricht Treaty (1991/1992)

The Maastricht Treaty established the legal notion of citizenship of the European Union, which includes the following individual rights:<sup>72</sup>

- Freedom of movement and residence in the territory of the Member States.
- The right to vote and to be voted on/in the State of residence, in local elections and the European Parliament.
- The right to diplomatic protection in a third country, by consular officials of any State of the EU.
- The right to petition before the European Parliament and the possibility to appeal to an ombudsman.

#### Treaty of Amsterdam (1997)

The Treaty of Amsterdam<sup>73</sup> (October 2<sup>nd</sup>, 1997) is established as one of the objectives in the European Union to develop a common immigration policy. By amending the Treaty on European Union, establishes the competence of the community in the areas of migration and asylum, and outlines the principles of a

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<sup>71</sup> Various problems appeared in the operation of the Dublin Convention. The scope of the Convention does not include applications for humanitarian protection, the conditions for family reunification are too strictly defined, and most importantly the difficulty of providing strong evidence of illegal entry into one of the Member States rendered the Convention useless in many cases. EU, *Law and Publications*, <http://eur-lex.europa.eu/legal-content/ES/TXT/?uri=URISERV%3A133153>, (14.02.2017).

<sup>72</sup> One of the great contributions of the Maastricht Treaty was driven from Spain institution of European citizenship in addition to national citizenship. The citizens of the Member States are to also be citizens of the Union and as such have new European rights.

<sup>73</sup> Office for Official Publications of the European Communities, 1997.

common policy on immigration<sup>74</sup>. However, Article 6.2. The treaty ensures that:

“The Union shall respect fundamental rights, as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms signed in Rome on 4 November 1950 and as they result from the constitutional traditions common to the Member States, as general principles of Community law”.<sup>75</sup>

#### Multiannual Programmes of Tampere (1999)

The importance of Tampere it lays on the foundations of the common policy on immigration and highlights the difficulties to adopt a common and coherent immigration in the heart of the Union. It aims to achieve a secure and opened European Union, fully committed to the obligations arising from the Geneva Convention<sup>76</sup> and related to the status of refugees and other relevant human rights instruments. The European Council reiterates the importance that the Union and Member States attach to absolute respect for the right to seek asylum. Also repeats the need to ensure a fair treatment for nationals of third countries who are legally residing in the territory by promoting and developing measures against racism and xenophobia (Casas Mínguez, F., 2011).<sup>77</sup>

#### The Hague Programme (2004)

The Hague Programme of 2004, includes the ten priorities of the Union aimed to strengthen the area of freedom, security and justice until 2009. The

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<sup>74</sup> After the Amsterdam Treaty entered into force, the European Council held a meeting in the city of Tampere on 15–16 October 1999. The Presidency Conclusions, referred to as the Tampere Program, presented a roadmap of policy priorities and a package of overarching objectives guiding the latter.

<sup>75</sup> Andrew Duff-Michael Nentwich-Gerda Falkner, “The Treaty of Amsterdam: Towards a New Institutional Balance”, *European Integration On-line Papers*, 1997, vol. 1.

<sup>76</sup> As it is pointed out by the International Convention of the Red Cross, “The Geneva Conventions and their Additional Protocols are the cornerstone of international humanitarian law, i.e. the set of legal rules governing the ways in which they can wage armed conflict and seeks limit the effects of these.” The Geneva Conventions and their Additional Protocols are international treaties that contain the most important rules limiting the barbarity of war. Protect people not involved in hostilities (civilians, health workers, members of humanitarian organizations) and those who can no longer participating in combat (wounded, sick, shipwrecked, prisoners of war). *International Committee of Red Cross*, <https://www.icrc.org/en/war-and-law/treaties-customary-law>, (14.02.2017).

<sup>77</sup> Paper “Immigration policy in the European Union” presented to the Third Congress of the Spanish Network of Social Policy (REPS) held at the Public University of Navarra in November 2011.

Commission try to fight against illegal immigration and trafficking in human beings, especially women and children. Moreover, the Hague Programme provides the ways for the adoption of a communication plan for legal immigration.

Effective management of migration flows also requires more cooperation with third countries, including the scope of the readmission and return of migrants. It should be noted the creation of a Fund for the External Borders<sup>78</sup>, an European Fund for the Integration of third-country nationals (EIF<sup>79</sup>), another designated for the Return and a European Fund for Refugees.<sup>80</sup>

#### The Stockholm Programme (2009)

It was adopted in December 2009, as the successor of the multiannual programs of Tampere (1999) and The Hague which concluded in December 2014. In March 2014, the Commission adopted a new communication, entitled «*An open and secure Europe: serving and protecting the citizen*», in which offered his vision of the future programme.

The European Council, in accordance to the provisions of article 68 (TFEU), defined as its conclusions of 26 and 27 June 2014, «the strategic guidelines of the legislative and operational planning within the area of freedom, security and justice»

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<sup>78</sup>The background for the external Borders has four objectives: efficient administrative organization focused on exchanges of information, statistics, monitoring and recording at the external borders and improved coordination of border crossings; effective consultation of the European information systems (SIS and VIS) and efficient management of the flows of persons at the borders; the implementation of EU legislation and improving the activity of consular services. Michael Samers, An Emerging Geopolitics of Illegal, Immigration in the European Union, *European Journal of Migration and Law*, Vol. 6, No 1, 2004, p. 27-45.

<sup>79</sup> As it is published in the Official Journal of the European Union 168 of June 28<sup>th</sup>, 2007, the general objective of the European Integration Fund (EIF) is: "To support the efforts made by the Member States in enabling third-country nationals of different economic, social, cultural, religious, linguistic and ethnic backgrounds to fulfil the conditions of residence and to facilitate their integration into the European societies".

<sup>80</sup>In particular, the Hague Programme stated that "The European Council requests the Council to examine how to maximize the effectiveness and interoperability of EU information systems in tackling illegal immigration and improving border controls as well as the management of these systems on the basis of a communication by the Commission on the interoperability between the Schengen Information System (SIS II), the Visa Information System (VIS) and EURODAC to be released in 2005, taking into account the need to strike the right balance between law enforcement purposes and safeguarding the fundamental rights of individuals" in the section entitled "Strengthening Freedom". EU, *European Law and Publications*, <http://eur-lex.europa.eu/legal-content/ES/TXT/?uri=URISERV%3A116002>, (14.02.17).

for the period 2014-2020. The guidelines aimed the implementation of the legal instruments to its consolidation.<sup>81</sup>

#### Lisbon Treaty (2009)

According to the Lisbon Treaty, immigration policies are overseen by the principle of solidarity and fair responsibility distribution among the States members, also on the financial aspect (article 80 of the TFEU).

The Treaty of Lisbon, which entered into force in December 2009 (1.1.5), introduced the decision procedure and the vote by qualified majority in the field of legal migration, as well as a new legal integration measures. Currently, the ordinary legislative procedure applies to both legal and irregular immigration policies, in which the Parliament is co-legislator on equal terms with the Council. However, it should be noted that in the case of a sudden inflow of nationals of third countries into a Member State, the provisional measures will be adopted only after consulting the Parliament (article 78, paragraph 3, TFEU).

The Lisbon Treaty also clarified that competences of the EU in this field, will be shared with the Member States, especially regarding to the number of immigrants who can enter legally in a Member State seeking a job (article 79, paragraph 5, TFEU). (Chateau. C., 2016).<sup>82</sup>

### **1.4.4. Another Agreements, Conventions and Meetings**

#### The European Pact on Immigration and Asylum (2008)

The European Pact on Immigration and Asylum was adopted by the European Council on 15 and 16 October 2008, following the Commission

<sup>81</sup> *European Parliament*, [http://www.europarl.europa.eu/ftu/pdf/es/FTU\\_5.12.3.pdf](http://www.europarl.europa.eu/ftu/pdf/es/FTU_5.12.3.pdf), (14.02.2017).

<sup>82</sup> Treaty of Lisbon, amending the Treaty on European Union and the Treaty establishing the European Community, signed at Lisbon, 13 December 2007, OJ C306/01, Volume 50, 17 December 2007 Article 4.2 says that “*Shared competence between the Union and the Member States applies in the following principal areas: j. Area of freedom, security and justice*”. Sergio Carrera-Florian Geyer, *El Tratado de Lisboa y un espacio de libertad, seguridad y justicia: excepcionalismo y fragmentación en la Unión Europea*. *Revista de Derecho Comunitario Europeo*, Vol. 12, No 29, 2008, p. 133-162.



communication of June 2008 entitled 'A common immigration policy for Europe: Principles, actions and tools.'<sup>83</sup>

The Pact, which is based on the progress made during more than 10 years, is another step towards a general policy of EU immigration. This pact aims to create the EU basis of asylum and immigration policies, to a spirit of solidarity and mutual responsibility between Member States and other countries outside the EU. The pact aims to:

- Organize legal immigration to take account of the priorities, needs and reception capacities determined by Member States.
- Produce and promote the integration of immigrants.
- Control irregular immigration and encourage voluntary return to countries of origin or transit of immigrants.
- Improving controls at borders in order to increase its effectiveness.
- Establish a European framework for asylum.
- Create a global partnership with countries outside the EU to promote the synergies between migration and development.

#### Global Approach to Migration and Mobility (2011)

The Global Approach to Migration and Mobility (GAMM) represents since 2005 the overall framework of the foreign policy of the EU on migration and asylum and defines the way in which the Union maintains political dialogue and operational cooperation with countries outside the EU. It is based on clearly defined priorities, which reflect the strategic objectives of the EU, and integrated into the general EU foreign policy, including development cooperation.

The GAMM aims to promote dialogue and cooperation with partner countries outside the EU in four areas: better organize legal migration and promote a

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<sup>83</sup> The European Council holds an annual debate on immigration and asylum policies. The Member States' must present proposals for recommendations to keep the European Council informed of the most significant developments planned to conduct its immigration and asylum policy. Council of the European Union, "European Immigration and Asylum Pact", <http://register.consilium.europa.eu/doc/srv?l=EN&f=ST%2013440%202008%20INIT>, (16.02.2017).

satisfactory mobility management; prevent and combat irregular migration and eradicate human trafficking<sup>84</sup>; maximize the impact of migration on development, and promoting international protection and enhancing the external dimension of asylum policy.

The GAMM adopted by the European Commission in 2011<sup>85</sup> establishes a general framework for the EU's relations with third countries on migration. It is based on legal migration and mobility, illegal migration and trafficking in human beings, international protection, asylum policy and the impact on migration development. The approach focuses on regional and bilateral dialogue between countries of origin, transit and destination. One of the main tools of the Global Approach is the possibility of holding "mobility partnerships" with third countries.<sup>86</sup>

Five years after the implementation of the Global Approach to Migration, the Commission submitted a revised strategy with an added component: mobility. The Commission explained that mobility "is a broader concept than migration" and signaled its intent to better manage circulation for foreign nationals who may want to visit the EU for short periods (students, visitors, businesspersons or family members)<sup>87</sup>.

### European Agenda on Migration

The European Commission promulgates migration as a priority among its duties as a result of flooding that occurs from 2015. The Commission's Agenda on migration outlines an immediate response to the crises situation in the Mediterranean

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<sup>84</sup> Address issues related to return and readmission is one of the functions of the GAMM. The effective return (voluntary or forced) of irregular migrants is a key factor in the fight against illegal immigration, and a prerequisite for the proper management of migration.

<sup>85</sup> European Commission, "Global Approach on Migration and Mobility", [https://ec.europa.eu/europeaid/sites/devco/files/swp-migration-and-development-135320111118\\_en\\_11.pdf](https://ec.europa.eu/europeaid/sites/devco/files/swp-migration-and-development-135320111118_en_11.pdf), (17.02.2017).

<sup>86</sup> COM (2011) 743: Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions Global Approach to Migration and Mobility.

<sup>87</sup> Marie Martin in her essay "The Global Approach to Migration and Mobility: the state of play" states: "GAMM has been promoted by the Commission as an "overarching framework of the EU external migration policy" but many member states remain skeptical of the value of dealing with migration issues at EU level. The approach has been much criticized for allowing member states to use migrants as disposable workers and for further restricting access to the EU".

and sets out longer term steps to manage migration in all its aspects.

States members, on the basis of a proposal by the European Commission, pledged the 23 April 2015<sup>88</sup> to take promptly measures to save lives and to intensify the action of the Union in the field of migration. On 29<sup>th</sup> April it was voted a resolution from European Parliament<sup>89</sup> with quick measures to save human lives and also intensify the EU enrolment<sup>90</sup>. European Commission submitted on 13 May 2015, the European Agenda on Migration, with the reflection of his willingness to put the immigration on its priorities. This Agenda proposes immediate steps to deal with the crisis situation in the Mediterranean and another actions to be undertaken over the next years in order to better manage migration in all aspects.

In medium and long term vision, the Commission proposed the guidelines to reduce incentives to irregular migration, manage the borders to ensure security, develop a solid and common asylum policy and evaluate or review the Dublin Regulation in 2016<sup>91</sup>.

In The Reform of the Dublin III Regulation, held in 2016, is required the need of: *“taking protection seekers’ preferences seriously and de-bureaucratizing the process. Such a reform would need to be accompanied by (a) stepping up the enforcement of refugee rights across the EU, (b) moving solidarity schemes from a logic of capacity-building to one of compensation, and (c) granting protected persons real mobility rights”*

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<sup>88</sup> Extraordinary meeting of the European Council, April 23, 2015 - Declaration: This part of the European Agenda for Migration incorporates and develops the initiatives included in the roadmap presented by the Commission as a follow up of the European Council Declaration of 23 April. *EU Council*, <http://www.consilium.europa.eu/es>, (17.02.2017).

<sup>89</sup> European Parliament, “Resolution on the latest tragedies in the Mediterranean and EU migration and asylum policies 2015/2660”, <http://www.europarl.europa.eu/oeil/popups/ficheprocedure.do?lang=en&reference=2015/2660>, (17.02.2017).

<sup>90</sup> The common EU policy on asylum, immigration, visas and checks at external borders based on Title V (Area of freedom, security and justice) of the Treaty on the Functioning of the European Union (TFEU).

<sup>91</sup> *European Commission*, <http://www.europarl.europa.eu/committees/en/supporting-analyses-search.html>, (17.02.2017).

### 1.4.5. Migration Datasheets Related to European Union

- **Directive 2009/50/EC**, on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment, it is created the EU Blue Card<sup>92</sup>, an abridged procedure for issuing a special residence permit and work more attractive to workers from third countries entering the Member States to carry out highly qualified employment conditions.

- **Directive 2011/98/EU**, on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State.<sup>93</sup>

- **Directive 2014/36/EU** of the European Parliament and of the Council of 26 February 2014 on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers. Authorizes temporary migrant workers to stay legally in the EU for a maximum period between five and nine months while they keep his primary residence in a third country.<sup>94</sup>

- On May 15, 2014 **2014/66/EU**<sup>95</sup> the directive on the conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer was adopted. Enterprises and multinationals can be temporarily managers, specialists and workers in training to branches and subsidiaries located in the European Union.

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<sup>92</sup> In October 2007, the European Commission adopted two proposals: to establish a Framework Directive for the purpose of the admission of skilled and educated migrants to the EU and to simplify migration procedures by funneling applicants into a single application procedure, the *single permit directive*. In May 2009, the European Council adopted the *EU Blue Card directive*. In December 2011, the *single permit directive* was adopted. Together, they establish the EU Blue Card Scheme: A demand-driven, residence and work permit. Lucie CERNA, The EU Blue Card: preferences, policies, and negotiations between Member States. *Migration Studies*, Vol. 2, No 1, 2014, p. 73-96.

<sup>93</sup> Directive 2011/98 EU of the European Parliament and of the Council of December 13<sup>th</sup>, 2011.

<sup>94</sup> Directive 2014/36/EU of the European Parliament and of the Council of February 26<sup>th</sup>, 2014 on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers. *European Union Law*, <http://data.europa.eu/eli/dir/2014/36/oj>, (17.02.2017).

<sup>95</sup> European Union Law, “Directive 2014/66 / EU of the European Parliament and of the Council of May 15<sup>th</sup>, 2014, on the conditions of entry and residence of third-country nationals in the context of intra-company transfers”, <http://data.europa.eu/eli/dir/2014/66/oj> page, (17.02.2017).

- On March 25<sup>th</sup>, 2013, the Commission presented a new proposal for a **Directive (COM (2013) 151)**<sup>96</sup> by improving the existing legislative instruments applicable to third-countries nationals who wish to join the EU for purposes as study or research (**Directive 2004/114/EC and 2005/71/EC**). This directive review and modify different passages another directives.

- The status of third-countries nationals who are long-term in the EU residents is still being regulated by **Directive 2003/109/EC** of the Council, amended in 2011 in order to extend its scope to refugees and other beneficiaries of international protection.<sup>97</sup>

- **Directive 2003/86/EC** lays down on the provisions concerning to the right of family reunification.<sup>98</sup>

In addition, from 2009 two instruments have been created to address the integration issue:

- European Integration Forum (organized by the Commission and the economic and Social Committee European and replaced in 2015 by the European Migration Forum<sup>99</sup>). Since, the Forum has met twice a year and discussed different subjects focusing on migrant integration.
- European website on integration.<sup>100</sup>

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<sup>96</sup> Directive of the European Parliament and of the Council, on the conditions of entry and residence of third-country nationals for the purposes of research, studies, pupil exchange, remunerated and unremunerated training, voluntary service and au pairing.

<sup>97</sup> European Union Law “Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents”, <http://data.europa.eu/eli/dir/2003/109/oj>, (17.02.2017).

<sup>98</sup> European Union Law “Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification EUR-Lex”, <http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=URISERV:l33118>, (17.02.2017).

<sup>99</sup> The first meeting of the new European Migration Forum took place on January 26-27<sup>th</sup>, 2015, and asked for contribution of the civil society to address the migratory flows in the Mediterranean, from the situation of migrants in the countries of origin and transit before departure, to their journey and their reception once arrived to the EU. *European Commission*, <https://ec.europa.eu/migrant-integration/about-european-integration-forum>, (17.02.2017).

<sup>100</sup> The European Web Site on Integration is the European Commission’s portal for information on immigrant integration. The aim of the European Web Site on Integration is to help improve the effectiveness of integration policies and practices in the European Union by sharing successful strategies and supporting collaboration and cooperation between practitioners. It is intended as a tool for people working in the field of integration, both in non-government and government organizations. *European Commission*, <http://www.integration.eu>, (17.02.2017).

The EU has adopted two key legislative acts combating irregular migration:

- **Return Directive 2008/115/EC** for on common standards and procedures in Member States for returning illegally staying third-country nationals. The main areas of future action focuses on proper and full application. The promotion of coherent and compatible with the fundamental rights methods. The intensification of cooperation between the Member States and the reinforcement of the role of Frontex.<sup>101</sup> The effectiveness in returns, one of the main features that give support to national authorities in the critical points of Italy and Greece. On the other hand, the European Commission published on September 9, 2015 a paper entitled “EU Action Plan on Return<sup>102</sup>”, which received the approval of the Council that same month of October.

- **Directive 2009/52/EC**<sup>103</sup> providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals. At the same time, the EU is negotiating the readmission agreements with countries of origin and transit for the return of irregular migrants. Also cooperates with these countries in the fight against trafficking in human beings. Such agreements include collaboration between the EU and third countries partners in reciprocal commitments.

## 1.5. The Impact of Migration Flows in Origin and Host Countries

There are a lot of and diverse causes of migration. These population movements are produced by the interested attraction exerted by host countries, the

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<sup>101</sup> FRONTEX is the European Agency designated to the Management and Operational Cooperation between member states borders.

<sup>102</sup> The return of irregular migrants who do not have the right to stay in the EU is dealt with in the Communication from the Commission to the European Parliament and to the Council, EU Action Plan on return. It is stated in this document that "is an essential part of EU's comprehensive Efforts to address migration and in particular, to reduce irregular migration and the effectiveness of the EU system to return irregular migrants must be enhanced. An effective system of return requires the prioritization of readmission of irregular migrants in Relations with third country clubs.

<sup>103</sup> Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals. *European Union Law*, <http://data.europa.eu/eli/dir/2009/52/oj>, (18.02.2017).

interests of the countries of origin and the personal choice of the immigrant. Among all these causes, it should be noted as the most important population growth and uneven geographic distribution.

The effects of the Industrial Revolution and the scientific and medical advances have motivated an important decrease on mortality rates, together with the maintenance of the currently high birth rate. Demographic expansion has led to surpluses of population to move to areas of economic expansion. In addition, the displacement of human resources by the machine in the production process resulted in the formation of a surplus of labor, with limited economic resources. This surplus of low-skilled workers is obliged to seek new territories for their labor activities.

The revolution of transportation, which allows large migrant population displacement and socio-cultural and political causes, such as conflicts, wars, ideological and political persecutions, originate also migration. Other causes are natural disasters such as droughts and floods which have a considerable impact on the population.

The Economic Survey and the UN World Social of the year 2007 saw an opportunity to define good policies in order to help countries with ageing populations, reinforce their retirement systems, or get the most out of the money that migrants from developing countries sent to their homes.<sup>104</sup>

The effects of migration flows in countries of origin<sup>105</sup> and destination<sup>106</sup> depend on factors such as:

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<sup>104</sup> *United Nations Population Fund*, <http://www.unfpa.org>, (19.02.2017); Najib Abu-Warda, The international migration. *Ilu. Revista de Ciencias de las Religiones*, 2008, p. 33-50.

<sup>105</sup> These effects are not confined to the alteration of the demographic structures, but also to the changing socio-economic and cultural conditions, policies, which in turn have an impact on personal and family level. Migration of skilled labor is costly for developing countries issuers and their loss affects their societies of origin. Andrés Solimano, *International Migration, Risk Management and Social Policy: The Latin America Case*. mimeo, paper commissioned for the Project on Social Policy and Migration in Developing Countries, Geneva, 2008.

<sup>106</sup> The effects of international migration in destination countries depend on a variety of factors, among which the magnitude of migration flows, modalities and socio-demographic and economic characteristics of the people who make up the length of stay, and their integration into the host society, among others. Andrés Solimano, *Ibid*.

- Professional and personal characteristics of the person who migrates.
- Diverse systems of social security of each country.
- Labour markets' characteristics and economic situation in origin and destination countries.

### **1.5.1. The Impact of Migration Flows in Origin Countries**

The consequences of international migration in the regions of origin are numerous and wide-ranging. These depend on the magnitude and patterns of migration, the regional demographic profile and the characteristics of the people who make up the migratory flows. These effects do not refer only to the alteration of the demographic structures, also the modification of socio-economic, political and cultural conditions which in turn impact on personal and family aspects.

Norza P. explains in his paper "Migration of skilled human resources and its economic and social consequences for ALC<sup>107</sup>" if workers who decide to emigrate belong to a minority group of the active population in the country of origin (or they are easy to replace because of their low qualification), migration does not cause a loss of productivity of the country, nor an increase in wages. If the economy of the origin country has weak productive structure with high unemployment and this situation join remittances of migrant workers, it will boost growth in the country of origin.

However, may be the opposite: the migration of a worker's group could reduce the productive capacity of the origin country and moreover cause an increase on the wages as a result of the loss of that workforce. This happens when the migrant is part of a valuable human capital for the economy; also known as "brain drain". Therefore, this situation can bring positive and negative consequences for the economy of the origin country<sup>108</sup>.

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<sup>107</sup> Free Trade Agreements.

<sup>108</sup> Jose Antonio Alonso explains in his essay "International Migration and Development: A review in light of the crisis" through migration, the country emerges from a significant portion of their limited human capital passing nurture markets labor destination countries. When this process refers to strata of higher education and acquire a certain intensity, one speaks of "brain drain".



**Table 3.** Consequences of immigration in the country

<b>CONSEQUENCES OF IMMIGRATION IN THE COUNTRY OF ORIGIN</b>	
<i>POSSIBLE NEGATIVE EFFECTS</i>	<i>POSSIBLE POSITIVE EFFECTS</i>
Decrease in state revenue	Increased capital remittances received from migrants abroad, which raises the quality of life of persons dependent on migrants
Reduced productivity of the economy	Return of workers creates new business culture
Likelihood of increased emigration	International networking between the country of origin and destination.
Decreased economic growth	Increased employment having more free occupations
Decreased ability of innovation	Wage increases

**Source:** Own elaboration through data from Warda, N. A. (2007). International migration. *Ilu. Science magazine religions. Annexes*, (21), 33-50.

### **1.5.2. The Impact of Migration Flows in Host Countries**

According to data obtained from the Immigration and labor market report by Miguel Pajares in 2010, the positive effects that arise from migration in host countries become real in long term, while the negative effects usually occur immediately. Some of these effects may be: <sup>109</sup>

- Increase in the labor force.
- Immigration can be considered as a solution to the need of skilled labor or low qualification in the host country, which may arise both in times of expansion and in times of recession of the economy.
  - In times of expansion, the entry of workers from other countries can lead to a deterioration of unemployment in the country, but other times can lead to innovation. In this case, immigration would be considered as an obstacle to the nation's economic growth.
  - In times of recession, immigration will cause a decay in demand and a rise in unemployment, since the vast majority of people who move are not qualified

<sup>109</sup> Miguel Pajares, *Inmigración y mercado de trabajo. Informe de Trabajo*, Vol. 25, 2010, p. 80-92.

persons and also who cannot occupy jobs where is need a higher level of training.

- The cost of hiring the immigrant is less than a native. Most of them compete for jobs with a low level of training, or for those jobs which that natives reject, because they are poorly paid or by the harsh working conditions and security entail.<sup>110</sup>

- They are usually problems of discrimination and a clash of cultures between the native population and the immigrant population. This will less when the both cultures are similar, but may still arise several problems of social marginalization or increase the crime due to social tensions.

- If immigration is illegal and if is not realized in conditions and norms of law, it may cause loss of tax revenue, competition unfair, lack of job security, social exclusion, disease transmission by does not carry out a control of health, etc.<sup>111</sup>

- Illegal immigration also leads to an increase in the underground economy. The causes of this phenomenon include the continued presence of illegal immigrants requiring, on many occasions, to operate with black money, distorting economic calculation and causing unfair competition for other persons complying with the legislation.

- Positive effect is that there is a rejuvenation of the population since in developing countries fertility rates and the proportion of women of childbearing age is usually higher than the developed countries.

- Increase in the collection of the State by the absorption of tax accounting for new workers in the country.<sup>112</sup>

- Possibility of increased abroad investment. It is created international networks among the countries of reception of immigrant workers and their countries

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<sup>110</sup> Migrants can also increase productivity by facilitating native workers move from low-paying jobs and low labor to other higher-rated benefits and compensation, increasing production possibilities and, consequently, economic growth. Peter Stalker, *Workers without frontiers: the impact of globalization on international migration*, International Labour Organization, 2000.

<sup>111</sup> In Spain were widespread stereotypes linking immigration with crime or the increase in crime. Before the economic crisis arose, the main stereotypes were related to the occupation of public space, the use of public services and the enjoyment of social benefits or grants. María Ángeles D'Ancona - Miguel Valles Martínez, *Evolución del racismo y la xenofobia en España [Informe 2009]*, *Ministerio de Trabajo e Inmigración*, 2009.

<sup>112</sup> A study by the UN Population Division concluded that through the taxes immigrants contribute more than they spend on social welfare system or the recipient country. United Nations Population Division, *Replacement Migration? Is it a Solution to Declining and Aging Population?*, New York 2000.

of origin.

- Creating multicultural societies in which immigrant workers spread their customs, their ideology and their language, enriched the social and cultural sphere.
- Young people from other countries have access to specialized jobs without having to make any expenditure in its preparation.

### 1.6. EU Immigration Perspective

Immigration is a structural issue, even though when there are certain temporary factors which activate it at specific times (regional wars, bad weather conditions, ecological disasters, famines, high expectations of employment in European countries, etc.). Migrants move in search of better job opportunities (economic migrants), or fleeing from war areas (political refugees). Although by legally term is clear the difference between "refugee"<sup>113</sup> and "immigrants"<sup>114</sup>, the veracity is that, socially, is increasingly more difficult to distinguish between these two meanings.

The desire to find a better life is unstoppable by many fences or retaining walls which are placed in our borders. While there are large economic disparities between countries, political instability and armed conflicts near the European borders areas, and while it is easy to move from some places to others, immigration will be present among us, and we will have to get used to living with it.

Most of the immigrants who have come to Europe in recent years, they have

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<sup>113</sup> Ibid. p. 14.

<sup>114</sup> Louis Varlez, in 1927, in his article about international migration, gave the immigrant definition as "a person who leaves his country to settle abroad, either on a permanent or so in a lasting way in order to meet the needs deemed essential." On the other hand Max Derruan defined migration as "the abandonment of a State which has been living since birth or for a long time to go to another state, with the intention to establish himself permanently (temporary or permanent)". While the definition of Varlez excludes enforced, such as refugees or slavery migration, Derruan definition is much broader and more general. Marcel Merle, *The sociology of international relations*, Berg Publishers, Madrid 1987, p. 223.

done it through ports, airports or railway stations, with tourist or student visas, or even a short-term contract of employment. Others, such as the migratory wave of recent times, are fleeing in desperation of war zones (Syria, Iraq, Afghanistan,...), they come from failed States (Libya, Eritrea,...) or even from situations of extreme poverty (sub-Saharan). Because of there is not issued passports or identity documents, they have to used illegal trafficking to reach Europe.

Either way the used via, or the access way, the truth is that, once they are inside, they will try to stay in European countries, moving from some places to others until they find the best option which allows them to develop as personal and family growths.

Once it is establish the culturally distinct groups in the host countries, they tend to preserve their languages and other elements of the cultures of origin at least for a few generations. This can induce strong reactions from some sectors of the population. Racism is a threat not only for the migrants themselves, it is also for the democratic institutions and the social order. In several countries ethnic groups become marginalized and excluded, while in others, they take the form of communities accepted as part of a pluralistic society.<sup>115</sup>

To Castles and Miller (2005), one of the most important challenges for many countries today, is find a way to deal with migratory flows "unwanted"<sup>116</sup>. "Unwanted immigration" is a term that includes:

- To those who cross the border illegally.
- Those who enter legally but remain beyond what is allowed by their

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<sup>115</sup> International law contains provisions concerning basic rights relevant for integration: the right to equality and recognition before the law, education, association and peaceful assembly, union or formation of trade unions, social security, take part in social and cultural life, practice their religion and language or freely choose their residence. Although states cannot avoid, for example, that immigrants practice their mother tongue, international law does not prohibit States requesting that immigrants have a minimum knowledge of the language of the host society and requires also that immigrants comply with the legislation of the host country. *International Organization for Migration*, [http://www.crmsv.org/documentos/IOM\\_EMM\\_Es/v3/V3S06\\_CM.pdf](http://www.crmsv.org/documentos/IOM_EMM_Es/v3/V3S06_CM.pdf) (20.02.2017).

<sup>116</sup> Castles and Miller also discussed in this chapter that Governments increasingly more frequently stop "unwanted immigration" to safeguard social peace. The result is a series of agreements and measures to ensure international cooperation on illegal entries. The effectiveness of these measures is, however, very difficult to assess.

visas or who work without permission.

- Family members of migrant workers who can enter legally because of the restrictions on family reunification.
- Asylum seekers who are not considered genuine refugees.

According to Castles, S. (2004), in his work *Globalization and immigration. Immigration and change processes*, the most of those migrants come from poor countries and looking for a job, but at the same time with no job qualifications. This is one of the reasons why governments used to stop the unwanted immigration to “safeguard” social peace.<sup>117</sup>

A growing awareness in highly developed countries which states that border controls on itself cannot stop "unwanted migration", it has led to the conclusion that there should be another solutions to achieve a reduction in long-term migration pressures. These measures are linked to the debate on development strategies for developing countries as: a good trade policy, regional integration and international relations. The development assistance would be also a useful strategy for reducing 'unwanted migration'. But problems as the rapid population growth of these underdeveloped countries, economic stagnation and the violation of human rights still affects them significantly.

Despite of the shocking figures on the immigrants' number who arrived to Greece, Italy or Spanish coasts, as well as figures concerning refugees who crowd in the EU eastern borders, should take into account. However, that is still only a minor part of the migratory movement. The decision of European Commission assign host fees to all countries of the EU, can only be seen as an urgent solution to alleviate the pressure faced by the most affected countries and its border situation. It is not a problem only for these countries, it is also taken part of a European problem which requires a European solution. Quotas cannot replace what it should be a common policy on asylum and immigration in the future.

Eduardo Moyano Estrada, in his paper *The European Union and*

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<sup>117</sup> Stephen Castles, *Inmigración y procesos de cambio*, Barcelona, Icaria, 2004, p. 33-56.

*Immigration* published in the Journal of Social Development mentions the fact that in the EU there is a common policy on migration. There are cooperation agreements between national Governments to deal with migration problem. Likewise there is a cooperation which intensifies at certain junctures, when that problem overflows and acquires international resonance (as it is happening in recent years).

The cooperation between national Governments is complex, and even more in a situation of economic crisis like the present one. Each country seeks to reconcile the commitment that it forces him being part of the EU on the one hand, and in the another, the defense of national interests to deal with this problem on the basis of their economic situation and its geographic situation (there are countries in such as Italy, Greece, Spain, Turkey, Hungary and Croatia, which are more vulnerable to illegal immigration than others).

To this complex intergovernmental cooperation, we should add the complexity of this issue, given that not all European countries have signed the Schengen Treaty on free movement, and given also that each country has its own laws or policies on asylum and immigration. For this reason, advances in the management of the migration problem is slow. However, it have taken important steps although no sufficient.<sup>118</sup>

On the other hand, the European Union needs immigration to resolve its demographic decline. It is a real fact that most of the countries of the EU (particularly those which are more developed economies) experienced a demographic decline of such magnitude, which puts in a risk the sustainability of their welfare systems.<sup>119</sup> Before the arrival of this avalanche, the first duty is to serve them in centers with this purpose and once served as expected (including health and school care), apply the

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<sup>118</sup> The Convention of Dublin (2003), which must be reformed to upgrade it to the current reality, or the European Pact on Migration and Asylum (EPMA -2008), which go in the direction of a common policy are some of the steps taken to nowadays. Estrada, E. M. (2015). *La Unión Europea ante la inmigración*. Revista de Fomento Social, (278).

<sup>119</sup> Foresight of the OECD studies, indicate that between 2013 and 2020 the population of working age will be reduced by 7.5 million people in the EU. The arrival of immigrants and refugees will also increase the cultural diversity of the EU. Bertelsmann Foundation estimates that the German economy will need to enter every half year net million immigrants to keep the number of workers who contribute to social security stable.

legislation in each country, processing asylum applications for all those who are entitled to present it and applying immigration laws to the rest. Apply current legislation, also includes sometimes the expulsion, but this must be done in agreement with the human rights law and all procedural safeguards.

Initially, refugees from Greece, Italy and Hungary supposed to be sent to other Member States, but Budapest refused to participate in this process which resulted in changes to the initial distribution.

During the summer of 2015, German Chancellor Angela Merkel, defended the acceptance of refugees and the startup the quota system. However, the Hungarian Prime Minister, Viktor Orbán, took an opposite stance. Other countries such as Denmark and Austria also adopted controversial initiatives. The debate raised about the allocation of 160,000 refugees in the European Union contrasts hilariously with figures that describe the situation in other host countries. According to data provided by UNHCR in 2016, a total of 2.715.789 Syrians is in Turkey, 1.067.785 in Lebanon and 639.704 in Jordan.<sup>120</sup>

In March 2016 the EU began negotiations with Turkey. The aim was based on supplant the muddled, chaotic, irregular and unsafe migratory flows by organized, safe and legal pathways to Europe for those entitled to international defense in line with EU and international law. The EU in close cooperation with Turkey, accelerated the payment of the firstly allocated €3 billion under the Facility for Refugees in Turkey. Once these funds are about to be used in full, the EU will assemble extra funding for the Facility up to an additional €3 billion to the end of 2018.

The heads of EU States and Governments agreed that actions are needed to close down the routes of trafficking with persons and put an end to the immigration crisis in Europe. They agreed to work on the basis of the principles that contain:<sup>121</sup>

- Return all the new irregular migrants who move from Turkey to Greek

<sup>120</sup> *UN Refugee Agency*, <http://www.unhcr.org/figures-at-a-glance.html>, (02.01.2017)

<sup>121</sup> *European Council*, <http://www.consilium.europa.eu/es/press/press-releases/2016/03/07-eu-turkey-meeting-statement/>, (20.02.2017).

Islands, making the EU responsible of all costs.

- Resettle, by one Syrian readmitted for Turkey from the Greece, another Syrian from Turkey in the EU Member States
- Accelerate the implementation of the roadmap liberalization with all states members with the elimination of visa requirements for Turkish citizens at the latest end of June 2016.
- Speed up the initially disbursement of EUR 3000 million to guarantee the financing of several set of projects before the end of March 2016.
- Prepare the accession negotiations, based on the conclusions of the European Council of October 2015.
- Work with Turkey in any joint efforts to improve the humanitarian conditions in the interior of Syria to allow the local population and the refugees live in safer areas.

The heads of State and Governments recalled that all members of the Schengen area, should flatteringly implement the Schengen borders code, taking into consideration the specificity of the maritime borders, and put an end to the policy of allowing the enter.

In order to address the main theme of our study over the following pages certain key factors will be considered in the Spanish policy regarding the influence that immigration occurred in the labor market since its entry into the European Economic Community (EEC) to 2016.

Thanks to the last definitions, we will do a review of the governmental periods with the last four presidents of Spain (Felipe González, José María Aznar, Jose Luis Rodriguez Zapatero and Mariano Rajoy) being possible to understand and somehow discuss the migration policies implemented in each presidential mandates.



## **CHAPTER II**

### **SPAIN INCORPORATION INTO EUROPEAN UNION AND NEW IMMIGRATION POLICIES**

#### **2.1. The Long Way Towards European Community**

In 1957 an Inter-ministerial Commission for the Study of the European Economic Communities and Atomic (ICC) was established in Spain whose task was to adapt gradually to the laws promulgated from Europe. The following year he got into the Organization for European Economic Cooperation (OEEC) marking the beginning of European integration of Spain. That same year Spain would be part of the International Monetary Fund (IMF) and the International Bank for Reconstruction and Development.

The rejection of the Spanish integration was complete by European countries since the dictatorship led by Franco did not have any democratic trait, a factor that did not fit with continental democracies. Despite the initial refusal, in 1964 the association request to the European organization by Spain reiterated.

Negotiations were conducted from 1965 to 1970 and sought to define the relations of Spain with the European Communities, especially difficult because the Spanish agriculture was more potent than the French and Italian. In 1970 a preferential agreement that would bring Spain to the European group to be signed. In 1977 the democratic government of Adolfo Suarez called for further negotiations with European high spheres of face to present the final accession of Spain.

Finally, after losing in agriculture to adapt to European power, Spain would get his long-awaited accession in 1985 signing the Accession Treaty that would become effective on January 1<sup>st</sup>, 1986.<sup>122</sup>

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<sup>122</sup> Raimundo Bassols, *España en Europa: historia de la adhesión a la CE 1957-85*, Política exterior, 1995.

### 2.1.1. From the II World War to the 1970 Preferential Agreement

After World War II the newly created United Nations rejected the entry of Spain in the first General Assembly held in New York on December 12<sup>th</sup>, 1946, where was presented the recommendation of the withdrawal of ambassadors and which was adopted by 34 countries with 6 votes against and 13 abstentions. Countries that supported Spain were Argentina, Costa Rica, Dominican Republic, Ecuador, El Salvador and Peru.

If this was a political condemnation, it will followed an economic conviction not allowing the participation of Spain in the creation of the Organization of European Economic Cooperation (OEEC). It is well known that Spain could not benefit from the aid granted by the United States for the reconstruction of Europe, born with the name of Marshall Plan<sup>123</sup>, presented by General George Marshall on June 5<sup>th</sup>, 1947, which would lead to the (OEEC).<sup>124</sup> In April 1948 when agreement was signed in Paris of European economic cooperation for the implementation of the Marshall Plan, the only two countries of Western Europe that would be excluded would be Spain and Finland.

Not belonging to the OEEC caused enormous damage to Spanish economy and eleven years had to pass until this occurs on July 21<sup>th</sup>, 1959, although by that time, they had been in great economic aid for the reconstruction of Europe and Eurostat the only thing which guaranteed was the incorporation of Spanish to the European

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<sup>123</sup> The Marshall Plan (officially called European Recovery Program or ERP) was the main US plan to rebuild European countries after World War II, which in turn was intended to contain a possible spread of communism. The initiative was named for United States Secretary of State, George Marshall, and was primarily designed by the State Department. *Enciclopedia EcuRed Cubana*, [https://www.ecured.cu/Plan\\_Marshall](https://www.ecured.cu/Plan_Marshall), (20.02.2017).

<sup>124</sup> OECD is considered one of the origins of the European Communities to be one of the first agencies that gathered much of the nations of Western Europe. In addition to managing capital sent by the United States, the OECD had other goals, such as betting on the free market, enable trade between member countries and promote lending intended to promote economic growth in Western Europe. Francisco Aldecoa Luzárraga, Significado y efectos de la adhesión de España a la Alianza Atlántica en su proceso de participación activa en las relaciones internacionales, *Revista de Estudios Internacionales*, Vol. 4, No. 1, 1983.

economic system.<sup>125</sup>

Spain was also excluded from NATO, articulated by the Atlantic Alliance Treaty signed in Washington on April 4<sup>th</sup>, 1949 and also would be excluded from other initiatives such as the creation of the European movement, emerged in 1947 under the chairmanship of Winston Churchill, a leading pro-European organization with which the regime of Franco on the occasion of the so-called "Munich conspiracy"<sup>126</sup> would face meeting of pro-European Spanish Democrats in 1963 and whose Spanish assistants Franco's Government would punish with repression.

Consequently to the Congress of Europe held in the Hague in May of 1948 didn't attend any Spanish relevant personality except those figures opposing the regime of General Franco as Salvador de Madariaga, and this was important because nor Spain would be part of the Council of Europe, precisely born in that Congress in the Hague, and articulated by the Treaty of London of May 5<sup>th</sup>, 1949. As a result, Spain would be also out of his first great realization, the Convention on Human Rights of 1950.<sup>127</sup>

Moreover, on August 10<sup>th</sup>, 1950, a resolution from the Consultative Assembly

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<sup>125</sup> The addition to the OECD would bring two fundamental consequences for Spain: first, there was an approach from other European countries the Franco regime to promote the development of its economy and foreign investment; secondly, he forced the Franco regime to change its economic policy to adapt to the standards imposed by the OECD. Lorenzo Delgado Gómez-Escalonilla, *El ingreso de España en la Organización Europea de Cooperación Económica*, *Arbor*, Vol. 170, No. 669, 2001, p. 147-179.

<sup>126</sup> The "Munich conspiracy" was the fourth meeting of the European Movement powered by people and liberal partisan forces of the European Union. 6 and 7 June 1962, 118 Spaniards (resident in Spain, exiles and outcasts) were invited in order to openly discuss the past, present and future of Spain, and reach conclusions without the manipulation of the Franco government. After the meeting, the European Movement expresses its assent to the economic pact with Spain, but not the political pact, since it requires respect for, according to the European Convention of Human Rights and the European Social Charter. The reaction of the Franco regime (which in 1963 created the Public Order Tribunal to try political crimes) against the participants of the meeting in Munich, caused strong criticism abroad. *European Commission*, [http://ec.europa.eu/spain/actualidad-y-prensa/agenda-de-la-ue-en-espana/contubernio-munich\\_es.htm](http://ec.europa.eu/spain/actualidad-y-prensa/agenda-de-la-ue-en-espana/contubernio-munich_es.htm), (20.02.2017).

<sup>127</sup> The governments of the Council of Europe held on November 4, 1950 in Rome, the "Convention for the Protection of Human Rights and Fundamental Freedoms", which aims to try to provide European States of a common Charter of Rights and freedoms that summarize the political and cultural values of Western democracies. The Convention has been amended and developed through several additional protocols. The thirteen members of the Council of Europe that signed the Convention were: Belgium, Denmark, France, Federal Republic of Germany, Iceland, Ireland, Italy, Luxembourg, Netherlands, Norway, Saar, Turkey and Britain. On November 28<sup>th</sup>, 1950, Greece and Russia signed the convention that ultimately entered into force on September 3<sup>th</sup>, 1953. Euro-Lex, *European Union Law*, [http://eur-lex.europa.eu/summary/glossary/eu\\_human\\_rights\\_convention.html?locale=es](http://eur-lex.europa.eu/summary/glossary/eu_human_rights_convention.html?locale=es), (20.02.2017).

of the Council of Europe on Spain, agreed the Spanish population had vote in the near future to hold free elections and establish a constitutional regime whose members could be members of this Assembly.<sup>128</sup>

Therefore, after World War II, the position of the Spain with General Franco was very weak; because of its position against of the victorious allied countries. Consequently because his Government was not democratic and had emerged from a bloody Civil War, Spain would be marginalized from international agencies. By then, Spain started a period of economic autarky characterized by black market in its first phase, sacrificing to an autarkic industrialization the development of other economic sectors, thus, closing the doors to foreign trade by replacing imports with domestic production. Only Argentina collaborated with substantial assistance, but later will not sent anymore wheat to Spain as a result of defaults on the debt generated.

However, that situation of isolation it was partial, and it will be benefited later by the beginning of the Cold War, which arose over 1946 when articulates the Truman doctrine of containment whose objective would be the halt Communist expansion mainly in Europe. This doctrine would be completed with the referred Marshall Plan in which also not participated the countries of Eastern Europe. The situation would reach a certain gravity when retaliation to aid to Western Germany, the USSR in 1948 Berlin blockade. A year later NATO<sup>129</sup> will be formed.

It can be said that those 40 years were lost as a result of the post-war stagnation that would not have unparalleled in contemporary Europe, with a weekly average of a growth rate refusal, withdrawal of ambassadors and authentic depression,

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<sup>128</sup> On August 10<sup>th</sup>, 1950, the Consultative Assembly of the Council of Europe will take the decision not to let Spain participate in the work of the Council because of its totalitarian regime. Spain will get entry into the Council of Europe on November 24<sup>th</sup>, 1977. All diplomatic efforts which Spain took to achieve this since 1962 are narrated by José Luis Messia in his book “*Por la palabra de honor. La entrada de España en el Consejo de Europa (24/11/1977)*”. (*Un largo recorrido desde el congreso de Munich de 1962*), Madrid, colección Parteluz, 1995.

<sup>129</sup> The Organization of the North Atlantic Treaty (NATO) has its origins in the signing of the Washington Treaty of 1949, whereby ten countries on both sides of the Atlantic (Belgium, Canada, Denmark, United States, France, Iceland, Italy, Luxembourg , Norway, the Netherlands, Portugal and the United Kingdom) pledged to defend each other in case of armed aggression against any of them. *Spanish Ministry of Foreign Affairs and Cooperation*, <http://www.exteriores.gob.es/RepresentacionesPermanentes/OTAN/es/quees2/Paginas/QueeslaOTAN.aspx>, (20.02.2017).

which meant an economic failure and a political and social regression.

It was then that arose the European communities process where Spain participate nor being the first milestone of European integration the Treaty of the Economic Community of Coal and Steel<sup>130</sup>, signed in Paris on April 19<sup>th</sup>, 1951, in whose heart was already conceived the creation of a real European project because there was talk of founding the real foundations of an organized Europe. The Spanish political response was silence and lack of interest while the press, specifically the ABC –Spanish newspaper-, spoke about an European Organization for the protection of useful plants against parasites and pests in general and, later, already nuanced it was a Covenant heavy industries to combine iron and steel resources and carbon in those countries and make impossible the war between these countries.

However, the international situation would benefit the political strategy of the Franco regime and facilitate their openness and acceptance in a context of events such as the triumph of Mao in China in 1949, and especially the war of Korea 1950 coinciding with the founding declaration of the European communities, conducted by Jean Monnet on May 9<sup>th</sup>, 1950 and presented to the press by the Minister of Foreign Affairs Robert Schuman French.

Later an aid granted by the United States to Spain of 62.5 million dollars (just two months after the start of the war in Korea, the real beginning of the inclusion started, which it will set the entrance of Spain in 1951 in the World Health Organization (WHO), FAO, the International Labour Organization (ILO), and in 1952 the entry of Spain to UNESCO. In another perspective, President Truman had started to lower their democratic demands, and later President Eisenhower, elected in

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<sup>130</sup> The ECSC Treaty signed in Paris in 1951, brings together France, Germany, Italy and the Benelux countries in a community that aims to organize free movement of coal and steel and free access to sources of production. The ECSC was born immediately after the Second World War at a time when it was imperative to economically rebuild the European continent and ensuring a lasting peace. Thus the idea of putting the production of steel and coal in France and Germany and to create the European Coal and Steel Community came together. The logic that inspired the decision was political in addition to economic, since both were essential raw materials for industry and the power of the two countries. The underlying political objective was to strengthen Franco-German solidarity, banish the specter of war and open the path to European integration. Alistair Cole, *Franco-German Relations*, Pearson Education, 2001.

November 1952, allowed the establishment of first negotiations between Spain and the United States of America.<sup>131</sup>

In parallel there is other crucial facts related to the international recognition of the Franco's regime signed on August 27<sup>th</sup>, 1953. A new Concordat with the Holy See which recognizes the confessionalism of the State, the privileges of the clergy, as well as the validity of the Catholic marriage. Those agreements have been in force until the Spanish Constitution of 1978.

Finally close the negotiations of Spain and the United States giving rise to the Pact of Madrid<sup>132</sup>, signed on September 26<sup>th</sup> 1953, and which concluded with three bilateral agreements: mutual defense, economic cooperation and mutual assistance. For United States the Covenant meant the installation of military bases; for Spain, financial support with funds to the public law 480 and the backing with the funds of the McCarran amendment (loans and some donations): 60% for the construction of military bases, 10% for the administrative expenses of the United States and 30% donations to Spain for transport communications and defensive aids.

The US aid to Spain in total 1,500 million dollars between 1953 and 1963, while Spain were forced to introduce liberalization measures and dismantle the huge

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<sup>131</sup> The report called Kennan favored an approach from the US to Spain without questioning the continuity of Franco, although demanding liberalization reforms. For Spain it opened a great opportunity to get out of the serious economic situation in which he found himself, joining in the economic recovery plans. However, Franco was not prepared to introduce any political change that lessened one power, even at the expense of welfare for the Spanish population. On September 26<sup>th</sup>, 1953 the so-called "Madrid Pact" was signed. The agreements with the US. UU. They came after signing a new Concordat with the Vatican, representing a double international recognition of the "regime". The Covenant contained three bilateral agreements: mutual defense, economic cooperation and technical assistance. Alexander Cooley, *Base politics: Democratic change and the US military overseas*, Cornell University Press, 2012.

<sup>132</sup> Two events accelerated the rapprochement between Washington and Madrid: the election of Eisenhower for the presidency in November 1952, and the crisis that the death of Stalin opened in the USSR. A year before the agreements were signed. Public opinion said that military use areas remain under Spanish sovereignty. The third article stated that even in moments of extreme danger, the bases would not be used without the consent of the Spaniards. But as revealed Angel Viñas in his book "The secret pacts Franco with the United States", also a secret additional note was signed, by which, in cases of obvious or threatening discretion evaluated by American aggression, sufficient that they are it could inform Spain, so would be involved in the action. According to Viñas, this secret clause a clear and obvious renunciation of sovereignty by Franco. Moreover, the regime accepted a jurisdictional statute for Americans featured on the bases, which constituted a derogation from the Spanish legal system. And finally, it was reduced to half the amount initially offered by the United States -465 million dollars, for a ceiling of 239 million was established (also secret).

Interventional device in which the National Institute of Industry and the National Service of the Wheat were among others.

Two additional issues would be raised, the first threat made by Kruchev in 1963 by the presence of American troops in Spain and the potential danger of the presence of nuclear weapons in Spain.<sup>133</sup> The important thing, in any case, was that Spain will closed its presence in international organizations in 1955 at United Nations.

In the economic aspect it should be noted that during the 1950s there was an approximation of the Spanish economic policy to the trade liberalization and also the situation of multilateral payments make happened an attenuation of previous rigidity on economic interventionism.

According to the construction of Europe, beaten the communal failures to set up a European defense community and a European policy community, the Messina Conference held on 1 and 2 June 1955 will helped on the signing of the treaties of Rome, the Treaty of the European Economic Community or common market and the Treaty of the European Atomic Energy Community, or EURATOM. These two treaties and basically the first one, became the instrument for the creation of a United Europe, but the foreign policy of the Francoist remained outside those communities that rejected it for its condition of dictatorship.

Spanish press would only consider those two treaties calling communities *"not easy to utopian borders in their understanding and even less in your hypothetical application, newborn treaties which are labyrinthine to the mental derangement, opening a question with that unique miracles would be all this"*.<sup>134</sup>

However General Franco soon understood that this was a great event for Europe and that it should restructure its political and economic orientation, which was

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<sup>133</sup> On January 17<sup>th</sup>, 1966, an American bomber crashed in flight over Palomares (Almería-Spain) with its supply plane. The bomber carrying four thermonuclear bombs. Two of them remained intact (one on land and one on sea). The other two were burned and released more than 20 kilos of highly radioactive plutonium. David Stiles, A Fusion Bomb over Andalucía: US Information Policy and the 1966 Palomares Incident, *Journal of Cold War Studies*, Vol. 8, No. 1, 2006, p. 49-67.

<sup>134</sup> Posted by a Madrid newspaper of that time and transcribed in Article "*España y Europa durante el franquismo*" de Bassols Jacas, R. (2005), 115-128

just in February, 1957, one month prior to the signature of the treaties of Rome, where he entered into his Government a group of Ministers: López Rodó, Mariano Navarro Rubio and Alberto Ullastres –Catholic oriented and high intellectual preparation in the economic field thanks to their relation with Opus Dei- which began to break away from autarkic policy of Franco's Government.

Thus on July 26<sup>th</sup>, 1957, it was created the inter-ministerial Commission for the study of economic community and European Atomic (CICE). They valued the impact on Spain of the functioning of the communities and imagine possible formulas for economic integration of Spain in Western Europe. That serious Commission was chaired by the Minister Gual Villabí.<sup>135</sup>

That technocrat government performed as the first of its great performances, the National Plan for economic stabilization, an approved economic plan in 1959 to break with the Franco's autarky policies and made possible the re-launching of the Spanish economy. On March 6<sup>th</sup>, 1959, an economic Stabilization National Plan<sup>136</sup> was established with a large number of objectives to achieve: economic stability, equilibrium in balance of payments and strengthening the currency to make it became a stable currency.

The liberalization measures also included an announced austerity policy, which also was accompanied with reception of substantial loans from abroad by international bodies and from American Government. Measures were also merged by lifting interest rates, limiting the granting of Bank titles and the freezing of wages, in order to try to reduce the existing inflation. The measures taken by the national

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<sup>135</sup> Antonio Moreno Juste, “El proceso de construcción europea y las relaciones España-Europa”, *Revista de Ciencias Sociales del IUIOG*, No. 25, 2011; Raimundo Bassols, *España en Europa: historia de la adhesión a la CE 1957-85*, Política exterior, 1995.

<sup>136</sup> The National Economic Stabilization Plan in 1959, is closing the door of an era (the autarky of the victors of the civil war) and the threshold of another (the integration of Spain in the EEC). In this sense, it is prehistory. In the late fifties, Spain was on the brink of bankruptcy, with the red in the balance of payments; it was impossible to renew the productive machinery without imports; rationed food and the productive apparatus was about to collapse. The sense of survival of Francoism and technical contribution of a group of economists led Stabilization Plan. Early symptoms originated in February 1957, when Franco changed the Government and entered it two members of Opus Dei. The Stabilization Plan began the transformation of an economy that had copied many mechanisms of Italian fascism, to a market economy is comparable to that of countries that had won World War II market. Their results were immediate. Joaquín Estefanía, *Contra el pensamiento único*, Taurus, 2011.



economic stabilization Plan mainly were based on the Spanish economical incorporation to international markets by cleaning up the economy to achieve further economic growth. In this sense it will be in the short term an important part of the desired effects including a surplus in the balance of payments; an increase in reserves of foreign currency by the Bank of Spain; an increase of foreign investment in Spain and a significant increase in tourism and an improvement of the conditions of competition as well as the incorporation of technologies.

Stabilization led as the most important phenomenon millions of wage freezes and the consequent increase in unemployment, creating at the same time, Spanish emigration movement basically to Europe in search of employment, with Germany one of the first preferences. Remittances from emigrants reached high values which helped the stabilizing measures. That Government technocrat would perform as first its great performances the National Plan for economic stabilization, an approved economic plan in 1959 to as we say marked the break with the policy of an autarky of the Franco regime and made possible the re-launching of the Spanish economy.

In conclusion the first measurements of the Stabilization Plan resulted in a decrease in public spending and increased taxes, accompanied by a timid tax reform. Wages and low prices made Spain to happen to be attractive for tourism, which became an industry in great development. Economic liberalization made possible the so-called “Spanish miracle<sup>137</sup>”.

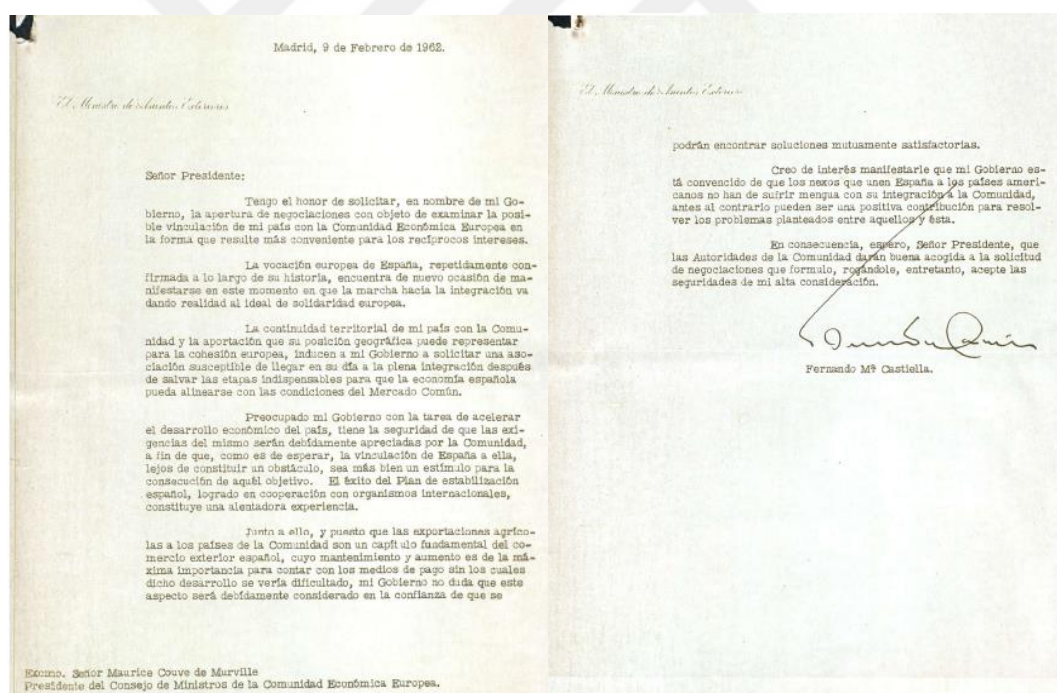
The opt-out of the United Kingdom and other European countries of the Community treaties, creators of the three communities, and primarily of the European Economic Community meant the creation of a free trade zone proposed by the United Kingdom with the name of “European Free Trade Association”, which resulted in the Treaty of Stockholm on January 4<sup>th</sup>, 1960, being its founders: United Kingdom,

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<sup>137</sup> After adjustment of the Stabilization Plan were carried out development plans between 1964 and 1973. The result of the development plans was the "Spanish Economic Miracle" grew the national income and the different economic sectors, especially the secondary sector (chemical, metal, automotive), the tertiary sector (tourism) were modernized and productivity improved agricultural. In this economic miracle it was very important the favorable global economic situation and the contributions of foreign capital, especially EEUU. *Historia de España*, <https://sites.google.com/site/histmundialbachi/espana-durante-el-franquismo>. (20.02.2017).

Sweden, Norway, Denmark, Austria, Portugal and Switzerland. Later Finland, Iceland and Ireland will decide incorporate. However, the experience of the European Free Trade Association didn't succeed and the British Prime Minister Harold McMillan announces on July 31<sup>th</sup>, 1961 his decision to integrate into the European Community.

While in Spain the technocrat government was preparing the way to reach the economic liberalization, the Government also requested through a letter -from the Minister of Foreign Affairs, Fernando María Castilla- the negotiations to examine a possible association between Spain and the European Economic Community. The "Castiella letter"<sup>138</sup> was observed by Socialist Deputy Birkelbach in Parliament in the 29 March session and just a few months later of its presentation, the Congress of the European Movement was celebrated in Munich on 7 and 8 July 1962, with the purpose of the democratization of the European institutions.



Fernando Castiella letter, Foreign Minister, Maurice Couve de Murville, President of the Council of Ministers of the EEC (February 9<sup>th</sup>, 1962).

<sup>138</sup> Fernando Castiella, Minister of Foreign Affairs of Spain, sent a letter to Maurice Couve de Murville, President of the Council of Ministers of the EEC, requesting the opening of negotiations to examine a possible link between Spain and the European Economic Community. University of Luxembourg, "Digital Research on European Studies", <http://www.cvce.eu/obj/>, (20.02.2017).

The Munich Congress would come a large representation of Spanish people but the conclusions were rejected and finished with all kind of possibility to Spain of joining in any way the European communities. For them, the requesting state should have democratic institutions and the effective guarantee of human rights, the abolition of censorship, recognition of personalities, of the territorial communities, the exercise of trade union freedoms and possibilities of organization of political parties with the recognition of the rights of opposition.

The reaction of General Franco was the abolition of the right of free assembly guaranteed by the jurisdiction of the Spanish and confined in different places to the Spanish participants in the Munich Congress.

There were, therefore, several circumstances that separated the possibility of Spain could enter relations smooth with the European Union. Anyway, Miranda sent again a new letter to the President of the Council of the Community Economic European, on January 14<sup>th</sup>, 1964, highlighting changes in the Spanish economy as a result of the Stabilization Plan established. Now they referred a substantially idealized economic system by which the Spanish Government considered it was timely for discussions with the European Economic Community, demonstrating its interest in conducting this process. It would be the President of the Council of Ministers at the time, Paul Henri Spaak, who showed that Council would be prepared to authorize the Commission to establish talks with the Spanish Government, considering economic problems posed by Spain and assume the search for appropriate solutions.

Two issues directly affecting the European Economic Community at that right time: France opposition to the entry of the United Kingdom and the own internal crisis raised by France and caused by the “Crisis of the empty Chair” before trying to develop own budgetary resources community. The crisis would end with the Luxembourg

Compromise<sup>139</sup>, achieved in 1966, moment in which Spain entered the proposed negotiation.

Under the fundamental direction of the former Commerce Minister, Alberto Ullastres, become Spain's Ambassador to EC, since the end of 1965, Spain could negotiate the realization of a Preferential Agreement<sup>140</sup> placing the wide industrial offer to introduce agriculture in that pact. Finally the Preferential Agreement between Spain and the European Economic Community was signed in Luxembourg on July 29<sup>th</sup>, 1970 and thus Spain ceased to be outside of the European Economic Integration Process and could enter into a Community that produced 60 percent of the trade, all within the Government of General Franco, what it makes an enormous achievement of management primarily from the Minister of Foreign Affairs, López Bravo and Ambassador Alberto Ullastres.

The Preferential Agreement of 1970 represents the beginning of an irreversible process integration of the Spanish economy, fundamentally affecting the commercial and tariff aspects and starting the integration of agriculture into Europe. The signing of this one did not change the political relations between the European Communities and the Government of General Franco, who was faced a difficult political situation as a result of the “Burgos Process”, field court martial of sixteen people on December 3<sup>th</sup>, 1970, accused under capital punishment.

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<sup>139</sup> Commitment Luxembourg was one of the agreements made by the European Economic Community to solve internal problems that had developed within the within the Community. It was developed as a result of the first internal conflicts of the European Communities and whose protagonist was the French President General Charles De Gaulle. Opposing a series of Commission proposals concerning, inter alia, to the financing of the common agricultural policy, France stopped participating in meetings of the Council from July 1965, demanding to take his place again in the Council a political agreement on the role of the Commission and a majority vote. This episode in European history is known as the "crisis of the empty chair" and was resolved thanks to the Luxembourg compromise (January 1966), which states when they were at stake fundamental interests of one or more countries, Council members would strive to find solutions that could be adopted by all while respecting their respective interests. *European Union Law*, <http://eur-lex.europa.eu/legal-content/ES/TXT/?uri=URISERV%3Axy0025>. (20.02.2017).

<sup>140</sup> The European Economic Community and Spain signed on June 29<sup>th</sup>, 1970, in Luxembourg a preferential trade agreement in order to mutually benefit from reductions in customs duties in their trade. This agreement occurred, according to analyzes Lopez Zapico in his article "The Preferential Agreement Between Spain and the EEC (1970) Assessed by the US Administration", an important debate within Nixon administration because of the serious consequences that could result the American economy. The agreement a dangerous precedent in relations between the Common Market with third countries. Franco Regime advantage of the situation to sign bilateral renewal with the United States.

The judgment and its significances after the pardon of sentence –because of the international impact of European Communities- manifestations and actions of solidarity in all the country or the support of Catholic Church, was a little key in the last years of pro-Franco regime, which went directed to one democratic transition.

Is the enlargement of another three new members to the European Communities (Great Britain, Ireland and Denmark) in 1973 and what it made weak the Spain's commercial situation. After that, the negotiations between Spain and European Communities continued to search a balance in that area and mutual concessions.<sup>141</sup>

### **2.1.2. From 1970 Preferential Agreement Until The Spanish Inclusion in European Community**

It is in this period when the General Franco pass away and the proclamation of Juan Carlos I as King of Spain happened on November 22<sup>th</sup>, 1975. The negotiations that were taking place in relation to European Communities suffered a setback as a result of the illness that Franco got in the summer of 1974. At the same time, in Portugal, the revolution of 25<sup>th</sup> April marked an important change in the political situation in that country.

It was hoped by Spain that the political evolution and the changes made possible a modification of the Preferential Agreement, to guide it towards the establishment of a Customs Union and an agreement based on common economic policy. But in the last negotiation has a blustery final to Spain. In the conference held on November 22<sup>th</sup>, 1974, the European Community rejected Spanish negotiating position and warned that they would not negotiate again about the base of its mandate.

In this critical situation in the Hispanic-Community relations, the Ambassador Ullastres decided to negotiate directly with Kergolay -Director of the Commission in European Communities and responsible of relations with Spain- trying

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<sup>141</sup> On March 29<sup>th</sup>, 1973, was signed in Brussels Supplementary Protocol to the 1970 Agreement.

to define a convergence area on industrial dismantling.<sup>142</sup>

After the agricultural concessions from the community was reached a compromise which was quickly adopted by the Spanish Government and which was introduced by Kergolay to the member states as a package for a last negotiating session that convened the Commission. When that successful engagement was going to conclude, another political fact –the judgments of Burgos- cut off those talks. The European Council of Ministers wanted to break all negotiations with Spain and abolish the Preferential Agreement of 1970, but some ministers defended the position of continuing with the discussions seeking a compromise/solution until the moment in which Spain returned to the democratic reality, i.e., at the end of the Franco's political regime.<sup>143</sup>

Surely abroad heard about the serious illness of General Franco, who finally die on November 20<sup>th</sup>, 1975. Immediately the succession continue with the crowning of Juan Carlos I as King of Spain. That event was attended by some heads of State of the European Communities as well as the Presidents of France and the Federal Republic of Germany, therefore assuming there was a representation of the support that EC gave to the Spanish monarchy.

At the same time the King in this speech raised the desire of joining to European Economic Community and later, the Council of Ministers of the European Union on January 20<sup>th</sup>, 1976, declared that they were willing to restart to negotiate. The elected Minister of Foreign Affairs José María de Areilza, emphasized the aim of

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<sup>142</sup> The press (specifically the "economic ABECE" published in Friday's edition April 4, 1975 an article, which among other things says: "The Federal Republic of Germany was the first country to give its formal approval to staff agreement between the heads of the delegations that negotiated a new trade treaty between Spain and the European Communities, ambassador Don Alberto Ullastres and Deputy Director General of the European Commission, Roland de Kergorlay. On the other hand, is believed that Italy will remain in his ultraconservative stance against any new concession that the Community may grant to Spain in the agricultural field. The European Commission expects to receive soon the reactions of the rest of the eight nations of the EEC."

<sup>143</sup> The reason for the desire to break the negotiations were the judgments of the Court of Burgos of 1975. The September 27<sup>th</sup>, 1975, just two months before the death of Franco, were executed in Madrid, Barcelona and Burgos, five people for the last time, giving the order from the council of ministers. With these latest executions was tried to show that Franco's Spain was not as weak as thought after the process of Burgos where six members of ETA were pardoned in their death sentences. Stanley Payne, *The Franco Regime, 1936–1975*. University of Wisconsin Pres, 2011.

achieving the membership of the European Economic Community at the beginning of the 1980s, meaning that those negotiations needed this time.

However, the first Government of the monarchy presided over by Carlos Arias Navarro failed to make credible the necessary transformations: make real the freedoms of association, assembly and expression. Even when on June 30<sup>th</sup>, 1976, was accepted the draft law of new political reform, it was insufficient to articulate a democratic system with political parties in Spain. On July 28<sup>th</sup>, 1977, the Spanish Government, headed by Adolfo Suárez, presented the application for membership again, and it was two months later when the Council of the Economic European Union held on September 20-21<sup>th</sup>, 1977, formulated its opinion favorable to this accession.

The Commission presented on April 19<sup>th</sup>, 1978, a twenty page document with an annex entitled "Joint reflections on the problems of enlargement" document which will be known by the name of "The Fresco", a great picture that reflected the problems of enlargement and in which reference was made to economic and institutional problems. It was mostly an analysis broadly of the difficulties in the economic, agricultural, energy, social and regional policy sectors.

In another fields, unemployment during the Franco's regime was hidden by emigration to Europe, but now the European crisis did not accept workers, producing instead the return of migrants. Inflation had exceeded the limit of 40% in the middle of 1977, and it was feared by the possibility of reaching the true hyperinflation, as which subsequently suffered the Ibero-American countries.

However, important reforms were taken by Adolfo Suarez and is with the new approved Constitution, when the previous Franco's regime stay behind and the culmination of the famous "Spanish transition" started. The promulgation on December 6<sup>th</sup>, 1978, meant a social and democratic state of law which advocates freedom, justice, equality and political pluralism as higher values of the legal system. Likewise, the principle of popular sovereignty takes hold, and sets the parliamentary monarchy as form of Government. It should be recalled that it establishes a territorial organization based on the autonomy of municipalities, provinces and autonomous

regions. The Constitution also sets that the King is the head of State, it performs functions of eminently symbolic nature, which has no effective power of decision and that their actions have a formal nature, whose validity depends on the endorsement of the competent authority that, as the case may be, is the President of the Government, the President of the Congress of Deputies, or a Minister. <sup>144</sup>

Negotiations between Spain and EC resurrected again because of Europe was engulfed in a vast second economic crisis, the lack of agreement between King Juan Carlos and President Suarez and the growing tensions within his own party, led him to resign on January 29<sup>th</sup>, 1981. In the middle of this tense climate, it started the substitution processes of Suarez. It is on 10<sup>th</sup> of February when Leopoldo Calvo-Sotelo was named candidate for Prime Minister, and on 18<sup>th</sup> when he presented his Government. However, in 20<sup>th</sup> of October he didn't obtain the required majority, and second elections had to be celebrated on February 23<sup>th</sup>, 1981. It will be that day the elected one by coup leaders for their attempt of coup d'état. According to the layout plan, a group of civil guards, bursts into the Chamber of the Congress of deputies headed by Lieutenant Coronel Antonio Tejero. In the early morning of February 24<sup>th</sup>, the King intervened on television, dressed in uniform of Captain General of the armies to stand against the coup leaders, defend the Spanish Constitution and order the armed forces in his capacity as Commander in Chief.<sup>145</sup> Subsequently, the coup was unsuccessful and it was condemned with all hardness by the countries of the European Economic Community with whom Spain was negotiating the accession.

On 24<sup>th</sup> of February the European Commission published a report in which it said that the Community had followed - since the democratic transition - with admiration the rapidity with which Spain had recovered the democratic traditions of Europe, quickness that was the expression of a great political maturity. Those events encouraged the new Government to seek the entry and member states decided to open

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<sup>144</sup> Stanley Payne, *Ibid.*

<sup>145</sup> There was a before and an after following the attempted coup on February 23, 1981. The refusal of the king to support the coup allowed abort along that night, ordering the army to withdraw troops from the streets. The coup was condemned harshly by the countries of the European Economic Community with whom Spain was negotiating accession. 23-F: The longest afternoon. *Newspaper La Vanguardia*, October 16<sup>th</sup>, 2008.



consultations for the accession of Spain and Portugal confirming the political compromise which constitutes the basis of this decision and welcoming the leaders of these two countries to occupy their place in the European Council as full members. Previously the European Parliament had adopted a resolution inviting the Council to sign the date of accession. The President of the Government Leopoldo Calvo Sotelo travelled to Brussels, fashioning an agenda to advance in negotiations but France returned to impose preconditions and above all to demonstrate that until the internal problems are unresolved it should not be negotiated any chapters on agriculture, fishing and services.

The situation will changed with new government elections and proclaimed the victory of Felipe González. This victory meant that for the first time since the 1936, a left-wing party formed a Government and the end of the historical period known as the Spanish transition. In his inaugural speech held in the Congress of Deputies in 1982, he manifested his intentions to pave the obstacles to get the Spanish integration into the European Community. The new Minister of Foreign Affairs chaired the session of negotiations held on December 13<sup>th</sup>, 1982 stating that membership of Spain to Europe is one of the most important keystones of Spanish foreign policy.<sup>146</sup>

The difficulties that were normally produced with France fade away thanks to two important meetings held on January and July of 1983. Those helped to achieve improvements on agricultural policy and made Spain have hopes on their full integration to the Community.<sup>147</sup> As a result, it will be the last round of negotiations held from March 17-22<sup>th</sup>, 1985, the one which will unlocked the issues on fisheries and social policy and also the one which contributed to establish of a transitional period of seven years for the integration of agricultural products and thus as to the free movement of workers inside the Community.

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<sup>146</sup> Regarding to the process of entry into the EU it has been primarily used the essay of Rogelio Pérez-Bustamante González de la Vega, *Historia política y jurídica de la Unión Europea*, 2008.

<sup>147</sup> The Spanish government felt that ideological coincidence with Paris could be made profitable in favor of an approach of negotiating positions. A lot of initiatives were taken to improve relations with that country, and that allowed direct contact between the heads of each country of conflict and meetings sectors, especially between agriculture ministers from both countries, Carlos Romero and Michel Rocard. Rogelio Pérez-Bustamante González de la Vega, *Ibid.*

## 2.2. Three Decades of European Integration

The aspirations of Spain to achieve joining the European Communities gained momentum with democracy (President Adolfo Suarez called the July 26<sup>th</sup>, 1977 official accession to the EEC), finally seeing satisfied on June 12<sup>th</sup>, 1985 with the signing of Accession Treaty in Madrid and effective integration on January 1<sup>st</sup>, 1986.

In that moment Spain assumes its responsibilities promoting a more democratic and effective Union, closer to citizens and able to respond the challenges and needs of the new century.

### 2.2.1. First Period: 1982-1996. Felipe González's Government

The III legislature of Spain begins with the 1982 general election in which the PSOE Party (left-wing) got the victory with absolute majority and Felipe González was elected President of the Government of Spain.

On June 22<sup>th</sup>, 1986 Felipe Gonzalez was elected for the second consecutive time. However now, the People's Coalition (Popular Party -right wing-) Have more seats and is consolidated as the second political force.

The process of joining the Common Market completed on January 1<sup>st</sup>, 1986 was quite long and cumbersome. But public discourse Felipe González Party (PSOE) before the signing of the Treaty of Accession to the EEC presented the entry of Spain as *"Overcoming of a secular isolation", "participation in the common destiny of Europe", "the culmination of a process of struggle of millions of Spaniards", "breaking the historical isolation of Spain" and ultimately, "the triumph of democracy over the embers of the regime... "*

The process of integration into NATO was also one of the roughest points during the legislatures of Felipe González; this was due to the substantial change of position regarding the entry of Spain in this organization (the PSOE maintained a radically negative stance before its entry into the government, a position that changed

the moment of coming to power). In 1982, González had showed to the polls the promise that he would call a referendum to go out from the Alliance, which numerous Spanish considered as a simple tool of US foreign and security policy. However, it quickly began on him that removal would damage his country's position in Europe and outside, but he was reluctant to go back on his electoral promise.

The only solution was to call a referendum after having influenced public opinion of the profits of staying inside the Community. EC representatives and ambassadors on behalf of the 9 member states which also belonged to NATO were obviously cautious not to publicly request that Spain continue in the Alliance as a precondition for accession.

The relation between continued NATO affiliation and upcoming inclusion to the EC was actually particularly restrained. In their interactions with those 9 member states, Spanish representatives insinuate that belonging to the EC would help win a referendum on continued membership of NATO; for their part, some of their negotiators assured to be more cooperative in the accession dialogues if they made promises as to Spain's future contribution to the Alliance.

Ultimately, the greatest confirmation of a relation among both subjects is the fact that González until October 1984 didn't risk calling the NATO referendum, once consultations with the EC had been cleared, and did not hold it until March 1986, when Spain was already a member. So in all that events, the lack of popular support for belonging to NATO should have been one of the Spanish government's useful cards in its EC accession debates.

### **2.2.1.1. Admittance into European Community**

At 20.53 hours on June 12<sup>th</sup>, 1985, in the presence of the King and the President of the Republic of Italy, in a solemn ceremony held in the Royal Palace, it was signed the Treaty by which Spain finally joined to the European Community.

Following the community ritual to choose a Commissioner from the

Government and other from the opposition, will be appointed Manuel Marín as Secretary of State for the EEC and Abel Matutes from Popular Party. Therefore is in the first half of 1989 when occurred for the first time the Spanish Presidency of the Council of the European Union and also when in the same year a new Commission will be re-elected will produced the third election to the European Parliament.<sup>148</sup>

The first European elections by direct universal suffrage were held in 1979 and the following one in 1984. The third one in Spain took place on June 15<sup>th</sup>, 1989, carried out simultaneously with the elections in Denmark, Holland, Ireland and the United Kingdom, and choosing the 60 MEPs who would represent Spain under the terms of the article 10 of the Act of Accession of Spain to the EC.

Spain achieved 60 out of 518 deputies of the European Parliament, and one of the 13 judges in the Court of Justice. Seeing that in 1985 Spain's inhabitants signified 12% of that of the EC-12, on average, its official weighting was around 11 per cent constituted a substantial diplomatic triumph. Even though many of the leaders in these events have been indecisive to admit it, there is no doubt that association to the EC was closely connected to Spain's continued attendance in NATO.<sup>149</sup>

In another field, it will be in the European Council of June 1989, under the Spanish Presidency where, using the Jacques Delors' report<sup>150</sup>, it started the

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<sup>148</sup> This presidency gives reference Solbes Mira, Arias Cañete, Aldecoa, and Gonzalez Sanchez showing that the preparation of that first presidency began in March 1986 and was attended directly the then Secretary of State for the European Communities, Pedro Solbes working with the Permanent Representation of Spain in Brussels created by Royal Decree 260/1986, in order to plan the activities of the Council of Ministers, the coordination of the various bodies of the competent administration including the preparation of the European Councils to be held in that semester. Araceli Mangas, *La presidencia del Consejo Europeo*, 2010, p. 237-252.

<sup>149</sup> Spain joined NATO in early 1982. The Government of the UCD directed by Leopoldo Calvo Sotelo signed accession on December 10, 1981 (according to polls published by the newspaper El País, with only 18% of the population for entering). After the elections of October 1982, in which won PSOE Party, Felipe González was forced to hold a referendum on the permanence of Spain in NATO. However, in less than five years the socialist leader went advocating the abandonment of the Alliance to defend fervently, even threatening to leave the government. *Newspaper Público*, <http://www.publico.es/politica/cronica-engano-30-anos-del.html>, (21.02.2017).

<sup>150</sup> In the Delors report the benefits of a single currency is exposed; these advantages would be the new currency increased economic activity by eliminating transaction costs by currency exchange operations and greater transparency on prices in EU markets. María Vidales Picazo, La crisis del sistema monetario europeo y la conveniencia de establecerse como moneda única. *Boletín económico de ICE, Información Comercial Española*, No 3059, 2015, p. 39-50.

establishment of EMU<sup>151</sup>, a process born in 1990 and which had the ultimate aim of the introduction of a single currency, the Euro. The establishment of Economic and Monetary Union will be distinguished three phases: 1990-1993, 1994-1998 and 1999-2016. It will be in this first period when the limitations on the capital movement between the member states disappear and it starts to strength the cooperation among the national central banks.<sup>152</sup>

As a conclusion, roughly, Spain's admittance to the EC might be seen as the reasonable conclusion of the slow development of socio-economic and political conjunction which had launched some years before. At a socio-economic aspect, the turning point was mostly the Stabilization Plan of 1959, while in the political arena it was Franco's death in 1975 that manifest the point of no return.

Though, this must not led us to undervalue the complications faced on the long road to Europe. Specially, it is habitually elapsed that, after advancing quickly up to 1974, Spain's economic union with the EC worsened during accession dialogues on reason of the uncertainty related to the transition to democracy, a wages shock, and two oil crises. No too much applicants to belong the EC have ever lived a hindrance of this scale.<sup>153</sup>

The admittance of the EC signaled the commencement of a drastic renovation of the Spanish economy (Martín, 1998; Montes, 1993; Viñals, 1996). When Spain integrate in the European market it was mandatory to eradicate tariffs and contingent protection absolutely during 7 years, which was a significant determination for an economy that was still pretty locked, and whose effective defense rate vis-à-vis the exterior was still 25% in 1985 (3 times more than the average of its EC associates). To exemplify the magnitude of the transformation, one just has to remember that, while

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<sup>151</sup> European Economic and Monetary Union.

<sup>152</sup> In this period the Maastricht Treaty, which provides for the abolition of national currencies by the common currency, the euro is signed. Baltazar Hernández - Juan Carlos, *El Euro y el Comienzo de la Moneda Única Regional en el Mundo*, 2006.

<sup>153</sup> To address this critical situation (falling GDP, declining employment levels, inflationary pressures and rising foreign debt) launched a series of measures: the Program Sanitation and Reform (1977) and Moncloa Pacts. Fransisco COMÍN, *Reaching a political consensus for tax reform in Spain: The Moncloa Pacts, Joining the European Union and the Rest of the Journey*, International Center for Public Policy, Andrew Young School of Policy Studies, Georgia State University, 2006.

in 1975 total Spanish imports and exports were 27% of GDP, in 1985 ascend to 36 per cent, and 10 years later of its association with EC, it had increased to 61% by 1995, a level similar to that of the most developed European economies<sup>154</sup>. During the transformation, Germany substituted the US as Spain's foremost provider of industrial goods, while mostly Latin American and US' agricultural imports were progressively exchanged by French harvest. In a little while, Germany and France were not only the main political actors in Spain's admittance discussions, but also its most important economic beneficiaries.

Taking everything into account, strong and continued backing for inclusion in the face of significant harsh conditions must surely be incorporated amongst the reasons that in the end account for Spain's subsequent ability to get such an extraordinary achievement of EC membership.

### **2.2.1.2. Spanish Contribution in The TEU Or Maastricht Treaty of 1992**

One of the most important aspects of the participation of Spain in the historical and current European integration process refers to the transformations occurred in the context of the Community reform treaties, those developed in relevant Intergovernmental Conferences<sup>155</sup> at which member States adapt the new legal and institutional framework of the European project. Spain began to be part of the European Community in 1986, also in the same moment as when the first of the constitutional changes lead to a Single European Act (SEA).<sup>156</sup>

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<sup>154</sup> Sonia Piedrafita, *20 years of Spain in the European Union (1986-2006)*, European Parliament, 2006.

<sup>155</sup> The "Intergovernmental Conference" (IGC). They are conferences of representatives of the Governments of the Member States are held to discuss and agree changes to the EU treaties. Before the entry into force of the Lisbon Treaty in 2009, this was the only procedure for the revision of the Treaties. *European Council*, <http://www.consilium.europa.eu/es/documents-publications/intergovernmental-conferences/>,(21.02.2017).

<sup>156</sup> The Single European Act, signed in Luxembourg on February 17<sup>th</sup>, 1986, by the nine Member States and on 28 February 1986 by Denmark, Italy and Greece, is the first major amendment of the Treaty Establishing the European Economic Community. It entered into force on July 1<sup>st</sup>, 1987. *European Union Law*, <http://eur-lex.europa.eu/legal-content/ES/TXT/?uri=URISERV%3Axy0027>, (21.02.2017).

The Treaty was drafted with the intention of including fragments of the Dooge report on institutional reform of the Community and the European Commission's white paper on reorganizing the Common Market. Nine countries, Belgium, the Federal Republic of Germany (FRG), France, Ireland, Luxembourg, the Netherlands, Portugal, Spain, and the United Kingdom, signed the Single European Act at Luxembourg on February 17<sup>th</sup>, 1986.

The central themes which Felipe González remarked for Spain in those intergovernmental conferences attended four main priorities: regulation of haven in the fight against terrorism, the special status for ultra-peripheral regions; Economic and social cohesion and the decision-making on funds of cohesion and finally recognition as a large State in the Council of Ministers.

Above all, it should be stressed that during the Maastricht Treaty negotiations the Government of Felipe González made economic and social cohesion one of their main objectives achieving the acceptance of its position and therefore including the policy of economic and social cohesion within the Treaty and articulating the resultant Cohesion Fund.<sup>157</sup> In 1992, the Maastricht Treaty whereby the Union Treaty is modified to gather EMU<sup>158</sup> is signed. This Treaty provided for the abolition of national currencies by the common currency and also laid down a series of economic conditions of convergence, so-called convergence criteria, concerning the stability of prices within a marked parameters, to the public deficit, public debt and exchange rates, which were obligatory for countries wanting to join the EMU.

To these important subjects, we should add another issues in which Spain play a significant role in the arena of the treaty reforms, the construction of the

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<sup>157</sup> In 1993 the Cohesion Fund was created to finance projects of EU countries with low capita incomes lower to make them approach to richest ones. Until the end of the mandate of González, structural and cohesion funds increased for Spain year were created a year. Spain would, eventually, one of the major beneficiaries. Susana Borrás, EU multi- level governance patterns and the cohesion fund. *European Planning Studies*, vol. 6, no 2, 1998.

<sup>158</sup> Economic and Monetary Union of the European Union.

European citizenship<sup>159</sup> or the development of specific policies and in particular those related to freedom, security and justice. (Area of Freedom, Security and Justice).<sup>160</sup>

Consequently, the regulation of asylum in the European Union was one of the priority issues for Spain during the 1996 Intergovernmental Conference that would lead to the Treaty of Amsterdam, and which essentially was built in the area of freedom, security and justice reflected in the Maastricht Treaty under the heading of Justice and Home Affairs.<sup>161</sup> The fact in which European countries extradite the suspected ETA<sup>162</sup> collaborators raised up as first problem the regulation of asylum which was not considered in the agenda of the Intergovernmental Conference. Spain threatened to veto if they didn't seek for a satisfactory solution to the problem of European judicial and police cooperation. However, finally it was joined to the agenda the fight against terrorism thought judicial cooperation between members.

New elections to European Parliament took place on June 12<sup>th</sup>, 1994. That day were also held elections in Germany, Belgium, France, Greece, Italy, Luxembourg, Portugal and United Kingdom. According to the previous elections, the Spanish delegation had risen to 64 MEPs. In accordance with organic law 5/1985, of June 19<sup>th</sup>, of the General Electoral Regime (article 214), there is a unique constituency without electoral threshold (minimum to be awarded seats; percentage in the Spanish

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<sup>159</sup> The issue of "citizenship of the Union" has been referred to in the "Statute of Citizenship of the European Union, referred to in Articles 20 to 25 of the Treaty on the Functioning of the European Union (TFEU). Diego Liñán Nogueras, *La Ciudadanía de la Unión europea*, Consejo General del Poder Judicial, 1993; Gil Carlos Rodríguez Iglesias - Diego Liñán Nogueras, *Derecho comunitario europeo y su aplicación judicial*, Consejo General del Poder Judicial, 1993.

<sup>160</sup> The area of freedom, security and justice (AFSJ) is the name given to a set of policies and actions that the European Union deploys essentially within but also outside its borders, to achieve the goal of creating a shared area between their Member States. Here is reached a high degree of cooperation and policy, police and judicial coordination at Community level to provide internal security, effective justice and strong protection of civil liberties to its citizens. *Spanish Ministry of Foreign Affairs and Cooperation*, <http://www.exteriores.gob.es/Portal/es/PoliticaExteriorCooperacion/UnionEuropea/Pagin as/Espacio-de-libertad.aspx>, (21.02.2017)

<sup>161</sup> It was seek a formula to control the requirements of the processing of asylum for EU citizen whose state have suspended constitutional rights or violated human rights and the principles of the Union . Luis Mateo Canalejo. *La revisión del tratado de Maastricht: conferencia intergubernamental de Amsterdam*. Cuadernos de estrategia, no 95, 1998, p. 57-80.

<sup>162</sup> Eusladi Ta Aslatauna. Basque expression which can be translated as "The Basque Country and Freedom". This terrorist group with Basque nationalist ideology proclaims independence and revolution. It ceased its armed activity in 2011. Ignacio Sánchez-Cuenca, *La pervivencia del terrorismo de ETA: Violencia política*, Instituto Universitario de Historia Social 'Valentín de Foronda', Madrid 2010, p. 207-234.



General is 3%).<sup>163</sup> Of 35 presented candidates, only five achieved representation. The most voted in the list was the Popular Party (PP), being the first time that PSOE was defeated in European elections, losing eight points regarding the previous general elections. It was also the first time that the PSOE lost a statewide election since 1982. On the contrary, PP had won more than five points and it was the most voted in all the Spanish autonomous communities except Catalonia, Basque country, Andalusia and Extremadura. Another remarkable aspect was the growth of “Izquierda Unida” (Left Unity) –left wing party-, which would bend their votes, and the drastic reduction of parties represented (despite having four seats more than distribute). Bipartisanship is emphasized, adding up PP and PSOE 70, 91% of the votes, against the 60, 98 of the previous European elections.

**Table 4:** 1994 European Parliamentary Elections in Spain.

PARTY	CANDIDATE	VOTES	%	SEATS	+/-
<b>Popular Party</b>	Abel Matutes	7.453.900	40,12	28	+13
<b>PSOE</b>	Fernando Morán	5.719.707	30,79	22	-5
<b>United Left</b>	Alonso Puerta	2.497.671	13,44	9	+5
<b>Convergència and Union</b>	Carles Gasòliba	865.913	4,66	3	+1
<b>Nacionalist Coalition</b>	Jon Gangoit	518.532	2,79	2	+1

**Source:** Martínez, J. M. G. (1996).

Finally, in the second half of 1995 June–December, Spain lead the Presidency of the Council of the Union if in difficult political conditions and in a period of institutional crisis. Spain reflected a priority goal the Euro Mediterranean Conference

<sup>163</sup> According to the electoral legislation for the European elections, published on the occasion of the celebration of the 1994 European elections in nine Member States (Austria, Denmark, Spain, France, Greece, Luxembourg, Netherlands, Portugal and Sweden) the whole territory national constitutes a single electoral constituency. In five Member States (Belgium, Finland, Ireland, Italy and the United Kingdom) the electoral territory is divided into districts. In Germany, parties have the opportunity to submit lists of candidates in the "Länder" or at national level, and in Finland for electoral zone or nationwide.

and the Barcelona Declaration<sup>164</sup> as a basis for the development of a global and multilateral framework for dialogue and cooperation between the two shores of the Mediterranean.

The Spanish Presidency will ended at Madrid Council on 15 and 16 December 1995 in which there were taken several important decisions in the field of employment, single currency, enlargement to the East and IGC. To conclude with that period, we must also emphasize that on December 3<sup>th</sup>, 1995 as a result of the improved relations between US/EU, the new Transatlantic Agenda (NTA)<sup>165</sup> was signed. One of the most important achievements of the Spanish Presidency and in which three points were emphasized: Promoting peace, stability, democracy and development around the world, responding to global challenges and contributing to the expansion of world trade.

### **2.2.2. Second Period: 1996-2004**

After his victory in the legislative elections of 1996, the Popular Party came to power in Spain and held it during two terms.

However, in the first period ruled thanks to the parliamentary support of the Catalan nationalists (CiU), the Basque Country (PNV) and Canaries (Canary Coalition), while in 2000 they won with an absolute majority. The Socialist domain,

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<sup>164</sup> The Barcelona Declaration adopted at the Euro-Mediterranean Conference on 27 and 28 November 1995, helped the participants (countries of the European Union, Tunisia, Turkey and the Palestinian Authority), declared to be convinced that peace, stability and security in the Mediterranean region are a common asset, which they undertake to promote and strengthen by all means available. Therefore they agree to maintain an intensive political dialogue at regular intervals, based on respect of international law and setting common objectives for internal and external stability. Kern. S. (2005).

<sup>165</sup> In an attempt to restructure transatlantic relations, Clinton and the President of Government Felipe González signed the New Transatlantic Agenda (NTA) along with a Joint Action Plan (Joint Action Plan, JAP) in the EU-US Summit in Madrid in December 1995. NTA, which complemented the Transatlantic Declaration established a basic structural link between Washington and Brussels to create a high-level institutional framework to manage major transatlantic differences. In fact, although the Transatlantic Declaration was designed to create a relationship of consultation, the aim of the NTA was lead to joint action. The NTA, covering the economy, trade and security, proposed joint actions in four key dimensions: promoting peace and stability, democracy and development worldwide; respond to global challenges; contribute to the expansion of world trade and some closer economic ties; and build bridges on both sides of the Atlantic.

who had gone on for the past four legislatures, under the leadership of Felipe González, it was nearing its end; the PSOE fell defeated weighed down by the economic crisis and rising unemployment (over 20% in the mid-90s) and successive cases of corruption and scandals that stained the last years of his Government.<sup>166</sup>

### **2.2.2.1. First Governorship of José María Aznar (1996-2000)**

The 6<sup>th</sup> legislature of Spain begins with the 1996 general elections and ends with the general elections of 2000. It will be governed for the first time by the Popular Party –right wing-, then led by President José María Aznar.

The Popular Party victory meant a change in the political landscape after 14 years of rule by PSOE. This one, the main opposition party, faced this legislature without the attendance of Felipe González, being replaced as Secretary-General of the party by Joaquín Almunia in 1997. On May 5<sup>th</sup>, 1996, José María Aznar would swear his position as the new President of the Government of Spain. And only a few months before, when he still was a leader of the opposition, he was the victim of an attack by ETA, which came out unscathed thanks to the armor of the vehicle.

The Spanish Government headed since mid-1996 by José María Aznar's interest led to the States of the Union to look for a commitment of a new Convention on European extradition and which ensure justice for alleged terrorist refugees in member states for complaining of another EU State. Some European countries which were reluctant initially, started to approach their positions progressively.

In any case, these difficulties would be overcome articulating a clear

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<sup>166</sup> Throughout the 90s, the corruption scandals became the major drag for the Socialist Party, as were breaking out one after another, with great media coverage. Possibly these corruption scandals were the main cause that cause the end of the government of Felipe González. In addition, the GAL case (an acronym for Anti-Terrorist Liberation Groups, "Antiterrorist Liberation Groups" that the government had funded) had important political consequences to prove misuse of public funds (the so-called "Reserved Funds") and be condemned Minister Interior Jose Barrionuevo, and the Secretary of State for Security, Rafael Vera. Pablo Salso, Fondos reservados: Mucho ruido y pocas nueces. *Cambio 16*, No. 1574, 2002, p. 16-18.

regulation of the asylum in the development of freedom, security and justice by the Amsterdam Treaty of 1997, which would turn this matter at one of the fundamental missions of the Union, integrating it largely at the community level.

The second of the most relevant issues it was the inclusion of Spain in the Euro partners. The desire to form an Economic and Monetary Union within the European Union, had been born officially in 1988, with the ultimate aim of the introduction of a single currency, the euro, as a natural continuation of the Economic Union.

**Table 5.** The Three Stages to EMU

<b>STAGE 1 (1990-1994)</b>	Implementation of the internal market and remove restrictions on further financial integration
<b>STAGE 2 (1994-1999)</b>	Establishment of the European Monetary Institute (EMI) to strengthen cooperation between central banks and preparation of the European System of Central Banks (ESCB). Planning the transition to the euro. Defining the future government of the euro area. Achieving economic convergence between Member States.
<b>STAGE 3 (1999 -onwards)</b>	Fixing the final exchange rates and transition to the euro. Establishment of the ECB and the ESCB with an independent monetary policy. Implementation of binding budgetary rules in the Member States

**Source:** Prepared table according to data from document: "A Europe, a coin. The road to the euro". *European Commission*, [http://ec.europa.eu/economy\\_finance/publications/general/genera\\_en.htm](http://ec.europa.eu/economy_finance/publications/general/genera_en.htm), (21.02.2017).

The establishment of the EMU as a process of progressive character that was born in 1990, and which distinguished three phases would be set by the European Council in June 1989, on the basis of the Delors' report. In this one, it was explained that the existence of a single currency will be joined to several advantages, as it was expected that the new currency will bring an increase in the economic activity derived from the elimination of transaction costs by currency exchange operations, as well as greater transparency to the prices on the Community market thus facilitating greater exchanges.

They were established three phases to carry out this Union; the first one, corresponding to the years 1990 to 1993. In this period the limitations on the capital

movement between member states were deleted and it was strength the cooperation between the central banks of the countries. In 1992 the Maastricht Treaty was signed whereby the Union Treaty is modified to belong the EMU. This Treaty delivered the abolition of national currencies by the common currency and also laid down a series of economic conditions of convergence, so-called convergence criteria, concerning the stability of prices within a marked parameters, to the public deficit, public debt and exchange rates, which were obligatory for countries wanting to join the EMU.

The second phase would correspond to the years 1994 to 1998, and emerged with the creation of the European Monetary Institute, forerunner of the European Central Bank. The countries of the Union had to meet the pre-conditions established for accessing to euro. Spain ended 1997 with the homework done to gain access to the Monetary Union on January 1<sup>st</sup>, 1999.

In 1996, Aznar inherited the Structural Funds<sup>167</sup> for the period 1994-1999 that the European Union aims to strengthen the economies of the poorest countries (Spain, Ireland, Greece and Portugal). Spain will got more than half of these funds, and also it was the EU country who acquired more money from the Cohesion Fund after France. In this parliamentary term, the GDP of Spain growth 1.1% higher than the average of the European Union, trend that is maintained until the financial crisis of 2008.

Unemployment dropped 7% over four years. The wage increased less than the prices what provoked that during the term of Aznar, Spain was the only country in the EU which had a setback. The sectors that led the growth of work (construction, hospitality, service domestic...) generated little productive employment and consequently low salaries.

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<sup>167</sup> According to Euro-Lex, (consulted their website as of May 23<sup>th</sup>, 2016), Structural and European Investment Funds are funds that work so together to support economic, social and territorial cohesion and achieving the objectives of the Europe 2020 Strategy of the European Union (EU) for smart, sustainable and inclusive growth . There are five funds:

- European Regional Development Fund (ERDF)
- European Social Fund (ESF)
- Cohesion Fund (CF)
- European Agricultural Fund for Rural Development (EAFRD)
- European Maritime and Fisheries (FEMP)

Temporary contracts rose to represent one of every three jobs, this figure being 250% higher than the European average. Despite the entry into force of the prevention law on occupational risks in February 1996, accidents increase by 42% between 1996 and 1999. The rate of accidents went from 61 to 73 accidents per 1000 workers. The EU recommended in the European Social Charter<sup>168</sup> that the national minimum wage (SMI) it should be the same or greater than 60% of the country average wage, in Spain reached 34% in the year 2000.<sup>169</sup>

One of the first measures of the Aznar Government was to approve the "Modernization program of Public sector" (SEPI<sup>170</sup>), i.e. the systematization of privatizations. Some of the companies that ceased to be owned by the State in that period were: Telefónica, Endesa, Aceralia, Argentaria, Tabacalera, Repsol and Gas Natural. Revenues from privatization helped quickly reduce the public debt of the 68 to 63%. Also, in this legislature the tax burden increased by more than 10%; in 1998 Spain signed the Kyoto Protocol, but despite this commitment, the emissions of GHG in Spain increased 28% between 1996 and 2000, 21 breach of what has been agreed.

However, the Spanish economy cut through from that in 1997, a time of prosperity, only overshadowed by the high level of unemployment which flogged the

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<sup>168</sup>As defined in the work of Jean Michel Belorgey (2007), the European Social Charter of the Council of Europe and its monitoring body: The European Committee of Social Rights, the European Social Charter is the most important international treaty on social rights not only from the point of view of the number of rights, but above all from the perspective of effective protection of those rights.

The European Committee of Social Rights has contributed decisively to its jurisprudence to strengthen the control mechanism of the Social Charter by the reporting system and through the system of collective complaints. The jurisprudence of the European Committee of Social Rights has known a significant development in employment, social protection and the fight against poverty and social exclusion; the Committee devises a common standard on effective protection of social rights that downplays the issue of incorporation of the Social Charter and its direct applicability in domestic jurisdictions.

<sup>169</sup> Ignacio Rodríguez De Arce, *La España Contemporánea (1975-2012): Evolución Política y Marco Constitucional*, EDUCatt-Ente per il diritto allo studio universitario dell'Università Cattolica, 2014.

<sup>170</sup> The popularity of privatization according Belorgey (2007), was attributable to several factors:

- The political desire to reduce the state's role in the economy and reduce economic distortions caused by political interference in the public business sector.
- Increase the number of business owners enhancing the so-called "popular capitalism" and develop domestic capital markets, increasing its volume of market capitalization.
- To increase government revenue without increasing debt or taxes (Vickers and Yarrow, 1998). When public companies are privatized loss, it can reduce the deficit by eliminating subsidies that these companies accounted for the state, and otherwise increase revenue through taxes to generate higher profits.
- Finally, the most frequent argument for privatization refers to the general perception that the results of public enterprises are worse than those of private.

country and affected one of every five people of the working age. The Economic outlook and the good behavior of the indicators, made Spain one of the best countries in compliance with requirements for entry into European single currency system.

On May 2<sup>nd</sup>, 1998, it was approved the 11 countries which will be part of the EMU<sup>171</sup> from 1999 in the Maastricht agreement. These countries were Germany, Austria, Belgium, France, Finland, Ireland, Italy, Luxembourg, Netherlands and Portugal, and Spain. Thus, the inclusion of Spain in the 11 initial countries made Aznar culminated with a great success for Spain becoming part of a global economic power.

The European Union support to Aznar Government in the area of freedom, security and justice (AFSJ<sup>172</sup>), had its basis to the fact that in this term it was committed the kidnapping and subsequent murder of the popular councilor Miguel Angel Blanco, and the kidnapping of José Antonio Ortega Lara and Cosme Delclaux, among other multiple ETA attacks. On September 16<sup>th</sup>, 1998, ETA announced a truce indefinitely and without conditions which only 60 days later will began again. Aznar ordered contacts in the terrorist group, having a first meeting in Zurich and modifying its policy of dispersal of the terrorists, approaching 135 prisoners to the Basque country. However, the talks failed and ETA broke truce two months after the advertisement.

Between 1996 and 1999 was the full integration of Spain into the military structure of NATO and the European Union. The 1999 Spain participates in the bombing of Yugoslavia carried out by NATO for ten weeks. Popular Party voted in favor of the bombing, as well as the majority of the Parliament. Only opposed to the

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<sup>171</sup>The desire to form an Economic and Monetary Union (EMU) within the European Union, born in 1988, with the ultimate goal of the introduction of a single currency, the euro as a natural continuation of the economic union. The European Council in June 1989, based on the Delors report sets the establishment of EMU as a progressive process that was born in 1990, and in which three phases are distinguished. The Delors report was attributed to the existence of a single currency a number of advantages as it was anticipated that the new currency lead to an increase in economic activity resulting from the elimination of uncertainty and transaction costs for operations of currency exchange and greater transparency on prices in EU markets, thus facilitating greater exchanges. María Vidales Picazo, *Ibid p.88*.

<sup>172</sup> The area of freedom, security and justice (AFSJ) is a collection of home affairs and justice policies designed to ensure security, rights and free movement within the European Union (EU). Areas covered include the harmonization of private international law, extradition arrangements between member states, policies on internal and external border controls, common travel visa, immigration and asylum policies and police and judicial cooperation. *European Parliament*, [http://www.europarl.europa.eu/atyourservice/es/displayFtu.html?ftuId=FTU\\_5.12.1.html](http://www.europarl.europa.eu/atyourservice/es/displayFtu.html?ftuId=FTU_5.12.1.html), (21.02.2017).

United Left and the BNG (Galician party).

The elections to the European Parliament in 1999 in Spain took place on June 13 of that year, simultaneously to the municipal and regional elections also. The Spanish representation remained at 64 MEPs. This time, 36 nominations were submitted, and only eight obtained representation. The most voted list was, as in previous elections, the Popular Party (PP), leaving PSOE-Progresistas (coalition between the PSOE and the new left Democratic Party) in second place. The PP maintained its results while the PSOE regained almost five points from the previous elections. The third repeated Izquierda Unida, however bipartisanship has accelerated again, adding up PP and PSOE 75,07% of the votes, against the 70,91 of the previous European elections.

**Table 6:** 1999 European Parliamentary Elections in Spain.

	PARTY	CANDIDATE	VOTES	%	SEAT	+/-
	<b>Popular Party (PP)</b>	Loyola de Palacio	8.410.993	39,74	<b>27</b>	<b>-1</b>
	<b>PSOE-Progresistas</b>	Rosa Díez	7.477.823	35,33	<b>24</b>	<b>+2</b>
	<b>United Left (IU)</b>	Alonso Puerta	1.221.566	5,77	<b>4</b>	<b>-5</b>
	<b>Convergence and Union (CiU)</b>	Pere Esteve	937.687	4,43	<b>3</b>	<b>=</b>
	<b>European Coalition</b>	Isidoro Sánchez	677.094	3,20	<b>2</b>	<b>+2</b>
	<b>Europe of the People – Nationalist Coalition</b>	Josu Ortuondo	613.968	2,90	<b>2</b>	<b>+2</b>
	<b>Galician Nationalist Bloc (BNG)</b>	Camilo Nogueira	349.079	1,65	<b>1</b>	<b>+1</b>
	<b>Bloc (BNG)</b>	Román				
	<b>Euskal Herritarrok (EH)</b>	Koldo Gorostiaga	306.923	1,45	<b>1</b>	<b>+1</b>

Source: *European Parliament Website*; <http://www.europarl.europa.eu/election/>, (21.02.2017).

### 2.2.2.2. Second Governorship of José María Aznar (2000-2004)

The VII legislature of Spain would began with the 2000 general elections of 12 March and it will finished with the 2004 general election whose result would make again José María Aznar, President of Spanish government heading the Popular Party. General elections gave an absolute majority to the Popular Party, so it did not have to



negotiate with other parliamentary groups as he did in 1996. Not need to covenants produced political difficulties, especially from 2002.<sup>173</sup>

The Spanish economy continued to grow at a faster rate than its European neighbors. The macroeconomic indexes placed Spain in good position in the process of European convergence.<sup>174</sup> However, the increase in the prices of housing, about a 10-15% per year during this period, in contrast to the official consumer price index and the increase in wages, which were much lower, became one of the major concerns of the Spaniards.<sup>175</sup>

In 2001-2002 measurement of the CPI<sup>176</sup> adapted to European legislation. Not only they renewed the products, they also inserted innovations in how to calculate the CPI, so that means that it was not a 'base change', it was a 'change of the system' which entered into force with the publication of the IPC in January 2002.

The start of this new Spanish term coincided also with the Intergovernmental Conference resolved with the Treaty of Nice signed on 26 February 2001. This Treaty would enter into force on 1 February 2003 after having been ratified by 15 States members as provided in their respective constitutional rules. The purpose of the Treaty of Nice was to reform the institutional structure to cope the enlargement of the European Union, a task that would have carried out the Intergovernmental Conference

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<sup>173</sup> Economic policy and labor reform were important in this second term of the PP government. Between 2001 and 2004 unemployment increased by 300,000 people. In June 2002, it was held a general strike as workers reject intended to suppress labor rights and to cut unemployment benefits. In 2003, Jose María Aznar resigned to continue the presidency of his party and named Mariano Rajoy as candidate for president of the Government. Ignacio, Rodriguez De Arce, *Ibid*.

<sup>174</sup> While in 2003 the economic growth in the Eurozone was 0.3 percent, Spain grew 2.4 percent. Lorenzo Bernaldo de Quirós - Ricardo Martínez Rico, *El modelo económico español, 1996-2004: una revolución silenciosa*. Instituto de Estudios Económicos, 2005.

<sup>175</sup> According to Eurostat, during the second term of José María Aznar, the net wage without social security contributions per hour worked in Spain was the second lowest in the European Union (only ahead of Greece). In 2004, while in Spain the hour worked was at 12.20 euros, the average in the European Union was 14.9. The EU country with a higher salary was Germany, with 20.3 euros per hour worked. *European Statistical Office*, <http://ec.europa.eu/eurostat>, (21.02.2017).

<sup>176</sup> Consumer price index. The CPI is an economic index that prices of a particular set of products based on the continuous survey of family budgets are valued, a number of consumers acquires a regular basis, and the variation with respect to the price of each compared to a previous sample. This is a percentage that can be positive (indicating an increase in prices) or negative (reflecting a decay in prices).

of the Treaty of Amsterdam, which however could not be resolved.<sup>177</sup> The Treaty adopted by the European Council of Nice was the subject of much criticism. Germany had demanded to have greater weight in the vote because of its greater population, which France insisted to retain traditional parity between France and Germany. For its part, the position of the Spanish President was very inflexible to raise the level of representation certainly conditioned by the logic that meant having to renounce the Cohesion funds that would go to the fifth enlargement countries in the future.<sup>178</sup>

Finally reached a compromise which consisted of a double majority of Member States and votes. The Treaty established that the number of seats is increased in the European Parliament to 732, which exceeded the provisions of the Treaty of Amsterdam. The question of reducing the size of the European Commission was resolved with a loophole. The Treaty established that, once the number of Member States reaches 27, the number of Commissioners appointed in the next Commission would be reduced below the 27 by the Council, without specifying how the reduction would be made.

The Treaty of Nice had not addressed the basic issue of institutional reform, that is why on 2004 was agreed the European Convention that would lead to an

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<sup>177</sup> As it is stated in the Summary of the European Union: "The Treaty of Nice and the Convention on the European Future", the Treaty of Nice aimed to make the EU institutions be more effective and legitimate, and preparing the Union for enlargement looming large (intention to include countries of eastern and southern Europe in 2004 and 2007). To do this it was limited the size and composition of the Commission and set the distribution of seats in Parliament between countries. The procedure was also modified to achieve most by establishing a new weighting of votes in the Council. With regard to fundamental rights it was proclaimed the Charter of Fundamental Rights of the EU.

<sup>178</sup> Spain managed to maintain unanimity for approval of the next financial perspectives from January 1<sup>st</sup>, 2007. Until these perspectives and their agreement are not approved, the Structural Funds and the Cohesion Fund shall not pass a qualified majority must ensure strict compliance with the agreement on the new financial perspectives and its institutional arrangement along the following multi-year period from 2007. This formula, proposed by the Spanish delegation and reluctantly accepted by the net contributors, will allow Spain to obtain again an important flow of economic transfers in respect of economic and social cohesion. Do not forget that earlier, at the European Council in Berlin, Spain had managed transfers for the seven 2000- 2007 worth nine billion pesetas. Javier Elorza, *La UE después de Niza, Política exterior*, 2001, p. 84-103.

Intergovernmental Conference.<sup>179</sup> On the other hand, the Treaty of Nice did not also incorporate the Charter of fundamental rights, subsequently this aspect would also be pending for the Intergovernmental Conference of 2004 after opposition from the United Kingdom.

Finally it was created a European Convention, being chaired by former French President Valéry Giscard d'Estaing. The final text of the draft Constitution was agreed at the Summit meeting of June 18-19<sup>th</sup>, 2004 under the Presidency of Ireland. Spain appointed as a member of the Convention representing the country, to Ana de Palacio who later belonged the responsibility of Minister of Foreign Affairs.<sup>180</sup> In the period from January 1<sup>st</sup> to June 30<sup>th</sup>, 2002, Spain returned to occupy the Presidency of the Council. They adopted a new slogan and they prepared three summits: the first one held in Valencia in order to boost the Barcelona process, i.e., the development of the euro-Mediterranean policy and the summits with Latin America and Mexico".

Another of the most important events of this period was the entry into force of the single currency. In 2001 they began distributing the coins and banknotes denominated "euros". On January 1, 2002 they began to have legal value as a means of payment. Traders had obligation to admit parts of "peseta" during the first two months of 2002. This period was really productive for the Spanish economy. The unemployment rate, would remain more or less constant around 11%, creating 5 million jobs with this Government, producing a record in high Social Security. However, the house becomes one of the main concerns of the Spaniards, due to the

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<sup>179</sup> In the Rome Declaration of October 4<sup>th</sup>, 2003, the Heads of Government of Member States and acceding and candidate countries for EU membership, the President of the European Parliament and the President of the European Commission, with at the opening of the Intergovernmental Conference (IGC) for the revision of the Treaties, confirm the importance of the commitment to provide the EU with a Constitution based on the equality of its States, people and citizens that assures the efficacy, consistency and efficiency the role of the Union in the world and assume the Draft Treaty of the Convention as a good basis for starting the work of the Intergovernmental Conference. Cristina Hermida del Llano, *Los derechos fundamentales en la Unión Europea*, Anthropos Editorial, Vol. 48, 2005.

<sup>180</sup> The work of the Convention were organized in three stages: consultation phase, a phase of study and a phase dedicated to the elaboration of the text. In October 2002, the President of the Convention presented to the European Council in Brussels the structure of the constitutional text in draft form. After seventeen months of work and discussions, the Convention had done its job and proposed European citizens a Draft Treaty establishing a Constitution for Europe. *Los resultados de la Convención Europea*, [http://europa.eu/scadplus/european\\_convention/introduction\\_es.htm](http://europa.eu/scadplus/european_convention/introduction_es.htm), (02.01.2017).

increase of prices, of around 10-15% per year during this period, in contrast with inflation and the increase in wages, which were much lower. Among the concerns of the Spanish begin to emerge this subjects.

In this legislature there were several confrontations between the Central Government and the peripheral nationalisms of Catalonia and the Basque country. On October 24<sup>th</sup>, 2003, the Basque Government, gathered in an extraordinary Council, approved the draft law on reform of the autonomy statute for the creation of a new status of "free association with the Spanish State", commonly known as the "Ibarretxe Plan". On November 13<sup>th</sup>, 2003, the Government filed an appeal of unconstitutionality against the "Ibarretxe Plan".<sup>181</sup>

Parallel to this process, the fight against terrorism of Euskadi Ta Askatasuna (ETA) continued, even when an anti-terrorism Pact was signed in November 2000 by the Government and the main party of the opposition (PSOE). Though the treaty in 2002 they could outlawing the political arm party of ETA, Batasuna. However, the fight against terrorism became embroiled in several controversies, some opposition parties harshly blamed the PP used terrorism to their advantage and to encourage the feeling of tension in the Basque country. Several leaders of the PP and PSOE accused the Regional government of the Basque country of non-making properly exercise on security competences in their territory.<sup>182</sup>

This legislature ended marked by the attacks of 11 March 2004 (11-M), in Madrid. The explosion of ten backpacks loaded with a still undetermined explosive, in

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<sup>181</sup> According to the article in the newspaper El Mundo, "Main points of the Ibarretxe Plan," published in February 2005, September 27, 2002 the 'lehendakari Juan Jose Ibarretxe launched his sovereignist proposal to give the Basque Country a status of free association with Spain. Here is a summary of the plan. There are three basic points in this Plan:

- The existence of a Basque village with its own identity divided into two states (Spain and France).
- Right to decide its own future based on respect be consulted citizens of the Basque Country, Navarra and Iparralde.

<sup>182</sup> According to the same newspaper, between 1996 and 2004 ETA killed a total of 70 people. During the PP government there was intense police and judicial persecution against ETA and its environment and also the largest truce of all declared by the band between September 18, 1998 and December 3, 1999. The suspension of terrorist actions came after ETA secret agreement with the PNV (Basque Nationalist Party) and EA (Eusko Alkartasuna). In the judicial chapter, the Supreme Court jailed in 1997 to members of the National Table of HB (Herri Batasuna).

four trains of RENFE stations, caused the deaths of 192 people. These attacks were a huge blow to Aznar's Government and the PP for two reasons, on the one hand, the biggest attack in the history of Spain, had been committed in Madrid, whose security is the responsibility of the Ministry of the Interior and not from any regional independent government.

On the other hand, the attribution of authorship to Al - Qaeda, once Spain had been threatened for supporting the invasion of Iraq, after the Casablanca attacks and after the arrests of more than 120 Islamic terrorists in Spain, it seemed to confirm the predictions of dire consequences of the Government's international policy.

Senior leaders of the Popular Party, administration and related media tried to repeatedly present the authorship of ETA as the only valid theory about the attacks, throughout the day, disqualifying that raised other hypotheses. During those days, José María Aznar and his party accused private media as "Cadena SER", lie and manipulate while the main parties of the opposition said that the public media in power of Aznar and their related were those that did. Also, the own Aznar was in contact with the main directors of the national press to point out that it was ETA the author of the massacre. In Catalonia, in regional elections held in November 2003, after 23 years in power, Jordi Pujol was defeated by the Coalition (PSC-PSOE-ERC-IC). The PP, as well as in regional elections in the Basque country, did not obtain good results in Catalonia.<sup>183</sup>

Immigration issues gained special importance. A reform was carried out in the Aliens Act, which had been approved at the end of the previous legislature but is meant above all the increase in immigration, usually from Latin America, Europe, East and West, and the Maghreb.<sup>184</sup>

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<sup>183</sup> Catalans in these elections decided to change their rulers, triumphing Catalan left. Two of the most important issues to deal with the central government would be funding and self-government. In 2004 the Parliament of Catalonia drew up a draft statute that will be approved in September 2005. Andrew Dowling, "Autonomistes, Catalanistes and Independentistes: Politics in contemporary Catalonia." *International Journal of Iberian Studies*, 2009, p. 185-200.

<sup>184</sup> The gateway to foreigners without papers opens in Madrid and Barcelona through its airports. Ceuta, Melilla, Canary Islands and Gibraltar area also occupy a preferred place for immigrants. In 2000 the performances of the xenophobic and racist movements whose attacks that resulted in many cases were very important unpunished. *Actas del IV Simposio de Historia Actual: Logroño 2002*, Institute of Riojan Studies, p. 865-880.

Finally it is worth highlighting the issue of the invasion of Iraq in 2003. Aznar was characterized in the second term by his friendship with George W. Bush and his unwavering Alliance with United States, especially following the attacks of September 11<sup>th</sup>. Thus, the Spanish Government supported the invasion of Iraq in 2003 despite having all the other political parties and more than 90% of citizens against. A series of demonstrations held worldwide against the war. In Spain they were around eight million people. Throughout the spring of 2003, some offices of the PP suffered attacks by radical groups opposed to the war. During this period, Aznar had the popularity index lower throughout the legislature.<sup>185</sup>

### **2.2.3. Third Period: 2004-2012**

A change in the political landscape led the PSOE of Zapatero to power in elections in March 2004. A new regulation with greater consensus among political parties of the time was developed. But the Aliens Act (Act 4/2000 and its amendments: Law 8/2000 and Law 2/2009 Law 14/20013) existing finally was not changed either in this term, and the social integration of migrants remained one of the hottest on immigration this period points.

When Zapatero came to power there were a million illegal immigrants working without rights in Spain, although the PP had conducted five extraordinary adjustments (480,000 beneficiaries).

Zapatero launched the third and "last chance", with tougher requirements: between February and May 2005, the Government gave papers to 580,000 immigrants after establishing that led to six months in Spain, had no criminal record and had an employment contract . A year later, in July 2006, according to the INE (National Statistics Institute), again be a million illegal immigrants in Spain.

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<sup>185</sup> Ten years after the invasion of Iraq, Aznar told a newspaper: "In terms of influence and international support for our goals, Spain came out ahead. And not just Spain ". Meanwhile, Bush and Blair admitted at the time that had not calculated the consequences of the invasion and took some responsibility for the chaos unleashed by this action. *Newspaper El País*, <http://elpais.com/archivo/>, (21.02.2017)

With the door closed to new adjustments, the Executive hardened, in 2009, the Aliens Act restricting family reunification and extending the maximum period of detention of illegal immigrants to 60 days.<sup>186</sup>

### **2.2.3.1. First Governorship of José Luis Rodríguez Zapatero's (2004-2008)**

The 8<sup>th</sup> Legislature of Spain would begin on April 2<sup>nd</sup>, 2004, date of establishment of new courts after the win by a simple majority of the “Socialist Labor Spanish Party –PSOE” in general elections held on March 14<sup>th</sup>, 2004.

The beginning of its mandate, the new Government, headed by José Luis Rodríguez Zapatero, will be characterized by basic continuity with the economic policy of the outgoing government (albeit with some increase in public spending), the promotion of progressive social measures, such as same-sex marriage or a new regularization for migrants, the onset of a so-called peace with ETA and the reform of statutes of autonomy process. In the international arena, withdrew the troops from Iraq and the Alliance of Civilizations<sup>187</sup> was promoted.<sup>188</sup>

The Spanish economy would continue to grow at a faster rate than its European neighbors. Because of this, during the coming years, the aids from the Union

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<sup>186</sup> Álvaro De Diego González, El nombramiento del presidente del Gobierno de la Reforma Política: Un episodio clave de la transición democrática, *Aportes Revista de Historia Contemporánea*, Vol. 28, No. 82, 2013.

<sup>187</sup> The Spanish Prime Minister Jose Luis Rodriguez Zapatero took the 59th General Assembly of the UN on September 21, 2004, to propose an alliance between the West and the Muslim world in order to combat international terrorism on the other road not outside the military. Before being taken over by the UN, the proposal won the patronage of the Prime Minister of Turkey, Recep Tayyip Erdogan, as well as the support of a dozen countries in Europe, Latin America, Asia and Africa, in addition to the Arab League. In February 2006, the United States declared its interest in the initiative and confidence that the Alliance projects "are consistent with US objectives." United States has not joined the Group of Friends of the Alliance of Civilizations until May 13, 2010, under the presidency of Barack Obama. Fernando Vallespín, Alianza de civilizaciones, *Claves de Razón práctica*, vol. 157, p. 4-10, 2005.

<sup>188</sup> On 20 October 2011, a month after the general elections in Spain, ETA announced an end to its armed activity. During these 43 years ETA killed 829 people. A new process in which the reform of the statutes of the communities of special regime, such as Catalonia, Basque Country, Canary Islands, Andalucía and Valencia, governed by Article 151 of the Basic rule will address also opens in the Legislature. Moreover Jose Luis Rodriguez Zapatero ordered the "immediate withdrawal" of the Spanish troops in Iraq, a day after being sworn in Prime Minister of Spain.

started to decrease considerably. Also another of the reasons was the inclusion in EU of the new countries of Eastern and Central Europe in the Baltic countries and the islands of Cyprus and Malta.

The challenges of this legislature include the shortage of petroleum, reliance on construction and tourism for 40 years. The external deficit soared in 2005 by 37.1% (51.884 million, 6.5% of GDP), making it the second country with higher external deficit of the Eurozone and the sixth of the Organization for economic-cooperation and development (OECD).<sup>189</sup>

Likewise at the beginning of the legislature, the new Government drafted a proposal for a "law on violence against women". Its title and content were criticized in some quarters since it introduced principles of positive discrimination, excluding other possible victims of domestic violence, such as children, elderly or men who also suffer abuses. Finally, on June 25<sup>th</sup>, 2004, was approved unanimously the Integral Law against Gender Violence.<sup>190</sup> On June 23<sup>th</sup>, 2005, they approved a reform of the divorce which aims to speed up the process and avoid the double spreading. It was removed the necessary prior step and amending aspects related to the custody of the children and compensatory pensions. Furthermore the reform of the Civil Code completely equated same-sex matrimonies, with the unique naming of "marriage" and the right of adoption for them.

In the elections to the European Parliament in 2004 the Spanish delegation was reduced to 54 MEPs (in accordance with the Treaty of Nice, the Spanish representation was reduced to 50 MEPs; however, the 50 that would apply to Romania and Bulgaria in 2007 were distributed among member countries in 2004, maintaining them throughout the legislature; to Spain they were four). From 31 election

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<sup>189</sup> In 2007, construction was the main growth engine of the country, began to show signs of weakness, breaking out the "real estate bubble". In 2008 inflation had risen to 4.3% and unemployment recorded the highest increase in 5 years. César Colino - Ramón Cotarelo García, *España en crisis: balance de la segunda legislatura de Rodríguez Zapatero*, Tirant Humanidades, 2012.

<sup>190</sup> The purpose of the Act is "Tackling violence as a manifestation of discrimination, the situation of inequality and power relations of men over women, is exerted on them by those who are or have been their spouses, or who are or have been linked to them by similar relationships of affection, even without cohabitation ". César Colino - Ramón Cotarelo García, *Ibid.*



nominations, only five obtained representation. The most voted list was, as in the previous general election, the PSOE, being the Popular Party in second place. Both parties improved their results from the previous elections: the PSOE by eight points and the PP in a point and a half.

**Table 8:** 2004 European Parliament Elections in Spain.

<i>PARTY</i>	<i>CANDIDATE</i>	<i>VOTES</i>	<i>%</i>	<i>SEATS</i>	<i>+/-</i>
<i>PSOE</i>	Josep Borrell	6.741.112	43,46	<b>25</b>	<b>+1</b>
<i>Popular Party (PP)</i>	Jaime Mayor Oreja	6.393.192	41,21	<b>24</b>	<b>-3</b>
<i>Galeusca – People of Europe</i>	Ignasi Guardans	798.816	5,15	<b>2</b>	<b>-3</b>
<i>United Left</i>	Willy Meyer	643.136	4,72	<b>2</b>	<b>-2</b>
<i>Europe of the people</i>	Bernat Joan	380.709	2,45	<b>1</b>	<b>-1</b>
<i>European Coalition</i>	Alejandro Rojas-Marcos	197.231	1,27	<b>0</b>	<b>-1</b>

**Source:** Own elaboration with data from Schmitt, H. (2006)

In other subjects, it should be noted the development of a new EU immigration policy framed in the context of the freedom, security and justice area. More specifically in the so-called “policy of solidarity” under the heading “Management of migration ”: definition of a balanced approach”<sup>191</sup> according to which, it is necessary to define a new balanced approach to migration management, which addresses both legal and illegal migration, and develop a common immigration policy addressing the situation of legal migrants at Union level, at the same time to intensify the fight against illegal migration trafficking in migrants and trafficking in human beings, especially women and children.

Though the decision on how many immigrants from third countries can be admitted in each country it is competence of each Member State, a space of free

<sup>191</sup> The Commission's approach focuses mainly on two areas: the fight against illegal immigration and trafficking in human beings and the development of a policy of legal immigration. For all that the Commission stresses the importance of cooperation with third countries, including readmission and return of migrants. In this sense it is remarkable the Framework Programme on Solidarity and Management of Migration Flows for the period 2007-2013. This program focuses on four key areas: integrated management of external borders, asylum policy, social, civic and cultural integration of third country nationals and combating illegal immigration. Sarah Wolff, Border management in the Mediterranean: internal, external and ethical challenges. *Cambridge review of international affairs*, Vol. 21, No. 2, 2008, p. 253-271.

movement demands a common immigration policy, stating procedures and criteria for admission and to provide a secure legal status and a set of guaranteed rights that contribute to the integration of those who are admitted.

In this connection it should be recalled that during 2005 the Socialist Government headed by Jose Luis Rodriguez Zapatero carried out a new regulatory process of immigrants who sought to resolve the situation nearly a million immigrants illegally in the country. The main requirement for the regularization was having a contract of employment, so it required the cooperation of their employers. Hundreds of thousands of migrants were regularized, which resulted in a considerable increase in assistances to Social Security.<sup>192</sup> The process was opposed by the Popular Party, which foresaw a 'call effect', and it was also criticized by several countries of the European Union such as France, Germany and Italy, some of whom had earlier made similar processes recognizing later his failure, as in the case of France.

In September 2005, waves of sub-Saharan Africans crossed the fences which surround the border of Melilla producing chaos and the death of several people. The waves were composed about 500 people in one time and it make elevate the number of irregular entries to 13,000 through Melilla and further 10,000 in Morocco. After these rounds, the majority of sub-Saharan immigration started to try also through Canary Islands (Spanish territory), through dinghies. Tragic situations will be repeated thousands of times throughout this Zapatero's period.<sup>193</sup>

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<sup>192</sup> In connection with this massive regularization of foreigners who carried out Zapatero's government, the French weekly *Le Point* recalls in the article "Après régularisations les massives en Espagne a migratoire reflux" in its issue of November 24<sup>th</sup>, 2014, the situation that Spain lived in the 90s and 2000 of "brutal" immigration flow and notes that were carried out several waves of massive regularization. Detailing what happened with these measures in Spain, noting that helped rebalance the economy, being the flow of foreign finally regulated by the crisis. *Newspaper 20minutes*, <http://www.20minutes.fr/monde/espagne/1486322-apres-regularisations-massives-espagnerefluxmigra toire>, (03.01.2017)

<sup>193</sup> Meanwhile, the Moroccan press at the time praised the work of the border police in Morocco, but the reality was the full permission and disinterest to curb avalanche of immigrants. The organization MSF (Doctors Without Borders) located at the desert border with Algeria. More than 800 sub-Saharan who once stopped at the border were abandoned to their fate by the Moroccan authorities. At that time the per capita GDP of Spain multiplied by 15 to Morocco, hence the insistence of migrants to cross to Spain.

### **2.2.3.2. Second Governorship of José Luis Rodríguez Zapatero (2008- 2011)**

Until 2008 Spain enjoyed an economic stability and big politician influence in Europe. This allowed to form alliances according to the Government and be an active and powerful policy agent. But the economic crisis changed this status and agendas passed to focus mainly in economic aspects in search of ways to overcome it.

On the other hand, the loss of Spanish influence and the deterioration of its image as a big power result in a clear situation of inferiority, and even subordination in relations with most of its European partners. "The seemingly meteoric rise of Spain in the international arena since 2000, lacked really solid foundations "(Molina y Tovar, 2011: 277), so Ignacio Molina and Juan Tovar speak of a triple bubble, financial, real estate and the diplomat. Oppositely, the decline experienced in recent years led the country to play a role well below their condition medium-large state. In this sense, Charles Grant (2009) considered Spain as an "outlier" in its foreign affairs in Europe, as he believes could have had a greater weight in it but did not quite take it.<sup>194</sup>

A labour market deterioration not only impacts on unemployment, it also affects the flexibilization measures in this framework. It influence in segments as younger and not experience workers, but above all, foreign workers are the most affected ones. Try to explain the unemployment increase in Spain leads necessarily to expose the causes of employment fall and/or the insufficient creation of this one. In the 1960s, the Spaniards were forced to emigrate to find work opportunities in Europe. As during those years, the first and foremost reason of the employment fall lies on the

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<sup>194</sup> The global economic crisis of 2008 involves the complete loss of prestige and political power acquired gradually since the country joined the European Community in 1986. Spain is no longer a leader in the Union. The lack of economic solvency damages its image and international position. Community partners withdraw their confidence, and the weight of Spain in the EU is significantly reduced. Sergio Belmonte Aparicio - Eduard Soler Lecha, *La política europea de España*, 2014.

model of growth depletion.<sup>195</sup>

The current crisis has reopened the emigration process. The excessive orientation of the Spanish economy towards the construction and internal market between 1993 and 2007, the poor international competition of manufacturing sector and its limited exports' strategic guidelines, explain the situation. In brief, the problem of unemployment in Spain has a structural character whose resolution requires actions affecting the productive sphere of the country.

As N. Alvarez explains in his paper<sup>196</sup>, in the first phase of the crisis, during 2008 and 2009, the measures taken by Zapatero's Government focused on important fiscal aid. However, the second phase of the crisis, which starts in 2010, strengthen a fiscal adjustment. Once that almost all foreign investors find out the enormous private debt of Spain's economy, the risk premium begins to reflect the need of a bailout of its financial system. What initially was a banking crisis was finally transformed into a fiscal crisis, whose weight fell primarily on workers and middle class.<sup>197</sup>

In May 2010, under pressure of the EU and the risk of been intervened, it is initiated a process of adjustment and reduction of rights that it alienates their social support. The fall of socialist votes in 2011 and the electoral triumph of the Conservatives was the result of a shift in Zapatero's legislature. Some weeks later, the new Government of Rajoy, it will found the same situation: no room for manoeuvre.

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<sup>195</sup> Vincente Navarro discusses "*The causes of unemployment*" in Spain and concludes that lie partly in the underdeveloped public sector, including welfare state. Zapatero criticized the government and the Popular Party for its stagnation in the neoliberal thinking. Unemployment became the biggest social and economic problem in most OECD countries and deepened in a very spectacular and dramatic way since 2007. All of them (except Germany) unemployment increased rapidly, with Spain, Ireland and the USA where such growth was higher. During the years of the crisis, Spain saw its unemployment rate 9.7 points, Ireland 7.2, and the US 4.7. John Schmitt, *Labor Market Policy in the Great Recession*, Center for Economic and Policy Research, Washington DC 2011.

<sup>196</sup> Nacho Álvarez - Bibiana Mediaaldea, Financiación, crisis económica y socialización de las pérdidas, *Viento sur: por una izquierda alternativa*, No. 100, 2009, p. 21-32.

<sup>197</sup> The tax burden is then set in the middle or upper middle class. Tax increases focused on sales of stocks, housing and life insurance. Increasing the tax burden amounted to 10,000 million euros a year. However, public spending continued to grow during the crisis very substantially. *European Commission*, "Informe sobre España 2015, con un examen exhaustivo relativo a la prevención y la corrección de los desequilibrios macroeconómicos", [http://ec.europa.eu/europe2020/pdf/csr2015/cr2015\\_spain\\_es.pdf](http://ec.europa.eu/europe2020/pdf/csr2015/cr2015_spain_es.pdf), (21.02.2017).

They were forced to backtrack on its electoral commitments in terms of taxes, reform the labour market and start numerous social cuts. In just 100 days of Government Spaniards suffered a high attrition.<sup>198</sup>

On the other hand, the European elections in 2009, held simultaneously for the first time in 27 countries, represented the largest call of voters in the electoral history of contemporary representative democracies (500 million). For this reason, and the context of economic crisis which increased the deterioration of the support towards the European institutions, these elections reached the maximum relevance in the European context.

**Table 9:** 2009 European Parliament Elections in Spain.

PARTY	CANDIDATE	VOTES	%	SEATS	+/-
<b>Popular Party (PP)</b>	Jaime Mayor Oreja	6.670.377	42,12	<b>24</b>	<b>=</b>
<b>PSOE</b>	Juan Fernando López Aguilar	6.141.784	38,78	<b>23</b>	<b>-2</b>
<b>Galeusca – People of Europe</b>	Ramón Tremosa	808.246	5,10	<b>3</b>	<b>+1</b>
<b>United Left</b>	Willy Meyer	588.248	3,71	<b>2</b>	<b>=</b>
<b>Union, Progress and Democracy</b>	Francisco Sosa Wagner	451.866	2,85	<b>1</b>	<b>+1</b>
<b>Europe of the people (Greens)</b>	Oriol Junqueras	394938	2,49	<b>1</b>	<b>=</b>

**Source:** <http://www.europarl.europa.eu/elections2014-results/es/election-results-2009.html>, (02.02.2017).

The rates of participation in the 7 June elections of 2009 in Spain, confirmed

<sup>198</sup> According to a report by Malgesini REY, G. for EAPN (European Anti Poverty Network), in the first National Reform Programme 2011-2012 government of Spain updated stability program to be in line with the Euro Plus Pact, reducing the public deficit to 3% in 2013 with intermediate targets of 6% in 2011 and 4.4% in 2012. In the National Reform Program that Spain submitted to the EU 2012-2013 presented a stronger structural adjustment in the previous year, based on the lowering of the budget deficit, financial reforms, fiscal and labor (down more wage costs in order to compete and sell more abroad). Also they disappeared social measures to meet the goal of fighting poverty and social exclusion even though the European Commission again claimed that included among its recommendations.

the trend of abstention, which surpassed the mobilization and reached 55.1% of the electorate. These elections were ruled by the Treaty of Nice, although it subsequently entered into force the Treaty of Lisbon of 2007.

Finally, according to this latest agreement, Spain had 54 of 751 members in the European Parliament. The most voted list was the Popular Party, leaving the PSOE in second place (Zapatero's party). Both parties lose representation respect to the previous European elections. PSOE lost four seats and the PP lost one. Therefore, bipartisanship misplaced some ground, adding up PP and PSOE 82, 05% of the votes, against the 84, 67% of the previous European elections.

#### **2.2.4. Fourth Period: 2012-2016. Rajoy's Government**

It was on December 20<sup>th</sup>, 2011, when the Mariano Rajoy from the right-wing "Popular Party" (PP) acquired its largest majority since the country's return to democracy in the 1970s, obtaining 186 out of the 350 seats in the lower house of Parliament. Voters turned to him in hopes of alleviating the pain of Europe's debt crisis.

According to data obtained from the Ministry of Interior of Spain, the PP (Popular Party) broke their electoral ceilings and earned more than half a million votes; the PSOE (Socialist Party) lost more than 4.3 million votes and 39% of its electorate. The serious global and euro zone economic crisis, the evolution of the risk premium on Spanish debt (ranging the rescue of UE), the collapse of the stock-market and the unemployment were present throughout the election campaign.<sup>199</sup> The PP won an overwhelming parliamentary and institutional (municipalities and autonomous regions) power but little sovereignty to handle, especially by the economic crisis. The short- and medium-term management of the new government joined also the major corruption cases in the history of Spain.

Only a few days later of been invested, Marino Rajoy started his austerity

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<sup>199</sup> Jose Manuel González Vesga, *Breve Historia de España*, 2012, p. 718-720.

plan approved by the Council of Minister, with the aim of saving the amount of 8, 9 billion euros only during the first months to ensure the payment of debts, the Governments of Zapatero and Rajoy, pressured by the EU, opted for a dramatic fiscal austerity.<sup>200</sup>

During all his legislature, several measures needed to be taken to accomplish the directions of European Union; the minimum wage and the salaries of public workers were frozen—something that had not happened since 1966, the workweek in public administration was reduced to 37.5 hours and recruitment of new public employees was, in most of the sectors, halted. The income tax, the tax on real state was also increased during the years of 2012 and 2013 and a 4% value-added tax was expanded to include new home purchases.<sup>201</sup>

The biggest reforms were executed in the so-called ‘preferential costs’ (health, education and housing). Social spending also decreased considerably (inclusion, dependency, assistance, etc.). All derived in social conflict seen in numerous demonstrations taking place since the beginning of the crisis. Those ones, resulted later in new social movements against the crisis which were reflected in new political parties as PODEMOS<sup>202</sup>, citizens of social and political platforms aiming to conquer political power orbs to make a society the most democratic possible.

Francisco Rojas as it expressed in its document "*International Relations in*

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<sup>200</sup> All these cuts were announced by Royal Decree-Law 20/2012 of 13 July, on measures to ensure budgetary stability and promoting competitiveness. The measures taken were aimed at balancing public accounts and ease tensions in external financing of the budget deficit on the recommendations of the International Monetary Fund. They were a great effort for citizenship, with an impoverishment of the population, decline in consumption, increase in prices of services, etc. Julia Monsterrat Codorniu, Impacts of budgetary stability measures in the System for Autonomy and Care Unit: future challenges, *Revista de servicios sociales*, Vol. 60, 2015, p. 9-30.

<sup>201</sup> Jaume Claret - Manuel Santirso, *La construcción del catalanismo: historia de un afán político*, 2014, p. 218-228.

<sup>202</sup> The party PODEMOS born in January 2014 as a formation of circles of people left. With only three months of life the party won five seats in the European Parliament, breaking records in the democratic history of Spain. PODEMOS's success lies on having achieved in record time, almost penniless and with an improvised program, a real political earthquake in Spain. They became the fourth most voted political force, with 1.2 million voters. With a team of 15 managers of social networks, under the orders of Iñigo Errejón political scientist, they got almost immediately interaction with citizens, through Twitter, Facebook, Youtube channels, etc. PODEMOS is a case study to understand the power of social networks. Marian Alonso González, *Podemos: el ciberactivismo ciudadano llega a la política europea*. *Revista DÍgitos*, Vol. 1, 2015, p. 91-110.

*the XXI Century*" the attempt of Rajoy to renegotiate the deadlines for deficit reduction - which had refused explicitly in the election campaigns - scratched only a few tenths to European institutions, at the expense of a serious erosion of credibility to Brussels, markets and even their own citizenship.

Despite all, the hard political adjustment and of «structural reforms » applied by the Government could not stop the rise of the risk premium, there was a level which was practically impossible to finance by own markets and which it seemed to be inevitable to be rescue by European Institutions as already Greece, Ireland and Portugal had requested.<sup>203</sup>

On June 9<sup>th</sup>, the Economy Minister Luis de Guindos announced that Spain was going to ask for a financial rescue to the European Union for a maximum value of 100 billion euros to clean up troubled savings banks, although he refused to use the term 'Rescue' and preferred 'very favorable credit'. A bit later, President Rajoy said at the Congress of Deputies:<sup>204</sup>

"Spanish people have reached a point where we cannot choose between staying as we are or make sacrifices. We do not have that freedom. The circumstances are not so generous for us. The only option that reality allows us is to accept the sacrifices or reject the sacrifices and renounce everything".

These words were said a day after the Eurogroup agreed on the conditions for the rescue of the Spanish banking system and the ECOFIN<sup>205</sup> approved to relax the deficit objectives for 2012 demanding in return the Spanish government make immediately further adjustments to achieve that Objective. Rajoy presented in the Congress of Deputies the biggest adjustment in the history of democracy: 65 billion euros in two years. In order to achieve this aim, it announced the VAT increase –have

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<sup>203</sup> Ignacio Sánchez-Cuenca, *La impotencia democrática: sobre la crisis política de España*, Los Libros de la Catarata, 2014, pp. 58.

<sup>204</sup> Sánchez-Cuenca, *Ibid*, 2014, pp. 19-20.

<sup>205</sup> The Economic and Financial Affairs Council is one of the oldest configurations of the Council of the European Union and is composed of the economics and finance ministers of the 28 European Union member states, as well as Budget Ministers when budgetary issues are discussed. <http://www.consilium.europa.eu/es/council-eu/configurations/ecofin/>, (24.02.2017).



been promised in the election campaign that this measure would not happen; the suppression of Christmas extra pay to public workers; the 10% reduction of the unemployment subsidy as well as only sixth month of perception and the increase of environmental taxes, among other measures.<sup>206</sup>

However, on July 26<sup>th</sup>, 2012, seen the danger of the euro collapse - Italy's risk premium had also skyrocketed, and Spain and Italy were so close "to fail", the European Central Bank President, Mario Draghi, intervened to ensure that ECB would do everything possible to support the euro. Immediately the market pressure on the debt started to be more relax and the Spanish and Italian risk premiums began to decline, moving away from the threat of the bailout.<sup>207</sup> Even though, adjustment policies had a negative effect on economic activity, causing the second recession of the economic crisis which resulted in an increase of unemployment by one million people since the PP began to govern -from 5.273.600 unemployed in December 2011 (22.85% of the active population), to the historical record of 6.202.700 unemployed in March 2013, with the unemployment rate standing at 27.1% and the youth unemployment rate at 57.22%.<sup>208</sup>

The 2008-2014 crisis created a serious situation by its harmful consequences on levels of well-being arisen in a large part of the population. In addition, the crisis was exploited by the conservative Popular Party Government to translate politically dominant neo-liberal ideological trends in globalization, not only in the economic and social, and also in the political and cultural matters. Beside the economic crisis, during 2013 and 2014, Mariano Rajoy had to face another great problem, the one concerning the "sovereign challenge" of Catalonia due to the intense growth of Catalan independence thought.

Referring to the political crisis, the arrival of the Popular Party did not improve the citizen's perception of politics. In November 2014, the CIS barometer indicated that the percentage of "people quite or very satisfied" with the functioning

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<sup>206</sup> Newspaper El País July 12<sup>th</sup>, 2012: <http://elpais.com/archivo/>, (23.02.2017).

<sup>207</sup> Sánchez-Cuenca, *Ibid*, 2014, pp. 57-58

<sup>208</sup> Newspaper El mundo, April 25<sup>th</sup>, 2013: <http://www.elmundo.es/hemeroteca/>, (23.02.2017).

of democracy in Spain was less than 27%, when ten years earlier, also ruling the Popular Party - but in one period of strong economic growth - was over 60%.

The political crisis became even more evident in the European Parliament elections held on May 25<sup>th</sup>, 2014, in which for the first time since the restoration of democracy, the two majority parties, PP and PSOE, did not exceed 50% of the votes cast -the PP passed from 24 to 16 seats and the PSOE, from 23 to 14-, while the minorities grew: IU (United Left), UPyD (Union, Progress and Democracy) and Citizens Party getting five deputies.

**Table 10.** 2014 European Parliament Elections in Spain.

PARTY	VOTES	%	SEATS
<i>PP - Popular Party</i>	4.098.339	26,09%	16
<i>PSOE - Socialist Workers Party</i>	3.614.232	23,01%	14
<i>Izquierda Unida - United Left</i>	1.575.308	10,03%	6
<i>Podemos</i>	1.253.837	7,98%	5
<i>UPyD - Union, Progress And Democracy</i>	1.022.232	6,51%	4
<i>CEU (Coalition For Europe)</i>	851.971	5,42%	3
<i>EPDD (Left For The Right To Decide)</i>	630.072	4,01%	2
<i>Ciudadanos</i>	497.146	3,16%	2

**Source:** Own elaboration with data from *Spanish Interior Ministry*, <http://www.historiaelectoral.com/eu2004comp.html#14>, (28.02.2017).

On Monday, June 2<sup>th</sup>, 2014, King Juan Carlos I announced his abdication after almost thirty-nine years of reign. When the king made public his decision to abdicate, the same day there were concentrations in several cities calling for a referendum to decide on the form of government. On June 18<sup>th</sup>, King Juan Carlos signed the law to abdicate, and the next day Philip VI was proclaimed the new King of Spain.<sup>209</sup>

Throughout 2014 it was confirmed that the Spanish economy had emerged from the recession initiated at the end of 2011. In April, the Bank of Spain estimated that GDP had grown by 0.4% in the first quarter of 2014, the highest rise over the last

<sup>209</sup> *Newspaper El País*, June 8<sup>th</sup> 2014: <http://elpais.com/archivo/>, (23.02.2017).

six years. The growth continued in the following months stimulated by measures agreed at the beginning of June by the European Central Bank to revive the European economy, weaken the euro against other currencies and tackle the risk of deflation.<sup>210</sup> Thus, at the end of July, the Bank of Spain announced that the GDP had grown 0.5% in the second quarter, which led to four consecutive quarters of growth, which had not occurred since the beginning of the crisis. These data were reflected in the Active Population Survey which registered a fall in unemployment in the Second Quarter, although the unemployment rate was still 24.5%.<sup>211</sup>

At the end of 2014 for the first time since 2007, there was an increase in the number of Social Security affiliates (417.574 more people). According to the Labor Force Survey of the Fourth Quarter, the number of unemployed on December 31<sup>th</sup>, was 5.457.700, down from 477.900 fewer than a year ago, which put the pace rate at 23.7%, still higher than 22.85% which was the rate of unemployment that the government found when it came to power in December 2011.<sup>212</sup> At the end of March, the government announced that the public deficit forecast for 2014 had been reduced to 5.72% of GDP, falling below the 5.8% ceiling agreed with the European Commission. Even so, and despite these data, the Spanish public debt exceeded for the first time in its history, 100% of GDP (billion euros).

On May 24<sup>th</sup>, 2015, municipal and regional elections were held, in which the Popular Party remained the most voted political force but experienced a sharp setback, the emergent parties: Citizens Party and Podemos, entered into all parliaments of the autonomous regions, becoming decisive to form governments.

On December 20<sup>th</sup>, 2015, after four years of mandate, general elections were held in Spain. Despite winning them again, the popular party could not form a

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<sup>210</sup> *Newspaper El País*, April 25<sup>th</sup>, 2014: <http://elpais.com/archivo/>, (23.02.2017).

<sup>211</sup> According to data from the INE, in November 2011, when the last general elections were held, 17,248,500 persons were affiliated to Social Security. The following month, in December, when the PP began to rule, that figure had dropped to 17,229,500. In 2011 the number of unemployed registered in public offices amounted to 4,420,462, while in 2015 was reduced to 4,149,298. However, the fall in unemployment in these last four years due mainly to the reduction in the number of people of working age and disposition, what is known as active population.

<sup>212</sup> *Newspaper El País*, July 24<sup>th</sup>, 2014: <http://elpais.com/archivo/>, (23.02.2017).

government unable to obtain the necessary votes in the investiture session of Mariano Rajoy. According to the Spanish electoral laws, it was necessary to hold new elections in June 2016 where the Popular Party won the elections with 39.14% of the votes and 137 seats; although up 14 seats in these new elections, it was impossible to form a government and On August 9, Citizens Party announced that it was willing to negotiate support for Rajoy's investiture if the PP accepted six measures against corruption and in favor of regeneration. Mariano accepted but even with this support in the investiture he did not obtain the necessary votes for being invested as a president.

In his last chance, and only with two days left to finish his “executive days period”, Mariano Rajoy won the simple majority to be reelected, thanks to the abstention of 68 of the 83 deputies present of the PSOE, and the favorable votes of the PP and Citizens Party. On the morning of October 31<sup>th</sup>, Rajoy swore his position as president of the government with the King Philip VI in the Zarzuela Palace.<sup>213</sup>

In general, Rajoy's Government managed the crisis based on new regulations as Decree Law 20/2012, of 13 July, and the approving of measures to ensure budgetary stability and competitiveness promotion. In only eight month he ratified 27 reforms and more than 90 pages of changes were sanctioned. After four years with economic, social and political instability, the Government approved -thanks to its absolute majority- a total of 244 laws, most of which regulated labour and economic issues.<sup>214</sup>

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<sup>213</sup> *Newspaper ABC*, October 31<sup>th</sup>, 2016: <http://hemeroteca.abc.es/>, (23.02.2017).

<sup>214</sup> According to a study conducted in 2015 by the Europa Press agency, the length of the legislature is felt in the number of approved laws, 244, superior to that of the previous two (197 and 219, respectively) legislative activity, but in 75 of these rules, one third of the total, have It originated in royal decree-law approved by the cabinet. That is, that despite having an absolute majority in both chambers and not need it, the government has resorted to a measure provided for in the Constitution only to cases of "extraordinary and urgent need," and that significantly reduces the time and ordinary requirements and prevents the parliamentary debate.

### 2.3. Evolution of Immigration Policies in Spain

As in other Southern European states, immigration turned last years into a big concern of Spanish political agenda. From traditional sending country of migratory flows, in the past twenty years Spain converted a clear receiver of immigrants. This modification of point in the international migration scheme was strong-minded by three somehow interrelated procedures affecting Spanish society: a significant revolution of the monetary structure, a moderately political shift from a right-wing dictatorship to a liberal parliamentary democracy; and the integration of Spain into the European Communities in 1986. In this background of many economic and political alterations the path of the migratory flows inverted, and together with significant amounts of returned migrants, an initially insignificant but progressively rising quantity of foreign nationals stayed in Spain.

The first policies, grounded on the enforcement of a severe control of the external borders, became soon powerless to affront the complications consequent from the increasing presence of immigrants. A further sophisticated set of policies (regularization of illegal immigrants, improvement of pacts with sending countries, development of social rights) was increasingly settled to address those matters. During the course of this progression of a new comprehensive policy on immigration, EU goals persisted a priority for Spanish representatives, while reflecting now a more direct participation of Spanish policy-makers in the characterization of a shared European policy on immigration. The study of the evolution and inter-relation of Spanish and EU immigration policies highpoints the shifting nature of the “Europeanization” of national policy making, plus the increasing profile of immigration concerns within the Spanish political agenda.<sup>215</sup>

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<sup>215</sup> Ana María Guillén - Santiago Álvarez, The EU's impact on the Spanish welfare state: the role of cognitive Europeanization. *Journal of European Social Policy*, Vol. 14, No. 3, 2004, p. 285-299.

### 2.3.1. 1985 – 1995 Migration Policy

During the control of Felipe González it was approved the organic law 7/1985, of 1 July, on rights and freedoms of foreigners. It was strongly criticized by police treatment of the migratory phenomenon because of its restrictive regulation on foreigner's rights and the poor legal technique used. Spain, that was going to enter in just 6 months into the European Community, wanted to avoid becoming a gateway to the continent.<sup>216</sup>

When the 1985 law was approved, the foreign community in Spain barely exceeded the quarter of million inhabitants, and most of them came from first world countries, especially from Europe. The European Community becomes from that moment, very influential in all Spanish actions, initially determining a specific type of public policy. Exist the idea that, 1985 Act was the result of external pressures rather than a direct reaction to internal concerns.<sup>217</sup>

One of the most obvious emergence results of law related to aliens, was the establishment of different legal regimes for immigrants, with effects on the status and the creation of categories within the collective. Six months after the adoption of the 1985 Act, the Treaty of Spain's accession was signed, agreement which laid on the groundwork for further agreements and cooperation in security and justice. At the same time, it was created a special statute for EU citizens who were outside of organic law. Therefore, the result of Spain's entry into this supranational political and economic structure, was the application of a special immigration regime to all European citizens (extended to family members), characterized by freedom of

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<sup>216</sup> The enactment of the first Aliens Act, just days after the signing of the Accession Treaty of Spain in the EEC was an important qualitative change in the administrative situation in which foreigners were. The main consequence was the move to the irregularity of a lot of foreigners, which was criticized by almost all of those who in those years were devoted to the issue of immigration. 7/85 Law consists of 36 articles, of which there are seven dedicated to the rights of foreigners, on the basis of considering the subject of rights only to foreigners who are legally in Spain. This limitation of rights will be repeated fifteen years after the enactment of the Organic Law 8/2000. Mikel Mazkieran, Recorrido por las leyes de extranjería en España, *Revista Mugak*, vol. 29, 2004.

<sup>217</sup> Ana María López Sala, *La política española de inmigración en las dos últimas décadas: Del asombro migratorio a la política en frontera y la integración*, <http://digital.csic.es/bitstream/10261/11920/1/Art%20C3%ADculo%20Pedro>, Vol. 2, 2007.

movement and the right to engage an economic activity in any Member State. The political treatment evolution of immigration in Europe was significantly influenced in the early 1990s by the development of multilateral agreements on immigration and asylum, in particular, by the Schengen and Dublin agreements. The implementation of measures according to Schengen, was developed without hardly social roughness. Throughout the 1990s, it was developed the visa policy, adopted since 1991 to the nationals of the major countries of workers' emission such as Morocco, the Dominican Republic, Peru, and, subsequently, Colombia and Ecuador.

It was applied control measures flows, actions in borders and return and expulsion procedures as the legitimate ways in the new role or framework acquired by Spain (the guardian of Europe's porous borders). The safeguarding of migrant interests become since that time one of the purposes or commitments for Spain in which the community partnership is one of the strategic objectives in its policy.<sup>218</sup>

### **2.3.2. 1996 – 2004 Migration Policy**

In 1996, when Popular Party won the elections, the immigration issue, exception of Ceuta and Melilla, hardly had significance. However, the program that Aznar launched thereafter, it was based on several points directly connected to an incentive immigration: economic growth based on low wages and cheap labour force intended to boost the construction sector and tourism, for which it was necessary to import foreign labour. Since 1997, in OECD (European Organization for Economic Development), Spain is the country with the annual highest immigration rate. According to Eurostat (European Statistical Office) data, 600,000 people who hosted Spain during 2003 represent more than one-third of all immigrants residing in EU; two times more than Germany, France and the UK together. In 2003, there was living in

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<sup>218</sup> José María Ruiz de Huidobro de Carlos, "Las medidas antidiscriminatorias de la Ley de Extranjería y la Directiva 2000/43 del Consejo." *El día de Europa, presente y futuro de la Unión Europea: actas de las I Jornadas en Conmemoración del Día de Europa de la Universidad Pontificia Comillas de Madrid, Madrid 8 y 9 de mayo de 2002*. Universidad Pontificia Comillas, 2002.

Spain more than 1.6 million registered foreign citizens, a quarter more than in 2002.

**Table 7.** Immigrants with residence permit in Spain, according to the origin region (2003)

Area	Number	Percentage
Europe	560.200	34,0
Latin America	514.485	31.2
Africa	432.662	26,3
Asia	121.455	7.4
<b>TOTAL</b>	<b>1.647.011</b>	<b>100</b>

Source: Ministry of Interior and Secretary of State for immigration law, *Statistical bulletin on aliens and immigration*, March 2004, p. 2.

Law 4/2000, provided to immigrants the access to public education, health care, housing and the protection of Social Security on equal terms than a Spanish if the immigrant regularize officially their situation registering in a municipality.<sup>219</sup>

Later, the so-called "Aznar Reformation" (law 8/2000) abolished numerous rights of irregular migrants, but its integration continued to be a central concern. After the application of this law, the central Government established the GRECO Plan (Global Programme of regulation and coordination of immigration and immigration in Spain), whereby regions and NGOs were in charge of managing the resources for that integration.

The assimilation policy in the different autonomous communities were very different depending on each of them. According to the study by Calavita, K., Garzón, L., & Cachón, L. (2006) in their paper "Structural Contradictions in Immigration Policymaking: The Case of Southern Europe and the United States", in 2002 Aznar's Government coded in over 1,300 million dollars funding for activities related to

<sup>219</sup> The known Aliens Act has been and is one of the elements that most debate has arisen in the context of the Spanish immigration policy. Proof of this is that it has been amended four times. This law is aimed at non-EU citizens, and the rest are under the protection of the Lisbon Treaty. This restrictive trend has continued throughout the successive reforms of the law, in order to make it difficult for legal entry via non-EU foreigners in Spain. At the time of drafting the Law 4/2000 the Popular Party did not have an absolute majority, so they had to negotiate with various political forces to push through many of his proposals. Since the 2000 elections the Popular Party initiated the reform of Law 4/2000. Both reform and its implementing regulations were criticized by the Church, trade unions, voluntary organizations and political parties that presented constitutional challenges, finding response in 2003 with a Supreme Court ruling confirming the illegality of thirteen sections of the regulation.



immigration (distributed among health care, education and reception centers, shelters). Despite all this funds assistance, Aznar's Government considered multiculturalism same as *gangrene*. In June of 2002, it took place the EU Seville Summit which emphasized the control of smuggling as one of its priorities. Aznar decided to take action and in January 1, 2003, it began an operation called "Ulysses".<sup>220</sup> It was the first initiative by EU against illegal immigration in the Balearic Islands and it was at the same time the intention to be the future "germ" of the European police borders.

In September 2003, there is another modification on the legal framework with the approval of the organic law 11/2003 of 29 September, including modifications on gender violence, public safety and social integration of immigrants. But this was not the last reform, law 14/2003 of November 20<sup>th</sup> modified the previous one. The intention was that deportation and return mechanisms were more effective, legitimize the detention centers, expand police powers, forced air carriers to inform passengers and cooperation in borders control.

In addition, it was permitted the expulsion from the national territory and also by urgency all those immigrants suspected of being dangerous to the national safety. It was restricted the rights of irregular migrants because of the Municipal registration condition which was obligatory to have access to health and education services.<sup>221</sup>

### **2.3.3. 2004-2012 Migration Policy**

Spain welcomes Zapatero with the highest illegal immigration rates. To solve this problem, firstly, the President is committed to cooperate with the African region,

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<sup>220</sup> The operation was Ulysses before the Border Police step. Patrolling (set of ships of the Spanish State, United Kingdom, France, Portugal and Italy in the Western Mediterranean was the first attempt by the EU to block route the flow of illegal immigration. The aim is to return to his country the boats that you are in international waters. If these are in national waters will be escorted to the nearest of any of the participating countries territorial sea.

<sup>221</sup> In preparing this period they have been extracted volume data published in the title "*The political discourse on immigration in Spain and the EU*". This is an investigation of the professors at the University Pompeu Fabra in Barcelona (Ricard Zapata-Barrero, Elisabet González and Elena Sanchez Montijano). The book shows how immigration has been occupying a place increasingly prominent within both Spanish political and social issues as Europe since the mid-90s of the last century.

carrying out major aid and benefits to those countries with predisposition to cooperate to promote orderly migration flows.<sup>222</sup>

According to electoral changed to José Luis Rodríguez Zapatero and PSOE Party, with the new Government it seemed that it could outcome in a drastic shift on immigration policy. But the reality was that policy continued as the previous legal framework. The Government proposed as fundamental objectives: managing migration flows neatly, thus all the people who want to come to Spain could make it according to the needs of Spain's labour market, promote cooperation with the sending countries and develop the dimension of immigration's integration.<sup>223</sup>

In early 2005 there was a crisis in Brussels because of the regularization process which was going to be developed later in Spain. Countries as Germany, Netherlands and France presented their anger since they considered that Spain should have consulted with the other Member States the measures to be taken. Since then, it is required to inform their partners the mechanism to take a decision on this matter. On the other hand, the immigration becomes increasingly visible, and sits for the first time as the most worrisome problem for the Spaniards.

Fighting against irregular immigration remains as a priority and border

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<sup>222</sup> The first edition of the Action Plan for Africa (known as Africa Plan) was approved in 2006. It was presented as a humanitarian plan to prevent immigration by developing places of origin. During its term, the Spanish government signed agreements with twelve West African States, six of them readmission agreements. In June 2009 he presented the II Africa (2009-2012) Plan. This new plan was built around several objectives: human rights, gender equality, environmental sustainability, climate change adaptation and consolidation of the partnership with Africa on migration. Gobierno de España, "Plan África 2009-2012", *Agencia Española de Cooperación Internacional para el Desarrollo y Ministerio de Asuntos Exteriores y de Cooperación*, 2009.

<sup>223</sup> The Socialist Party embarked on the largest immigration involution of Spain. Some examples were: the regressive reform of the Aliens Act that was criticized even by the General Council of the Judiciary and the Forum for the Integration of Immigrants; the program failed return of immigrants; limitations on family reunification and attempts to criminalize solidarity with immigrants; extending the periods of detention of immigrants in the CIE (immigration detention) of 40 to 60 days; support for the European Return Directive; the limitation of the right to asylum; support for school segregation policies of African immigrants in Catalonia; attempts to reduce funding for the social integration of immigrants and the militarization of the fight against immigration in West Africa.

controls is reinforced, hence the development of Ulysses Programme<sup>224</sup>, RIO<sup>225</sup> operations and the implantation of SIVE<sup>226</sup> in Gibraltar Strait and Canary Islands. Similarly, the construction of the border boundary in the autonomous cities of Ceuta and Melilla (Africa), and the hardening of sanctions to people traffickers. Therefore, flows ‘control and the fight against irregular immigration are maintained as primary objectives of Spanish policies.

Integration was one of the symbols in new immigration policy, sharing this responsibility at three levels in Spain’s public administration: central, regional and local. Consequently, it is created the “Support Fund to the Reception, Integration and Educational Reinforcement of Immigrants” and the “Forum for the Social Integration of Immigrants”, a collegiate body for consultation, information and advice.<sup>227</sup> A crucial step, forward to the integration of illegal migrants was the adoption of alien’s regulation, by Royal Decree 2393/2004, 30<sup>th</sup> December, on rights and freedoms of foreigners living in Spain and their social integration (effective until March 16<sup>th</sup>, 2014) and which sought an agreement with the social forces, trade unions and entrepreneurs.

The new Government sanctioned a Plan for Urgent Measures in the field of Immigration. It was drafted by ministries of labour and Social Affairs coordinated by the Secretariat of State for immigration and emigration. The Plan in general talked about the reinforcement of Aliens’ Offices and de-concentration procedures using INEM (National Unemployment Institute in Spain) offices and social security networks. It allowed, according to resources and public data from the Ministry, the

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<sup>224</sup> The Ulysses Program is a program of maritime containment of immigration on European shores, defended by the police and customs of various countries. Enrique Conejero Paz - Alfonso Ortega Giménez - Mónica Ortega Roig, *Inmigración, integración, mediación intercultural y participación ciudadana*, Editorial Club Universitario, 2010.

<sup>225</sup> "RIO operation" (Risk Immigration Operation) was led by Europol and proposed by the General Directorate of Spanish Police in the framework of the Spanish EU Presidency and it was a joint operation against illegal immigration and trafficking in human beings in order to pursue transnational organized groups and control illegal attempting to access by air to different EU countries. John D Occhipinti, *The politics of EU police cooperation: Toward a European FBI?*, Lynne Rienner Publishers, 2003.

<sup>226</sup> "SIVE operation" (Integrated External Surveillance System) which has the mission of detecting long-distance ships approaching to the coast in order to check the possible illegal conduct thereof and intercept suspected criminals, as well as assist illegal immigrants. *European Union Law*, <http://eur-lex.europa.eu/legal-content/>, (22.02.2017).

<sup>227</sup> The Forum for the Social Integration of Immigrants has a Permanent Commission and several working committees.

resolution of 100,000 administrative records during just 21 days.

Other actions carried out in this period were signed with 20 non-EU countries of agreements for repatriation, a compulsory measure to implement the new European policy on illegal immigrants' expulsion. Zapatero's government created the so-called plans "Africa" (2006-2008 and 2009-2012)<sup>228</sup> according to another bilateral agreements were signed. The purpose: consolidate the partnership with Africa on migration issues and contributing to fight against poverty on this continent. The sixth extraordinary period of foreign workers regularization process was created in Spain on February 2005.

However, in Spain the huge influx of foreigners was not well received. According to the survey 'Transatlantic Trends Immigration' made in 2009 and directed by the German Marshall Fund, most Spaniards (71%) they are concerned about illegal immigration. 60% of respondents see immigration as more of a problem than an opportunity. 50% believe that too many immigrants and 70% think that foreigners benefit from more social services than they contribute in taxes, which increase crime and not integrated because they do not want.

#### **2.3.4. 2012-2016 Migration Policy**

The deterioration of living conditions inside the immigrant community was increasing. It was not mainly because of their status as foreigners, the central reason was based on the lower income in all segments. On the one hand, almost all of the immigrants has no alternative sources of income, what worsens the effects of the employment loss. In addition, the protection system of unemployment benefits was

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<sup>228</sup> 2006-2008 Africa Plan raised the general objectives of Spanish policy in Africa participation in strengthening democracy, peace and security; the contribution to the fight against poverty; promoting cooperation to control migration flows; active participation in the European Union Strategy for Africa; promoting trade and investment; the strengthening of cultural and scientific cooperation and the strengthening of the Spanish political and institutional presence in Africa. The Africa Plan 2009-2012 establishes virtually the same objectives and priorities as above, promoting the consolidation of the partnership with Africa on migration and Spanish political and institutional presence in Africa. Africa Plan, "África 2006-2008" *Ministerio de Asuntos Exteriores y Cooperación*, 2006.

getting lesser in the case of foreigners, accentuating the effects of joblessness and consequently the poverty between them. The coverage rate of unemployment benefit is, on average, lower to unemployed immigrant community, less time and less amount of money for those who manage to receive it. The percentage of foreigners among the beneficiaries of unemployment benefits was reduced from 2010 (15%) to 10.6% in 2013.<sup>229</sup>

Beyond the purely economic consequences, loss of employment, on a temporary or permanent basis, as well as the exhaustion of unemployment benefits not only represent a loss of income for use abroad, it also signifies serious difficulties for the renewal of your card of residence and work, as well as those of their dependent relatives. About 30% of residence permits are temporary (within the general regime); in these cases, the renewal of the permit, not only requires the existence of an employment affiliation at the time of the application, also obliges a minimum period of state contribution (in the last year or two years).<sup>230</sup>

Even more critical is the situation of those who do not even enjoy a situation regularly; apart from the situation of exclusion and the miserable conditions of life involved in the irregularity, the deterioration of the labor market also has direct implications in the process of regularization. The procedure of rootedness, evaluated case to case, requires that the applicant have to get a job offer which provides guarantees of solvency as employer. The downturn has caused a huge impact on this specific group of irregular migrants.

About immigration subject, EU has developed legislative controls in the following areas:

- **Asylum policy:** the standards concerning rights of asylum-seekers set common terms and procedures for the treatment of asylum applications. It introduces the minimum requirements for hosting and puts an end to transfers this people to States

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<sup>229</sup> SEPE, *Public State Employment Service*, [http://www.sepe.es/contenidos/que\\_es\\_el\\_sepe/estadisticas/datos\\_avance/paro/](http://www.sepe.es/contenidos/que_es_el_sepe/estadisticas/datos_avance/paro/), (22.02.2017).

<sup>230</sup> *Ministry of Employment and Social Security*; <http://extranjeros.empleo.gob.es/es/informacioninteres/informacionprocedimientos/Ciudadanosnocomunitarios/hoja017/index.html>, (22.02.2017).

members which cannot guarantee them a decent living conditions. More than 330,000 people applied for asylum in the EU throughout 2012. Of them, 2.565 did to Spain. In 2013 the EU received 43% of the total number of applications for asylum processed around the world (about 890.000 people according to UNHCR).

However, according European Commission, more than 90% of these applications were only checked by ten EU Member States - led by Germany and France. The upward trend of asylum in Europe began already in 2011: there has also been an increase in the concessions though not in equal measure. The war in Syria, and the situation of countries like Afghanistan or the Horn of Africa, affects largely this phenomenon for which EU does not seem to have found how to solve it.

- **Border surveillance:** surveillance of the external borders in the South of Europe is still far away of being resolved. The management of the migrants' humanitarian drama who are released in small boats to the waters of the Mediterranean Sea is one of the most pressing challenges for the EU.

In this sense, the European Parliament has approved numerous resolutions demanding States more authoritatively: asking for more equal responsibility shared between all the countries of the EU and rejecting the massive return of immigrants without allowing them to execute their right to request asylum. This issue it is also known as 'hot returns' and it is currently controversy in countries such as Spain.<sup>231</sup>

- **Funds designated to the border management and immigration in general:** in the current period (2014-20), Spain will receive 195 million for border surveillance expenditures.<sup>232</sup> In addition, the EU Fund of Asylum, Migration and

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<sup>231</sup> European Parliament, [http://www.europarl.europa.eu/ftu/pdf/es/FTU\\_5.12.3.pdf](http://www.europarl.europa.eu/ftu/pdf/es/FTU_5.12.3.pdf), (22.02.2017).

<sup>232</sup> In December 2013, the EU Commissioner for Home Affairs, Cecilia Malmström, said about the previous time when the Melilla fence sported the flesh-ripping mesh that "From what I know about the time they took it down, the razor did not stop people from coming in; they just arrived with more wounds", and she further stated that, "If it was true then, it must be true now". Yet she confirmed later on that the concertina does not breach EU law and, in June 2014, the Commission assigned 10 million to alleviate the migratory pressure in Ceuta and Melilla, intended for improving the conditions in the CETIs and for programmes for voluntary return, but also for works at the fence structure. This amount is an advance of the 195 million allocated by the European Parliament to Spain from its 2014-2020 budget, and destined to border surveillance. EC, *European Commission*, [http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/communication\\_on\\_eam\\_state\\_of\\_play\\_20151014\\_es.pdf](http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/communication_on_eam_state_of_play_20151014_es.pdf), (22.02.2017).

integration is endowed with 3,100 million euros until 2020, in which Spain will get 257 million. Countries should use at least 20% of the amount received in immigrant integration policies and another 20% additional on improving their asylum systems. Also Funds to combat illegal mafias and help undeveloped countries are shaped.

- **Free movement across borders:** the recent reform on the functioning in the European area, allowed the inspection teams to check that is no imposed illegal controls at the internal borders of the Schengen zone. According to a recent Euro-barometer survey, 62% of Europeans think that freedom of movement is the main achievement after 50 years of European integration join.

So far we have focused on the immigrant population in Spain. If we focus on the young Spaniards escape to other countries we can see that there is a close relationship between migration and problems of the Spanish labor market. These are addressed in Royal Decree 1674/2012 of December 14<sup>th</sup> that recognizes: “[...] the need for well-trained many young people leave the Spanish labor market and seek opportunities abroad, motivated by the uncertainty when entering the labor market, the low starting salaries and overall economic situation in our country [...]” the Spanish employment strategy' it has included mobility as a key to strengthening aspect.

Furthermore, Article 13 provides as competency of State Public Service, coordinate and promote mobility actions in state and European level Employment and hold the representation of the Spanish State in the “EURES”. The idea of stimulating from the State intra-European mobility versus outputs to other latitudes recalls undoubtedly the attempt by governments of the Restoration to guide the migration to colonial territories or North Africa, and discourage outflows to America. It thus seeks to impose selective criteria through regulations, to guide and regulate somehow outputs.

As a review of this chapter, we can conclude that economic crisis has substantially raised the Spanish unemployment rate to cripple job creation, especially by increasing layoffs. Loss of employment was particularly pronounced among the foreign population. The aim of this paper is to analyze whether the increased impact

of the recession is justified by the different labor and socio-demographic characteristics of the immigrant population. Certain key factors will be considered in the analysis of politics, the labor market... since joining the EEC to 2016. The nature and impact of the crisis on the Spanish labor market will be examined.

#### **2.4. Mass Regularization Programs and Spain's Labour Market**

For the entire European Union control of flows is a matter of constant concern. "This concern is reflected in article 63.3 of the EC Treaty, modified by the Treaty of Amsterdam, to provide that, within the period of five years from the entry into force of the Treaty of Amsterdam, and in the framework of the elaboration of immigration policies concerning 'immigration and illegal residence including repatriation of illegal residents'".<sup>233</sup>

Irregular immigration exists in all European countries, although highly variable its proportionality, as well as the strength, efficiency and specific measures to combat it. The countries of southern Europe have developed own strategy as extraordinary adjustments that have very questionable effects. We see that in addition to Spain, others such as Italy, Portugal, Greece, France and Belgium also have carried out extraordinary regularizations of mass character (CES, 2004). However, the case of Spain is has a special interest, and therefore it is necessary to analyze it in detail. The escalation of irregular migrants has been spectacular, and this has occurred largely because there has been a demand for labour in certain economic sectors needed labor of low qualification that has been providing by immigrants.

From 1986 to 2001, Spanish government prepared four regularization processes: first and extraordinary (1985/1986); the second was a re-examination of the previous one (1991); a third, exclusive to Ecuador with 25,000 permits granted and the

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<sup>233</sup> Aja Eliseo - Laura Díez Bueso, *La regulación de la inmigración en Europa*, Fundación "La Caixa", 2005.



largest (2000/2001) which represents the origin. Afterward a fifth will come, but this time with Socialist Party in the power.<sup>234</sup>

#### 1986 Regularization Process

In the Organic Law 7/1985 on Rights and Freedoms of Foreigners in Spain, is included the possibility of regularization for foreigners who were residing or working in Spain at the entry date into force of the Act. The period in which they could request such adjustment was nine months and during this ones, 43,815 applications were submitted. Of these, 38,181 were approved. 70% were between 21 and 40 years old. According to studies conducted subsequently to the process 1/4 of them they were illegally again.<sup>235</sup>

#### 1991 Regularization Process

The Spanish Parliament in 1991 approved complete the process of regularization of 1985 in order to bring out and legalize foreigners who could prove they had resided in Spain before 24 July 1985. The period in which applications could be submitted it was six months and authorizations were valid for one year regardless of the length of the contract used to apply for their regularization. This right is also extended to dependents of workers regularized with the right to family reunification and legal immigrants who were in Spain to 24 July 1985 and again in 1991 in an irregular situation.

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<sup>234</sup> Since the entry into force of the LO 7/1985 of 1<sup>st</sup> July on the rights and freedoms of foreigners in Spain several extraordinary regularization processes have taken place the last of them in 2005. The first regularization procedure, extraordinary, consisted of the granting of administrative authorizations legally required to aliens who fulfill the requirements of the standard. The regularization process was a novelty 200/2001 of 4/2000 (art. 31), and consisted of the granting of a temporary residence permit and, where appropriate work after a period of irregular stay in Spain when it could prove a situation of rootedness. There are three types of situations Rooting: Rooting labor, if the immigrant has been in Spain for at least two years and can prove an employment relationship of not less than six months; social roots if it has been in Spain for at least three years, has an employment contract and has family ties with other foreign residents; and family roots if son originally Spanish parent or are a parent of a child of Spanish nationality. Raquel Aguilera Izquierdo, El acceso de los inmigrantes irregulares al mercado de trabajo: Los procesos de regularización extraordinaria y el arraigo social y laboral, *Revista del ministerio de trabajo y asuntos sociales*, No. 63, 2006, p. 175-194.

<sup>235</sup> María Teresa Igartua Miró, Cuestiones atinentes a la problemática derivada de las regulaciones masivas. *Derechos sociales, garantías y restricciones de los inmigrantes en situación irregular en la Unión Europea*, 2008, p. 59-80.

They could also legalized foreign workers able to demonstrate a lucrative activity continued, those who have obtained a work permit after 24/07/85 and could prove to have remained in Spain after that date, and also to those who could prove residing in Spain before 15 May 1991 and had a firm job offer provided by a verifiable employer in the registry or had a reliable project self-employment. In this process of regularization some 135,393 applications were submitted and were resolved, 128,068. 84% of which were resolved favorably were because of presence in Spain before 15 May 1991 and had a firm offer of paid employment or self-employment project.<sup>236</sup>

#### 2000/2001 Regularization Process

With the approval of the new LO 4/00 by Royal Decree 239/00 it was possible to open the regularization process which began on March 21, 2000 and closed on July 21 the same year. This regularization process was aimed at foreigners who could demonstrate employment ties as required and have remained in Spanish territory before June 1, 1999. Applications submitted in that process were 246,086 and resolved favorably 146,781.

#### Additional Regularization Process of 2001

With the approval of Royal Decree 142/01, it was held an additional regularization process which was in force for three months from March 5 of that year, led to requests from foreigners who met all requirements but could not prove they were in Spain before 1 June 1999. 61,365 requests were favorably resolved.<sup>237</sup>

After these four processes, the Popular Party gave openings closed periods regularization imposing a harsh policy of Aliens in which it was very difficult to reach permissions. The Socialist Party strongly criticized the performance of the ruling party, but when he won the elections announced regularization which proved to be the most massive in Europe, as recognized by the minister of Labour and Social Affairs. The main feature that is observed in all the processes of regularization in Spain is that all immigrants come from low-income countries. Another would be that until the year

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<sup>236</sup> Mónica Mullor, *Inmigrantes subsaharianos, una aproximación a las claves de la exclusión*, *Asociación Círculo Africano y ONGD África Activa*, 2011.

<sup>237</sup> María Teresa Igartua Miró, *Ibid.*

1998-2000, the main group of regularized immigrants was from Morocco, while thereafter begin to be nationals of countries in Eastern Europe and South America.

### 2005 Regularization Process

The 2005 regularization process has been considered the most comprehensive that has taken place in Spain. Law 14/03 is the first major legal reforms envisaged no regularization processes, but it was possible with the 3° Transitory Provision of Regulation on the rights and duties of foreigners.

One of the reasons that supported this new and massive regularization was the loss of social security contributions of approximately 800,000 irregular workers who were working in the underground economy. Prior to the implementation of the regularization process of 2005, announced in late December 2004, it was necessary to “normalize” the employment situation of the foreign population. Within three months opened for foreign labor population demonstrate its roots through a previous work contract to August 8, 2004. Employers had to submit applications for the person who wanted to legalize accompanied by an employment contract lasting at least 6 months. More than 600,000 immigrants achieved the 'roles' in a process that was criticized by other countries of EU.

It was criticized the lack of information to other members of the European Union and the possible consequences of adjustments in other Member States; if one of them decides to carry out a regularization program on a large scale, others should be informed with many advance. It should be also consulted to Member States on the extent of the measures envisaged, the number of people affected, the criteria to be used and the possible impact on other Member States.<sup>238</sup>

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<sup>238</sup> Raquel Izquierdo, El acceso de los inmigrantes irregulares al mercado de trabajo: Los procesos de regularización extraordinaria y el arraigo social y laboral, *Revista del ministerio de trabajo y asuntos sociales*, No. 63, 2006, p. 175-194.

**Table 8.** Immigrants regularized in different periods of opening by country of origin (in thousands)

		NUMBER OF REGULARIZED IMMIGRANTS BY COUNTRIES					
COUNTRY OF ORIGIN	YEAR	1985-1986	1991	1996	2000	2001	2005
	ARGENTINA	2,9	7,5	1,3			
	BOLIVIA						47,2
	BULGARIA						25,5
	CHINA		4,2	1,4	8,8		
	COLOMBIA				12,5	40,8	56,7
	ECUADOR				20,2	52,3	139,7
	PHILIPPINES	1,9					
	MOROCCO	7,9	49,2	7	45,2	31,7	86
	OTHERS	21,1	34,7	7,8	63,1	89,4	217,3
	PAKISTAN				7,3		
	PERU		5,7	1,9			
	POLAND		3,3	1,1			
	PORTUGAL	3,8					
	UNITED KINGDOM	2,6					
	DOMINICAN REP.		5,5	0,8			
	ROMANIA				6,9	20,4	118,3
	SENEGAL	3,6					
	<b>TOTAL</b>		<b>40,9</b>	<b>110,1</b>	<b>21,3</b>	<b>163,9</b>	<b>234,6</b>

Source: Prepared table according to data from the Working Paper (DT 15/2006) UNHCR. <sup>239</sup>

### What were the consequences of these mass regularization?

The so-called “pull factor” involved the massive influx of new illegal immigrants into the country, given the possibilities for legalization offered by the regulatory process. However, the government justified the regularization of illegal immigrants claiming the beneficial effect that could bring about the Spanish economy. The consequences would be primarily the decrease in the number of workers in the underground economy and the increase in social security contributions. <sup>240</sup>

<sup>239</sup> Kostova Karaboytcheva, Una evaluación del último proceso de regularización de trabajadores extranjeros en España, *Boletín Elcano*, Vol. 84, 2006, p. 14.

<sup>240</sup> According to the Secretary of State for Emigration and Immigration, Consuelo Rumi, the objectives were summarized in "emerging jobs in the underground economy and thus end the social costs of illegal employment, since irregular not pay taxes or trading at Social Security ". The sectors in which these irregulars were mostly employed in agriculture, catering, cleaning and in the case of immigrant women, the greatest weight is occupied domestic work and care to the elderly and children.

But according to documents the Organization for Cooperation and (OECD) Economic Development “the potential effect of attracting new flows that may have regularizations not so dependent on this mechanism itself and the way it is carried out”. The short duration of permits issued, together with the difficulties of renewal resulted in the return to the irregularity of many of its beneficiaries in Spain. Another consequence was that once regularized their situation, immigrants seeking better paying jobs, positions become vacant again they played during their “irregular” stage. Then there would still be a difficult demand for cover if it was not through illegal employment.

Studies of the National Institute of Statistics (INE) corroborated what the European Union warned Spain. According to data from the municipal census in 2003 there were 1,387,315 registered foreigners in an irregular situation, while at 1 January 2006 were 1.145.64123. Therefore, the process 2005 (690,700 people in which regularized) failed to significantly decrease the number of illegal. Immigration that arrived to Spain in recent years has had a primarily economic and labor nature. The incorporation of immigrants into the labor market contributed to the economic growth model of Spain, especially in construction and tourism, which demanded a strong incorporation of labor.<sup>241</sup>

According to Aragón Medina, J., the “World-system theory” the highly developed economies need foreign labor to fill low-paid jobs in certain productive sectors.<sup>242</sup>

According Villena, M. and Gomez, F., in Spain there is a great segmentation in the labor market compared with most EU countries. In countries like the UK, Ireland, Germany, France and Luxembourg, the immigrant population has higher rates of unemployment than the native population as in Spain. But in Spain a high rate of

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<sup>241</sup> Aragón Medina - Martínez Poza - Cruces Aguilera, La integración laboral de las personas inmigrantes en España, *Una aproximación al empleo y las condiciones de trabajo*, Fundación 1º de Mayo Centro Sindical de Estudios, 2009.

<sup>242</sup> “La explicación teórica de las migraciones: luz y sombra”, Migración y Desarrollo, Revista nº 1, October 2003, <http://www.migracionydesarrollo.org/>, p.16, (22.02.2017).

temporary sectoring and so they are required initially to fill jobs where there is no Spanish qualified to occupy observed.

This eventually causes the jobs they occupy are those who are worse off, with lower wages, higher rates of temporality, fewer opportunities for promotion, increased exploitation ... because for those requiring higher qualifications, and there is a big bag of unemployed Spaniards willing to occupy.<sup>243</sup>

As concluded in the Toledo Pact, immigration can help alleviate the problem of insufficient assets but is a solution whose effects are not definitive. Once consolidated the presence among us of a significant percentage of immigrants, its population pyramid will go closer to that of the national population and contribute not only active but also passive.

In any case, immigration provides an important base of contributors that can serve as a suitable transition to a higher birth rate. Immigration is not a definitive solution, since what is changing is the tendency of the population pyramid by increasing births make can regain balance. Hence the Commission understands that migration flows are positive for economic growth, the country's development and the support of the public pension system, but must be accompanied by an increase in the number of children per woman, to ensure in the future the viability of the deal.<sup>244</sup> Here we assess the pros and cons when analyzing the “process of normalization of foreign workers 2005” to the labor market. Some of the benefits that were anticipated following the great process of regularization were:

- Providing greater number of contributors to social security.
- Decreased employment submerged
- Job creation.
- Sale of houses.

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<sup>243</sup> Remedios Martínez Verdú, La inmigración en España y mercado de trabajo. *Aposta: Revista de ciencias sociales*, No. 32, 2007, p. 2.

<sup>244</sup> Conclusiones Pacto De Toledo, Aprobación del Informe de la Comisión no permanente del Pacto de Toledo del Congreso de los Diputados el 30-09-03, No.596, 2003. <http://www.oiss.org/IMG/pdf/toledo.pdf>, (22.02.2017).

- Reorganization of workers needy sectors of foreign labor.

But there were also many threats that the Spanish labor market received after this massive regularization process. As an example of some of them:

- Many fictional work contracts were used; this meant increased competition in the labor market since last 6 months, regularized immigrants went to swell the ranks of unemployed.
- The qualification of regularized immigrants was similar to that of the natives, prompting competing with them.
- There was a further increase in irregular population by the so-called “pull factor” to the facility to apply for citizenship.
- In the long run, the immigrant population is also aging and will become beneficiaries of a pension.
- Increased pressure on infrastructures administrations and social services (health, education, and unemployment benefits, pensions, etc.)

Important data for assessing the effects of large adjustments in Spain can be obtained by the report by Miguel Pajares for the Foundation Jaume Bofill in Catalonia.

In October 2006, immigration did not reduce employment to locals, but forced the creation of jobs for the entire population. The employment rate increased in this region in 2005, 0.8% more than in 2004 and the number of immigrants’ affiliates in January 2006 was 200,000 more than in 2003.

In conclusion we can say that who better measure the economic needs of a country, it is the market. The market is also the most effective way to unite the supply and demand for foreign labor instrument. Politicians cannot know how much immigration needs a country but need to try to balance the immense benefits that immigration can provide all exporters and importers of labor, with the potential costs that may result.<sup>245</sup>

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<sup>245</sup> Lorenzo Bernardo De Quirós, La inmigración a debate: el problema es el Estado, *Cato Institute*, Vol. 14, 2004.

## **CHAPTER III**

### **SPAIN'S LABOUR MARKET: EVOLUTION, TENDENCY AND CONSEQUENCES**

#### **3.1. Evolution of Spain's Labour Market (1985-2016)**

In 2016, three decades have passed since Spain became part of the European Union. There have been important changes in the labor market in the 30 years of Spain with EU, but another things have not changed at all.

The first one is that, nowadays Spain has almost the same unemployment rate as in 1985. According to the data published in the Survey of Active Population referring to the year 2015, the unemployment rate was 20.9%, a figure very similar to the one published in The Surveys referred to 1985 with an unemployment rate of 21.48%. During this period there have been times of expansion and recession, alternating over these years with greater or lesser temporal extension.

The socio-economic development of Spain in the last years comes from the hand of a deep crisis (with international scope) that originated in 2008 and which has not yet come out. The virulence of this crisis has a clear indicator, the unemployment rate which reached nearly 27% in the first quarter of 2013.<sup>246</sup> It is true also that unemployment had a strong referral, hovering at 8% in 2007.

The labor market per se has changed a lot during these 30 years. The population of working age has increased by 34%, from 28.7 million to 38.5 million, according to data obtained from the Survey of Active Population. In addition, the employed population has increased in this period by 67% (from 11 to 18 million).

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<sup>246</sup> Eurostat, European Statistical Office, <http://ec.europa.eu/eurostat>, (22.02.2017).



Therefore, although the unemployment rate has not changed in Spain in these 30 years, there are more active people and more people employed at the moment.<sup>247</sup>

There is a strongly differentiating fact analyzing the evolution of Spain's labor market in the last 30 years, which is the incorporation of women. According also to the Active Population Survey of the National Institute of Statistics, the female activity rate rose from 28.96% in 1985 to 53.8% at the present time, from 3.2 million to slightly more than 8.2 million of workers.<sup>248</sup>

Although, young people suffer from a higher unemployment rate. At the end of 1985 there were 1.5 million young people in employment, which was equivalent to 14% of the employed population and in 2015 the young people employed do not reach 800,000, only 4.4% of all people with jobs in Spain today.<sup>249</sup>

From the employment point of view, the **Services** Area has significantly increased in the number of employed persons. This sector was the busiest in 1985, with 5.6 million employees. Thirty years later, employment in Spain depends even more on this sector. Almost 13.8 million people work in it in 2015.

**Construction** was in 1985 the sector that less occupied contributed to the national employment as a whole (around 7.6% of the Spanish employed population was working in the sector). Today, Construction, despite contributing less busy than others (18 million employed) still exceeds Agriculture.<sup>250</sup>

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<sup>247</sup> Carlos Ibáñez-Mateo, El desempleo en España durante la crisis económica. 2014. The potentially active population (made up of people aged 16 and over) would consist of two groups:

- Active people, which in turn would be the accumulated of two other groups: persons occupied (have employment) and unemployed (seeking employment).
- Inactive people, those who even though they are of working age do not actively seek employment: retirees, students, permanent incapacitated persons, persons engaged in domestic work.

<sup>248</sup> Thirty years ago, only 22 women out of 100 were of working age, there was much room for improvement. In contrast, although the ratio is still low, 42 out of 100 women of working age are employed. Ioé Colectivo, *Processes of insertion and social exclusion of non-EU immigrant women*. Institute of Women, Madrid 1996.

<sup>249</sup> 30 years ago, 1 in 5 people of working age in our country was between the ages of 16 and 24. Today only 1 in 10, which shows the aging of the labor market. Ioé Colectivo, *Foreign immigrants in Spain: reconfiguring society?*, Social Panorama, Vol.1, 2005, p. 32-47.

<sup>250</sup> Carlos García Serrano, Del pasmo al marasmo: El sector de la construcción y su relación con la crisis del empleo. *Estudios de economía aplicada*, Vol. 30, 2012, p. 7-20.

**Agriculture** in Spain employed 1.9 million people (17% of the total) at the end of 1985, while the data that the currently Survey gives us in 2015 amounts of 780,000 people (4% of the total). The agricultural sector is the most significant difference of the Spain's labor since its entry into the European Union, according to data extracted from the INE website.

At the end of 1985, almost 2.7 million people were directly dependent on the Industrial sector in our country. At that time, the **Industry** contributed almost 1 out of every 4 employed. After 30 years, the number of workers in the Industrial sector is smaller, around 2.5 million and accounts for 1 in 7 people.<sup>251</sup>

Just before Spain entered the EU, the number of self-employed workers in our country was around 3.3 million. The **self-employed** accounted almost 30% of all population at that time. After 30 years, at the end of 2015 there was fewer self-employed than at that time, about 3.1 million self-employed, which in addition is only 17% of the Spanish employed population.

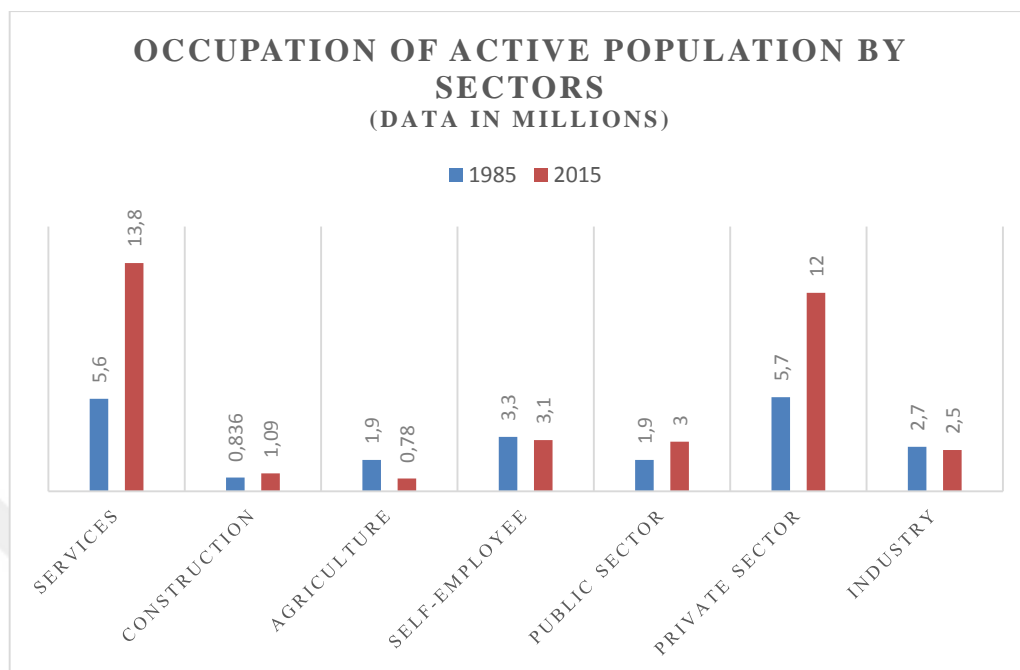
According to the **public sector**, in the last 30 years the number of employees had an increase of 53%. In relation to the total of the occupied population represented in 1985 the 17.7%, whereas at present it amounts to 16.6%. Despite the increase, the percentage relative to the active population is practically similar. Finally, the dynamizing factor of employment during this years, has been the **private sector**<sup>252</sup>; which has accounted an 88% of net new employment generated between the end of 1985 and the end of 2015. Private-sector wage earners have grown by 108%, from 5.7 million to almost 12 million workers.

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<sup>251</sup> Survey of Active Population; Josep Fontana, *Beyond the crisis*, Caum, 2012.

<sup>252</sup> It has been the private sector that has generated most of the increase in the employed population that has been registered in the last 30 years: it is responsible for 88 out of 100 new net jobs created.

**Figure 3.** Comparative between the Active Population (1985-2015)



Source: Own elaboration based on data obtained from the Survey of Active Population

To sum up, the most essential points that we have emptied from all the data analyzed so far are the following:

- The unemployment rate remains at the same levels, excessively high in relation to other countries in advanced economies (above 20%),
- The Spanish labor market has aged.
- The female population has been strongly incorporated into the labor market.
- The Services sector is the driving force behind employment.
- The significance of the self-employed in the labor market has been reduced.
- The Spanish population (especially the female population) is more active and more occupied.

If we focus on the evolution of the migrant's labor insertion in Spain, and as studied by Pedreño, M.H. & López, D.P. (2015) in the International Journal of Migration Studies, we can reach the following analysis:

There is now a new model of labor insertion according to nationality (emergent and more competitive), which replaces the initial model that allows to explain the labor insertion processes of immigrants in the context of crisis.<sup>253</sup>

This new tactics for inclusion into Spain's labour market regarding to nationality (emerging model) are described by diverse patterns of competition, replacement and complementarity. The new strategies are the effect of the social and labour integration process of immigrants and the development of the economic crisis that offers foreign workers a new social status. An emerging model that, in many aspects, is far from the traditional model where the labour complementarity between Spanish and foreign citizens was leading and, to a lesser extent, competition.

**Table 9.** Evolution of the labor insertion model for immigrants in Spain

TRADICIONAL (Pre-Crisis) A D A P T A T I V E	EMERGING MODEL (Crisis and Post-Crisis) C O M P E T I T I V E
Complementary effect: immigrants occupy jobs discarded by Spanish population.	Reduced complementarity effect: it is still valid, although to a lesser extent, as the Spanish lower their level of acceptability. Rivalry: Decrease of the level of acceptability of Spanish, immigrants and Spanish compete for jobs in primary and secondary segment to a lesser extent.
Substitution effect: entrepreneurs prefer to hire foreigners who accept worse working conditions because of greater social vulnerability.	Reverse substitution effect: most vulnerable Spanish occupy precarious positions previously occupied by immigrants in various markets.
Addition effect: generation of new jobs in the secondary segment: jobs for / from immigrants.	Reduced addition effect: elimination of certain ethnic enclaves and reduction of creating new posts.
Segmentation according to nationality and sexual division of labor: labor discrimination based on origin and sex.	Segmentation according to nationality and sexual division of labor: still last elements of labor discrimination according to country of origin and sex.

**Source:** Own elaboration according to data obtained from International Journal of Migration Studies. CEMyRI. UAL (Spain)

<sup>253</sup> Manuel Hernández Pedreño - Diego Pascual López, Hacia un nuevo modelo de inserción laboral de los inmigrantes, *Revista Internacional de Estudios Migratorios (RIEM)*, 2015, Vol. 5, No. 2, p. 201-226.

### 3.2. Migration and Labour Market before 2008 Crisis

Spain is a developed country which has been chosen by immigrants to settle in the last two decades. Immigration has been one of the most important issues in the contemporary global economy. The choice of foreign population as a destination is a phenomenon motivated by economic, political, social and demographic aspects, which began in the 90s and which shows an accelerated increase in immigration to nowadays.

In 1981, the foreign population represented 1.7% of the total; in 2000, the percentage had only risen to 2.2% of the total population. But in 2007, the immigrant population reached 13.4% growing gradually to 14% in 2010. It is from 2011 onwards when the growth of foreign population slows due to the crisis in the Spain.<sup>254</sup>

Immigrants constitute an important part of our country's workforce. In the run-up to the 2008 crisis, the immigrant population went from assuming 3% of total labor in the late 1990s, by 9.3% in 2006, to 15% of total employment in 2010.<sup>255</sup> Until the arrival of the economic crisis, there were a few critical voices regarding the presence of immigrants in Spain. However, from mid-2008 negative comments began to emerge about the phenomenon.<sup>256</sup>

Some of the positive effects of immigration in Spain were, for example, the rejuvenation of the population and the reduction of the problem to find workers for difficult sectors for which there was scarcely any Spanish labor force.

According to this increase in the active immigrant population, a question is whether immigration is the cause of the low productivity of our country or which its consequences are. In fact, Bentolila, Dolado and Jimeno (2010) display that immigration, in itself, cannot be considered an artifice of low labor productivity in

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<sup>254</sup> Data obtained from INE (various years), Municipal Register of Inhabitants, National Institute of Statistics, [www.ine.es](http://www.ine.es), (22.02.2017).

<sup>255</sup> Aurora García Ballesteros - Beatriz Cristina Jiménez Blasco - María Milagros Mayoral Peñas, Emigración de retorno y crisis en España, *Scripta Nova: revista electrónica de geografía y ciencias sociales*, Vol. 18, 2014.

<sup>256</sup> Joan Elias, *Inmigración y mercado laboral: antes y después de la recesión*, "La Caixa", Servicio de Estudios, 2011.

Spain, but that immigrants have entered massively to work because Spanish companies, because of their low productivity, they demanded precisely this type of low-skilled labor.<sup>257</sup>

A second negative effect which it could be highlight, although it has a more social than economic content, is that, as well as the increase of the immigrant population, the demand for social services, in particular education and health, have increased. However this increase in demand was not accompanied by a sufficient increase in the supply of services, therefore there was a worsening in the quality of services that had a negative effect on the well-being of individuals.

Although the economic disadvantage of immigrants vis-à-vis the natives is closely linked to labor factors, there are additional elements that also contribute to this in a very important way. Some of these factors are:<sup>258</sup>

- The possibility of having family support is reduced.
- Their dependence on wage income is much higher and they have a low level of resources (wealth, housing, etc.).
- The average size of immigrant families is higher than the national average, which implies additional burdens for the supporters.
- The “almost” obligatory sending of remittances to the family residing in the country of origin.
- The burdens associated with housing (while Spanish working families own more than 80% of the housing stock), the predominant tenure among immigrants is still rent.

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<sup>257</sup> Samuel Dolado Bentolila - Juan Jimeno, Reforming an insider-outsider labor market: the Spanish experience, *IZA Journal of European Labor Studies*, Vol. 1, No. 1, 2012, p. 4.

<sup>258</sup> José Félix Tezanos Tortajada - Verónica Díaz Moreno, *Condiciones laborales de los trabajadores inmigrantes en España*, Sistema, 2008.

### 3.2.1. Analysis of Migrant's Situation

Following data obtained from the document *Immigration and Spanish Economy: 1996-2006*, the incorporation of such a large number of immigrants into the Spanish labor market was a key part of the productive model that characterized the period of economic expansion. The growth pattern of the Spanish economy was based on the expansion of sectors that were not productive but labor-intensive, especially in construction and in the hotel industry, where immigrants became more and more integrated due to the insufficiency of native population and to cover the incessant demand of work that generated these sectors.

Immigrants also worked in two of the sectors with the worst working conditions and where the indigenous labor supply was very limited, the agricultural sector and domestic service. According to the National Institute of Statistics, the magnitude was such that of the 5 million new jobs created in Spain from 2000 to 2007, half were occupied by immigrants creating 50% of GDP growth in the period 2000-2005. The precariousness characteristic of the labor insertion modalities of the immigrants during the period of economic expansion, explains to a large extent their greater vulnerability to the current crisis.

Immigrants have been showing a much greater concentration in the more painstaking, less skilled and lower paid jobs, such as temporary workers, domestic servants, waiters, construction laborers, etc. In general, the analysis of the occupational structure of Spaniards and immigrants and their evolution, based on the Survey of Active Population of the National Institute of Statistics, shows that the first ones reveal a much higher concentration than the autochthonous ones in the low categories. Generally, immigrant workers have remained in the lower labor categories, for which no qualification is required, even if they have had a higher level of education.<sup>259</sup>

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<sup>259</sup> The low upward mobility of immigrants can be explained by the strong segmentation of the labor market, with labor niches reserved for immigrants and barriers to entry into the most qualified jobs, among which, in addition to directly discriminatory business practices, And administrative procedures to approve the qualifications of immigrants. María Luisa Vázquez - Ingrid Vargas - Beatriz Aller, Reflexiones sobre el impacto de la crisis en la salud y la atención sanitaria de la población inmigrante, Informe SEESPAS 2014, *Gaceta Sanitaria*, Vol. 28, 2014, p. 142-146.

In addition, a large part of the new jobs employed by immigrants over the last few years were temporary, so that in 2007, the last year of prosperity, more than half of the foreign wage earners had a temporary contract (52.6%), a rate that practically doubled that of the Spaniards (27 %).<sup>260</sup>

According to data from the Salary Structure Survey<sup>261</sup>, from 2004 to 2007 the average salary of Spaniards increased by 12.9 per cent, while that of foreigners made only 1.3 per cent, what made widen the gap salary between both groups; in 2007 the average salary of the latter was almost 30 per cent lower than that of the former.

Based on the data extracted from the Living Conditions Surveys (CVS) for the years 2004-2008, we were able to analyze that the precariousness of work, the lack of family and social networks and housing shortages explain the higher incidence of poverty among immigrants, even before the crisis began. In 2006, 52% of the immigrant children were in moderate poverty, 32% were in high poverty and 28% were in extreme poverty.<sup>262</sup> In 2007, Spain presented an ideal economic context for the attraction of migratory flows due to the great “real estate boom” which gave rise to thousands of jobs. According to the INE in 2007, the immigrant population in Spain amounted to 4,526,522 people.<sup>263</sup>

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<sup>260</sup> Data obtained from the *Survey of Active Population* (permanent update), <http://www.empleo.gob.es/es/estadisticas>, (22.02.2017).

<sup>261</sup> *Salary Structure Survey*, <http://www.ine.es/prensa/np525.pdf>, (22.02.2017); Carlos Martín Urriza, A comparison between the salary of Spanish and foreign workers, *Ministry of Labor Magazine e Inmigración*, No. 61, 2006, p. 61-76.

<sup>262</sup> Rosa Martínez, López, Pobreza y privación material en España en el período 2004-2008: del auge económico al inicio de la recesión, *Documentos de trabajo (Laboratorio de alternativas)*, Vol. 165, No. 1, 2010.

<sup>263</sup> Between 1998 and 2005, the number of foreigners legally resident in Spain multiplied by six and the reason for their arrival was work. The shortage of labor in the construction and services sectors made it imperative to increase the supply of workers in the short term to continue creating employment and growth. Official property and rental housing figures did not explain the uptake of the more than 4 million registered immigrants in early 2007. Part of this mass population was sheltered in shantytowns, shantytowns, and low-place, charging a price per person. In the years of economic expansion, their integration into the labor market was characterized by high rates of participation, but also because of higher unemployment rates than the native population, both of which were largely due to the constant influx of new immigrants. This insertion, however, occurred with a high degree of precariousness given the high temporality and the low occupational mobility. Bertolín Mora, *The Spanish real estate bubble: causes and consequences*, 2014.



**Table 10.** Reason of migration to Spain. Year 2007

INE 2007 Survey	Employment improvement	Regrouping	Lack of employment	Another Reasons	Total surveys
Nº Casos	1.765.002	1.451.950	1.054.197	4.541.853	8.813.002
%	20%	16,50%	12%	51,50%	100%

**Source:** Own elaboration with data extracted from the 2007 National Immigration Survey

According to the National Immigration Survey of 2007, and as can be seen in the table, 51.5% of the immigrants moved to Spain for political reasons, quality of life, etc. The improvement in employment was the second reason for more migration, followed by the reunification of family members and, finally, the lack of work in their country of origin.

The foreign group suffered in the pre-crisis period a higher unemployment rate than the Spanish population, although this level was minimum in both cases in 2007. 7.7% of the Spaniards were unemployed while for foreigners the figure was up to 12.3%.<sup>264</sup>

### 3.2.2. Main Working Sectors to the Insertion of Migrants

Several studies have revealed the situation of foreigners' labor disadvantage vis-à-vis the native population, reflected in their greater presence in the most precarious, unstable and less qualified jobs.<sup>265</sup> Moreover, the type of employment as a

<sup>264</sup> In the years of economic expansion, their integration in the labor market was characterized by high participation rates, but also because of higher unemployment rates than the native population, both of which were largely due to the constant influx of new immigrants. This insertion, however, occurred with a high degree of precariousness due to the high temporality and the low occupational mobility. Lorenzo Cachón Rodríguez, *Marco institucional de la discriminación y tipos de inmigrantes en el mercado de trabajo en España*, Reis, 1995, p. 105-124.

<sup>265</sup> Lorenzo Cachón, Segregación sectorial de los inmigrantes en el mercado de trabajo en España. *Cuadernos de relaciones laborales*, Vol.10, 2009, p. 49; Muñoz Comet, ¿Qué Trabajos Ocupan Quienes Abandonan El Desempleo? Diferencias entre españoles y extranjeros en un contexto de cambio económico. *Revista internacional de sociología*, Vol. 72, No. 2, 2014, p. 353-376.

cause of distance between immigrant and native workers has been used to explain wage differentials<sup>266</sup> and the greater probability of experiencing unemployment.<sup>267</sup>

The analysis of the labor insertion of foreign workers in Spain can be explained through theories of the dual labor market<sup>268</sup> or labor segmentation.<sup>269</sup> Both approaches consider that the labor market would be divided into two segments, primary and secondary (also called core and periphery), with well differentiated characteristics. In the secondary segment would include the lowest paid jobs, more precarious and requiring little or no qualification; while in the primary segment the jobs would be more stable, better paid and more qualified.

The segmentation of the Spanish labor market became evident after the incorporation of Spain into the European Union in 1986. Since the 1990s, the increase in the welfare thresholds of the Spaniards has caused them to increase their labor expectations, rejecting certain jobs with low social valuation, most of them located in the secondary segment of the labor market. This led to a shortage of peripheral labor, which was largely covered by foreign workers.<sup>270</sup>

Thus, this “call effect” or attraction in the 1990s scarcely generated competition between indigenous and foreign workers (Pajares, 1999: 249), being later called complementarity effect. However, in the later stages two other effects have been identified that intervene in the labor insertion of immigrants, the so-called substitution effect and addition effect (Arango, 2004; Hernández and Tovar, 2005).<sup>271</sup>

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<sup>266</sup> Amelie Constant -Douglas Massey, Labor market segmentation and the earnings of German guestworkers, *Population Research and Policy Review*, Vol. 24, No. 5, 2005, p. 489-512; Manuel Hernández Pedreño - Manuel Tovar Arce, *El capital humano de los inmigrante*, La condición inmigrante, Murcia, 2005.

<sup>267</sup> Irena Kogan, *Last hired, first fired? The unemployment dynamics of male immigrants in Germany*, *European Sociological Review*, Vol. 20, 2004, p. 445-461; Manuel Hernández Pedreño, M. y Diego Pascual López Carmona, *Condición inmigrante y exclusión residencial*. Vivienda y exclusión residencial, Murcia: Editum, 2013.

<sup>268</sup> Michael Piore, *Notas para una teoría de la estratificación del mercado de trabajo*, El mercado de trabajo, Teorías y aplicaciones, Madrid: Alianza, 1983.

<sup>269</sup> David Gordons, *Trabajo segmentado, trabajadores divididos*, Madrid: Ministerio de Trabajo y Seguridad Social, 1987.

<sup>270</sup> Lorenzo Cachón, *La España inmigrante: marco discriminatorio, mercado de trabajo y políticas de integración*, Anthropos, Barcelona 2009, p. 352.

<sup>271</sup> Joaquín Arango Vila-Belda, *La inmigración en España a comienzos del siglo XXI*, Informe sobre la situación demográfica en España, Fundación Fernando Abril Martorell, 2004, p. 161-186.

The substitution effect arises when employers prefer to employ foreign workers instead of native workers, because foreigners provide them with a labor force under optimal conditions of flexibility which allows them to increase their productivity, reducing production costs (lower wages and worse working conditions). On the other hand, there would be the addition effect, that is, when new jobs are created, which before the arrival of immigrants did not exist in the Spain's labor market. This effect would include at least three types of work for foreigners: those linked to domestic support for Spanish households; those located in the so-called Portes and Rumbaut (1990) "ethnic enclave"<sup>272</sup>, that would group the diverse business initiatives of the immigrants, managed by them and in many cases for them (eg the locutorios); and foreign agricultural laborers.

The combination of the three mentioned effects resulted in a Spain's labor market where the labor insertion of immigrants presented important patterns of segregation and sectorial specialization due to origin issues, mediated by a substantive disqualification (Hernández and Tovar, 2010: 93). That is, a labor market highly segmented according to the country of origin.<sup>273</sup>

In the period 2000-2007, foreign occupation increased by more than 2.3 million, and the occupation of native workers increased by 2.5 million. However, the specialization of foreign workers by branches of activity differed markedly from that observed among natives. The foreign population was mostly employed in construction, concentrating in this sector more than a quarter of new foreigners. On the other hand, the incorporation of this group was smaller in the branch of other services and reduced in education and health, in spite of being important sectors of employment for the natives. Almost 15% of the new foreign workers went to the hotel trade, a branch in which the low-skilled job predominates. While in agriculture there was a noticeable decline in employment as a result of the general process of structural change, a large number of immigrants found here a niche of employment unattractive to the natives.

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<sup>272</sup> Alejandro Portes - Rubén Rumbaut, *Immigrant America: a portrait*, University of California Press, 2006.

<sup>273</sup> Manuel Hernandez Pedreño – Diego Pascual López, Hacia un nuevo modelo de inserción laboral de los inmigrantes, *Revista Internacional de Estudios Migratorios*, Vol. 5, No. 2, 2005, p. 201-226.

Finally, there is a strong increase in foreign employment in domestic service, a small sector in native employment. In this regard, recent studies conclude that foreign employment in this area has contributed to the fact that native women spend less time on domestic production and the care of dependents and participate more in the labor market.<sup>274</sup>

During this 7 years, more than 80% of the new jobs held by foreigners required little qualification. Even if a foreigner had the same level of education as a native, it was normal for the first, of recent arrival, to have difficulty in getting the most out of his academic qualifications, requiring a period of adaptation, during which he held less qualified positions. In the National Classification of Occupations (CNO-1994)<sup>275</sup>, it is possible to distinguish between occupations associated with skilled jobs and not. During the last expansionary phase of the Spanish economy, these two groups had a similar weight in the created employment. However, the distribution of new jobs between natives and foreigners was very uneven. During the period 2000-2007, when the arrival of immigrants took its maximum dimension, foreigners occupied three quarters of the new unskilled jobs, compared to 13% of new qualified jobs. The fact that foreigners occupied the less qualified jobs contributed to the increased mobility of the natives towards more qualified tasks.

Amuedo-Dorantes and De la Rica (2008) enhance to the above results new evidence and interesting conclusions. Technically, because the immigrant population arriving in Spain presents lower levels of formal qualification than the native population for the same age segments, it would be expect an increase in the wages received by the more educated natives, because the skilled work becomes now a relatively scarcer factor. There would be also reduction in the perceptions of the less qualified native workers, as this is a more abundant factor. However, the wages of the less qualified native population have hardly changed as a result of hypothetical

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<sup>274</sup> This fact has a double aspect in the case of the Maghreb woman, who joins the labor market, although in principle, was not their aim. But faced the inability of their men to find employment, many of them became an active part of the labor market, thus helping Spanish women to take jobs away from home. Elena Vidal Coso - Pau Miret Gamundi, *El papel de la inmigración en la actividad femenina en España: Una década de expansión económica (1999-2008)*, *Migraciones, Publicación del Instituto Universitario de Estudios sobre Migraciones*, 2013, No. 32, p. 139-168.

<sup>275</sup> Statistics National Institute of Spain, *Clasificación nacional de ocupaciones 1994 (CNO-94)*, 1994.

competition with foreign workers. The explanation for this phenomenon lies in the degree of complementarity or competition between foreign and national workers, not only between different levels but in each of these.<sup>276</sup>

The table shows that there are statistical differences between immigrant and Spanish workers. Foreign occupiers choose or are destined to occupy positions in the Agrarian sector (12%) and Construction (20%) in higher proportion than the Spanish (3.90 and 9.70% respectively). Occupied Spanish people are mainly engaged in Services in a much higher percentage than foreigners (70.40% versus 51.80% of outsiders).

**Table 11.** Distribution of employment by nationality and sectors. Fourth quarter 2008

	SPANISH	FOREIGNERS
Agriculture	3,90%	12,00%
Industry	16,00%	16,20%
Construction	9,70%	20,00%
Services	70,40%	51,80%
TOTAL ASSETS	17.068.700	496.000

**Source:** Own elaboration according to data from the EPA and the National Observatory of Working Conditions.

The following table shows the evolution of immigrant workers in the main occupation sectors. It have chosen the period of 1997-2007 prior to the crisis and we have been able to observe that the number of foreign workers rose rapidly in that period.

The services sector and the construction sector housed the most important group of immigrant workers arriving in Spain during this years. 2002 was the year in which, more percentage of immigrants got jobs in Spain.

As of 2005, although the employment trend for immigrants continues to be on the rise, a slight recession can be observed in the growth rate of immigrants with

<sup>276</sup> Catalina Amuedo-Dorantes - Sara De La Rica, *Does immigration raise natives income?*, National and regional evidence from Spain, 2008.

work. This rhythm is broken in 2008, from which, the trend falls sharply due, above all, to the so-called crisis of the real estate bubble in Spain.

**Table 12.** Evolution of foreign workers in the main sectors of occupation (1997-2007).

DATA IN MILES.

YEAR	AGRARIAN	INDUSTRY	CONSTRUCTION	SERVICES	GROWTH ABOVE PREVIOUS YEAR	% GROWTH
1997	13.7	23.7	18.2	119.5		
1998	19.9	27	22.2	152.5	33.0	27,62
1999	28.8	39.2	30.6	219.1	666	43,67
2000	38.3	55.6	56.6	303.6	845	38,57
2001	62.1	77	104.2	439.6	1360	44,80
2002	85.6	135.2	172.6	661.6	2220	50,50
2003	111.5	178	256	841	1794	27,12
2004	133	211.8	364.7	993.3	1523	18,11
2005	157.7	263.5	448.8	1.234.8	2415	24,31
2006	152.6	284.8	539.9	1.431.1	1963	15,90
2007	166.7	290	644.2	1.623.9	1928	13,47

**Source:** Own elaboration with data obtained from the Ministry of Employment and Social Security. Quarterly Labor Market Analysis Report. <sup>277</sup>

### 3.3. Migration and Labour Market after 2008 Crisis

The economic crisis that began in 2008 has particularly affected immigrants due to their greater vulnerability to departure and to the higher rise on unemployment. According to the Active Population Survey, more than a quarter of the 2.8 million new unemployed people (in the 2008-2010 period) counted since the crisis began, are immigrants (716,300 people), a very high proportion taking into account that they represent only 16% of the active population. Thus, the proportion of immigrant workers who were unemployed in only three years fell from 12% to 30%, a much higher unemployment rate than the Spanish people, which stood at 20% in 2010.

<sup>277</sup> *Empleo y Seguridad Social en España*, [http://www.empleo.gob.es/es/sec\\_trabajo/analisis-mercado-trabajo/numeros/113/Tabla6.pdf](http://www.empleo.gob.es/es/sec_trabajo/analisis-mercado-trabajo/numeros/113/Tabla6.pdf), (22.02.2017).

Households supported by an unemployed immigrant have in 2008 rates of deprivation and poverty consistent almost twenty points higher than those experienced by families with unemployed workers of Spain. Families whose breadwinner is an inactive person (mainly pensioners) have a poverty risk of over 30%; however, their basic deprivation rates are at levels not much higher than the national average.<sup>278</sup>

The effects of unemployment on levels of poverty, material deprivation and the risk of social exclusion are potentially greater in the case of immigrants for several reasons:

1. The previous economic situation of immigrant families was worse, in terms of lower levels of income, higher levels of indebtedness and higher family burdens.
2. The new unemployed immigrants were the main supporters of households, that is, they provided the main source of income.
3. The effects of unemployment on levels of poverty, material deprivation and the risk of social exclusion are potentially greater in the case of immigrants
4. The amount of severance pay to which they are entitled is minor or non-existent, as is the access and duration of unemployment benefits and benefits.
5. The prolongation of the unemployment situation has led to the fact that an increasing number of immigrant workers cannot renew work permits by failing to comply with the social security contribution requirements established by law. This implies defenselessness, risk of expulsion and condemnation of the submerged economy; Prevents workers and their families from normal access to benefits and social assets, including employment training offered by the INEM, thereby increasing economic insecurity and the risk of exclusion.<sup>279</sup>

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<sup>278</sup> Rosa Martínez López, *Baja renta y privación material de la población inmigrante en España, Presupuesto y gasto público*, No. 61, 2010, p. 311-336.

<sup>279</sup> Rosa Martínez López, *Ibid.*

According to Vizan, C. (2011), as a result of the economic crisis, there was a general hardening in Europe of immigration policy in order to drastically limit the entry of immigrants (especially unskilled immigrants). This restrictive turn of the foreigners' policy was concretized in Spain through different routes:

- Progressive closure of the legal ways of entry of labor migrants.
- Limitation of family reunification.
- Reinforcing the militarization on the fight against immigration in West Africa.
- Enunciation of the program of voluntary return of the unemployed.
- Intensification of arrests, police raids and expulsions of immigrants.
- Reduction of guarantees for the repatriation of children and extension of internment periods in the CIES.
- Difficulty in renewing residence permits for immigrants who had been unemployed.<sup>280</sup>

In Spain the effects of the crisis on immigration were similar to those of other countries, but even more acute, resulting in a rise in unemployment much higher than in other European countries. To explain this destruction of employment was aimed at increasing the exaggeration of the labor market, caused by a previous uncontrolled growth of the construction sector and the arrival of immigrants to meet the increase in demand.

The need for foreign workers to develop the Spanish labor market cannot be questioned, as the aging of the population and low birth rates make it impossible to meet the needs of the labor market with only native workers. It is not possible to dispense with the people who make up the active immigrant population and immigrant workers if it aims to grow in short-term period.<sup>281</sup>

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<sup>280</sup> Carmen Vizan, Los inmigrantes ante la crisis económica: ¿De la precariedad a la exclusión? *Mugak*, No. 54, 2011.

<sup>281</sup> Eva Medina Moral - Ainhoa Herrarte Sánchez - José Vicéns Otero, Inmigración y desempleo en España: impacto de la crisis económica, *Información Comercial Española, ICE: Revista de economía*, 2010.



Ortega López (2010) points out that the difficult context of economic recession affecting Spain is imposing new rules of the game between immigrants, the native population, the labour market and social policies. Therefore, it is worth pausing to analyze the impact of the crisis at the labor level, comparing the situation of Spanish population in general with the immigrants. In this analysis, one factor that cannot be overlooked is the fact that Spanish economy, in the past, would not have grown without immigrants' contribution, and that without its contribution it will not be able to grow in the future also.<sup>282</sup>

### **3.3.1. Analysis of Migrant's Situation**

If we analyze the situation in Spain since 2008, when the economic crisis closes a cycle of great immigration attraction, we can see on the one hand that there has been many returns of immigrants to their countries of origin, which has originated movements between different geographic areas, at the same time as they have established networks between the places from which they departed and Spain.

If we talk about irregular male immigrants, according to Manzanedo and Gonzalez Fabre (2009), we can say that these are difficult to employ in the services sector of urban areas, so now that the construction boom has exploded, they must choose between looking for job in the fields, return to their country or stay irregular. In the case of irregular women in urban areas, domestic service continued to be their work alternative, although the salaries offered per day fell due to the economic difficulties that the Spanish families began to cross.<sup>283</sup>

The inability to integrate into the labor market produces important legal consequences for irregular immigrants, since a formal job offer is the necessary condition to qualify for legalization by social roots after three years of stay in the

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<sup>282</sup> Ruth Ludmila ORTEGA LOPEZ, Impacto sociocultural de la crisis económica sobre la población inmigrante, 2010, <http://www.panoramicasocial.com/integracion/5-inmigracion/129-impacto-sociocultural-de-la-crisis-economica-sobre-la-poblacion-inmigrante>, (23.02.2017).

<sup>283</sup> "Impacto de la crisis económica sobre los inmigrantes irregulares en España" PICUM, <http://www.pueblosunidos.org/cpu/formacion/ImpactoCrisis.Pdf> , (23.02.2017)

country, being the only procedure provided by law for an alien to regularize his situation without leaving the country.

With regard to the impact of the crisis on migrant workers, it should be noted that, due to the strong concentration of job destruction in the construction sector, unemployment primarily affected more men than women; however, as the decline in activity spread to the services sector, unemployment also sharply affected the female sector. However, unlike the pre-crisis crisis, the unemployment rate of immigrant women, not of indigenous women, was below the unemployment rate for men in 2010.<sup>284</sup>

According to data of social security affiliation, as a result of the crisis it began to appear a transfer of affiliates from self-employed to the agricultural regime and to the system of house workers. Immigrants began to retreat on the road to employment: construction and services began to return to the sectors where they began their path (sectors that are less sensitive to the economic cycle and maintain activity and employment, although with less labor protection and worse working conditions).

Also, with a view to their professional reintegration, a large number of foreigners who remained unemployed chose to invest in trainings and professional education, through courses offered by public employment services. In any case the training for employment offered by the National Employment Institute (INEM) was insufficient to meet the significant increase in demand that occurred.<sup>285</sup> Also, many immigrants who lost their jobs began to approve the training diplomas obtained in their countries and they were never needed to work in the construction or in the hotel trade.

Another type of strategy to overcome the crisis was to optimize the investment in housing, such as renting rooms or sharing with another family to save a rent. As a result of the crisis, evictions also began for non-payment of rent or loss of housing due to non-payment of the mortgage, placing the affected families in a

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<sup>284</sup> INE, National Institute of Statistics, “Encuesta de Condiciones de Vida de 2007 y 2008” and “Encuestas de Condiciones de Vida de 2008 y 2009”.

<sup>285</sup> Gloria Moreno - Luis Toharia, *Características del paro de los inmigrantes: La inmigración en la encrucijada*, Bellaterra, 2008, p. 138-157

situation of extreme vulnerability. Therefore, once the house was delivered to the bank, many families were forced to return to the country of origin because they could not cope with the outstanding debt.<sup>286</sup>

But according to data obtained from the Permanent Immigration Observatory of the Ministry of Labor and Immigration, in terms of return strategies, some estimations indicated that return to the origin country was not a massive phenomenon. Most of the immigrants settled in Spain remained here despite the crisis and restrictive policies, because they had already invested a lot in getting papers, work, regrouping the family, housing, education for their children, etc. For foreign families return was one of the last option since they were already minimally settled in countries of destination, with legal residence and family reunification. Some factors that clearly conditioned the decision are:

- The economic situation in the countries of origin.
- The impossibility of returning to the host country (at a time when the situation in the country had improved) by legal means.
- The loss of social benefits and other rights acquired during residency in Spain.<sup>287</sup>

Thus, anti-immigration policies only succeeded in increasing irregularity, the shadow economy, segregation and the risk of social exclusion.

### **3.3.2 Main Working Sectors to the Insertion of Migrants**

We are living in a period of turbulences in which the reasons that explain migration are much more complex than before and in which is difficult to determine the exact branches of activity that immigrants use to be incorporated.

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<sup>286</sup> Mújika, I. I., & López, M. R. (2009). Vivienda y condiciones de vida de los inmigrantes en España. *Revista del Ministerio de Trabajo e Inmigración*, (80), 269-291.

<sup>287</sup> APS, Active Population Surveys, [http://www.ine.es/dyngs/INEbase/en/operacion.htm?c=Estadistica\\_C&cid=1254736176918&menu=ultiDatos&idp=1254735976595](http://www.ine.es/dyngs/INEbase/en/operacion.htm?c=Estadistica_C&cid=1254736176918&menu=ultiDatos&idp=1254735976595), (23.02.2017).

“Immigrants' strategies to enter the labor market depend on their status as residents (legal or illegal), their qualifications (educational credentials, professional qualifications, work experience, knowledge of the native language) and, finally, their goals as an emigrant. They can consider themselves as eventual intruders, and accept all kinds of working conditions, or consider themselves permanent members of a multicultural society and therefore demand the same rights and opportunities as national workers”.<sup>288</sup>

Employment of the immigrant population is concentrated in certain branches of activity, such as construction, hospitality, commerce, agriculture and domestic service. That is, in those labor-intensive activities characterized by low wages.<sup>289</sup> Using the data from the Active Population Surveys, we have drafted the following table of distribution of employment in Spain, among the sectors of activity, distinguishing between whether the employed are Spanish nationality or not.

**Table 13.** Distribution of employment by nationality and sectors. Fourth quarter 2015

	<i>SPANISH</i>	<i>FOREIGNERS</i>
Agriculture	4,00%	15,00%
Industry	14,00%	10,00%
Construction	6,00%	6,00%
Services	76,00%	69,00%
ASSETS	15.672.300	496.100

**Source:** Own elaboration according to Active Population Surveys data.

The collapse of the occupation in the construction sector after the crisis of 2008, had a dramatic effect on Spaniards and foreigners, although the latter affected them in a more pronounced way. In the industrial sector, the loss of employed foreigners doubles the Spanish, being the Latin American the higher losers of employment.

<sup>288</sup> María Baganha - Emilio Reyneri, *La inmigración en los países del sur de Europa y su inserción en economía informal*, 2001.

<sup>289</sup> Antuñano Maruri - Ochando Claramunt - Soler Guillén, *Inmigración, mercado de trabajo y seguridad social*, España: Ministerio de Trabajo y Asuntos Sociales, 2009.

But the existence of important sectors of submerged economy outlines another reality of immigrant workers. The job offer in many cases is in terms of irregularity. All this leads to processes of social exclusion that are difficult to solve. In short, due to the economic growth experienced by Spain in the first years of the 21st century, a demand for jobs is created and satisfied by workers from more disadvantaged countries. Most are immigrants with linguistic affinity or whose geographical proximity facilitates their integration. Most of these foreign workers come to fill jobs that belong to the secondary sector, are unskilled, unstable and have little appeal to native workers.

Spain's labor market behaves in times of crisis according to the new theories of immigration.<sup>290</sup> The immigrants' number declines, the proportion of unskilled workers in the productive system is reduced and companies opt for greater flexibility. The fact that unemployment rate is higher among the foreign active population would be explained at the lowest average level of training at a time when more training is demanded and in the fact that the sectors where these groups have concentrated were ones which suffered more with the crisis. The reason that the average wage of foreign workers is lower than Spanish natives is that their work focuses on activities whose remuneration is lower than the average for the lowest level of training they require.<sup>291</sup>

As a general trend, the number of foreign workers has declined in all main sectors of employment. The construction sector has been the most affected for the immigrants followed by the services sector and the branch of industry. Table 12 contrasts sharply with the following one in which we analyze the evolution of the same sectors in the years before and after the crisis.

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<sup>290</sup> Douglas Massey, Theories of international migration: A review and appraisal. *Population and development review*, 1993, p. 431-466.

<sup>291</sup> Statistics of OECD, *Organisation for Economic Co-operation and Development*, [https://stats.oecd.org/Index.aspx?DataSetCode=AV\\_AN\\_WAGE](https://stats.oecd.org/Index.aspx?DataSetCode=AV_AN_WAGE), (23.02.2017).

**Table 14.** Evolution of foreign workers in main sectors (2008-2015). DATA IN MILES.

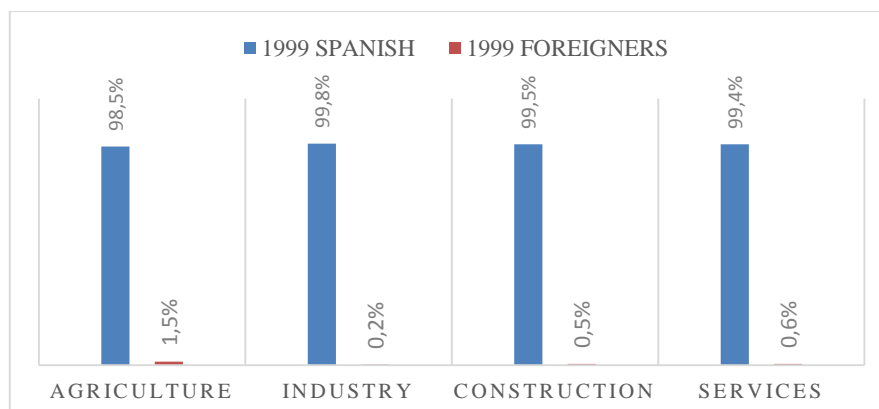
YEAR	AGRARIAN	INDUSTRY	CONSTRUCTION	SERVICES	GROWTH ABOVE PREVIOUS YEAR	% GROWTH
2008	152.8	328.7	588	1.768.2	144.3	8,88
2009	155.7	257.5	384.6	1.745.1	-23.1	-1,31
2010	157.9	224.7	317.5	1.750.3	52	0,30
2011	157.2	204.1	250.6	1.687.7	-626	-3,58
2012	165.3	176.3	174	1.591.3	-964	-5,71
2013	151.4	169.7	145	1.459.6	-1317	-8,28
2014	138.4	164	132.1	1.410.2	-494	-3,38
2015	141.3	167.8	137	1.391	-192	-1,36

**Source:** Own elaboration according to the Ministry of Employment and Social Security. Trimestral Labor Market Analysis Report <sup>292</sup>

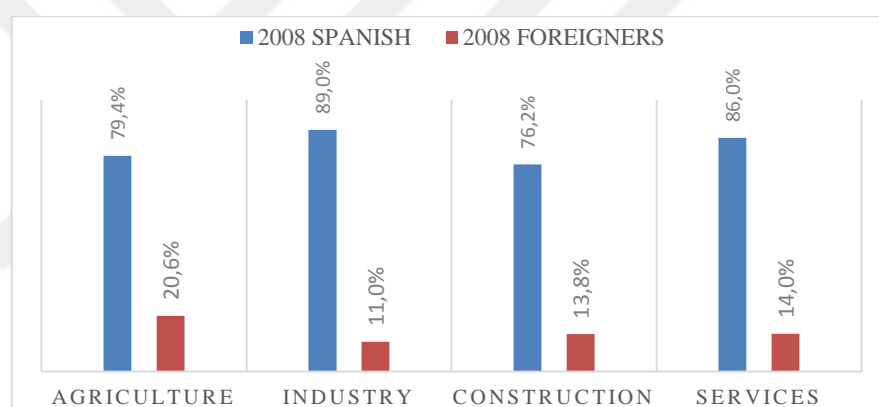
In following graphs it will be made a comparison between the years 1999, 2008 (starting point of the crisis in Spain) and 2015 taking into account the distribution of the main sectors of activity according to nationality.

The following graphs show the strong evolution of the phenomenon of immigration in Spain in the early years of the 21st century. From 2008 until 2015 we see a slowdown in all sectors of activity due to the strong crisis (especially in construction area) that Spain suffered after the real estate boom.

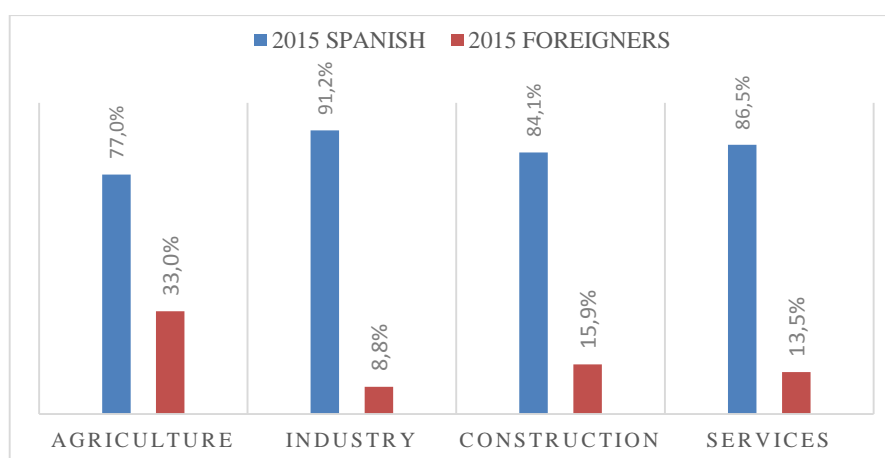
<sup>292</sup> *Gobierno de España*, “Análisis del Mercado de Trabajo”, [http://www.empleo.gob.es/es/sec\\_trabajo/analisis-mercado-trabajo/numeros/113/Tabla6.pdf](http://www.empleo.gob.es/es/sec_trabajo/analisis-mercado-trabajo/numeros/113/Tabla6.pdf), (23.02.2017)

**Figure 4.** Distribution of the main sectors of work according to nationality. 1999

Sources: Own elaboration with data obtained from the National Statistical Institute.

**Figure 5.** Distribution of the main sectors of work according to nationality. 2008

Sources: Own elaboration with data obtained from the National Statistical Institute.

**Figure 6.** Distribution of the main sectors of work according to nationality. 2015

Sources: Own elaboration with data obtained from the National Statistical Institute.

### 3.4. Change in Migration Flows Trend

Spain was for centuries an exporter of settlers, peasants and workers. The great flows of emigration to Latin America and Europe were concentrated, respectively, in the first decades of century XX and in the ones after II World War. The first communities of foreign residents in Spain arise in some areas of the western coast of Andalusia, in the Levantine provinces and in the Balearic and Canary Islands. The development of mass tourism and the creation of infrastructures promoted forms of residential tourism since the 1950s. However, the influx of foreign citizens did not become significant in demographic terms until the mid-1980s when the first signs of a decided change in the direction of migration flows were felt.

The installation of European citizens in the coastal zones was accompanied by new migratory flows, especially of workers and relatives. Immigration in Spain acquired the pattern characteristic of other European countries with a long tradition of settlement. This intensification of arrivals significantly transformed the demographic composition of the Spanish population and the active population.<sup>293</sup>

The statistics show the importance of Spain as a new destination country in the European migration system. According to Arango, J. (2006), Spain has become one of the main poles receiving immigrants in the international sphere surpassing even North America.<sup>294</sup>

It is possible to describe the evolution of the immigration dynamics in Spain in recent years through the data provided by public administrations. We will focus exclusively on resident foreigners, those who have residence and/or work permits to live in Spanish territory. The first flows to Spain were not only carried out by Europeans who settled in our country taking advantage of the good climate and the economic advantage of residing in a territory with lower standard of living, it was also

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<sup>293</sup> Ana María López Sala, *Inmigrantes y Estados: la respuesta política ante la cuestión migratoria*, Anthropos Editorial, Vol.43, 2005,

<sup>294</sup> José M<sup>a</sup> Ruíz De Huidobro, Veinte años de inmigración en España. Perspectivas jurídica y sociológica, *Publicación del Instituto Universitario de Estudios sobre Migraciones*, 2006, No. 20.



by nationals of Ibero-American countries especially of South America who settled the political repression and military dictatorships.

This initial presence gained momentum in the early 1990s with flows from Poland, Peru and the Dominican Republic, which accompanied the flows originated in Morocco, the main migratory area of Spain during the 1990s. These flows lose intensity only after a few years, with the exception of the flows originating in the Maghreb country that have continued and intensified throughout the 1990s. In the second half of the 1990s it is witnessed an activation of flows originating in other Latin American countries: Ecuador and Colombia. In recent years it is observed an intensification of flows from Eastern Europe, Romania, Ukraine and Bulgaria, as well as a certain diversification of Ibero-American immigration with the emergence of new flows from Bolivia and Venezuela, and the recovery of other ancient ones, such as those originated in Argentina and Morocco.

The economic crisis has significantly altered the migratory flow towards Spain, to the point of setting the end of the wave started in the 1990s. According to the data of the *Monthly Estimates of the Demographic Circumstances* of the INE, until 2009, Spain stood out for receiving very high immigration flows, which reached around 2 percent of the total population in a single year. But since 2010 there has been an intense deceleration of foreign registrations in the municipal registers, making the migration balance negative.

The Continuous Municipal Register (PMC, henceforth) is a statistical source that provides important comparative data in the study of incoming migration flows. The registration is one of the most effective methods of residence accreditation in Spain, and one of the main requirements in extraordinary regularizations and regularization by rooting.<sup>295</sup> As a general data representative of the capacity of the PMC to calculate the arrival of immigrants can be mentioned that, from 1 January 2000 to 30 June 2010, it was registered new residence in Spain of 8 million people from abroad. Until 2000 migratory flows registered in the PMC came mainly from Latin

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<sup>295</sup> Article 42 of the Regulation develops the Organic Law 14/2003 of November 20, 2003 considers it as sufficient cause in the granting of residence permits.

America, the European Union and Africa (almost all of Morocco). The general tendency is for expansion in 2000 and 2001, with a stoppage of growth during 2002 and 2003. At the end of 2004 there was a resurgence of the increase in Extra-community, coinciding with the months prior to the process of regularization of foreigners in 2005, which have been already explained in previous chapters. This renaissance of the entries is given in 2006 and 2007 for Latin America and Eastern Europe (at the same time as the EU enters Romania and Bulgaria). For its part, 2008 represents a new trend change, more pronounced than the previous ones, starting with those coming from Eastern Europe, followed by those coming from Latin America.<sup>296</sup>

Between 2005 and 2015 a new community bursts into Spanish society with greater force. It is the Chinese community that almost triples its population in Spain in the last 10 years, going from 62,000 in 2004 to 167,000 in 2015. Currently Romanians, Moroccans or Britons are still the most numerous nationalities in Spain, but data from the National Statistics Institute (INE) show that while all of them saw their number of residents in Spain fall in the first half of the year, other nationalities such as the Italian, Ukrainian and Chinese people increased it compared to the beginning of the year 2015.

According to data released by the National Institute of Statistics, the growth of the economy does not stop the exodus of Spanish leaving the country. In the first half of 2015, 50,844 natives have gone abroad, 30% more than in 2014. The number of Spanish leaving is maintaining an unstoppable upward trend. An example of this is the number of those who have left in these first six months of 2014 surpasses those of the whole year 2010, in the middle of a crisis.

The overall balance between Spanish and foreigners leaves a conclusion: Spain is still a country of emigrants. However, the balance is increasingly close to parity, the difference between those who left and those who have arrived has been 7,385 people, the lowest difference since 2009.

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<sup>296</sup> In order to arrive at this figure, 7,306,258 people have been added to the list, the 717,859 people in the "Current Population Estimates" for the period 1 January 2009-30 June 2010, of the data that INE publishes quarterly in its web.

**Table 15.** Evolution of migration in Spain. 2013-2015

	FIRST SEMESTER 2013	SECOND SEMESTER 2013	FIRST SEMESTER 2014	SECOND SEMESTER 2014	FIRST SEMESTER 2015
Immigration	127.796	152.976	138.274	167.180	157.221
Emigration	269.691	262.612	199.552	200.877	164.606
BALANCE	-141.895	-109.636	-61.278	-33.697	-7.385

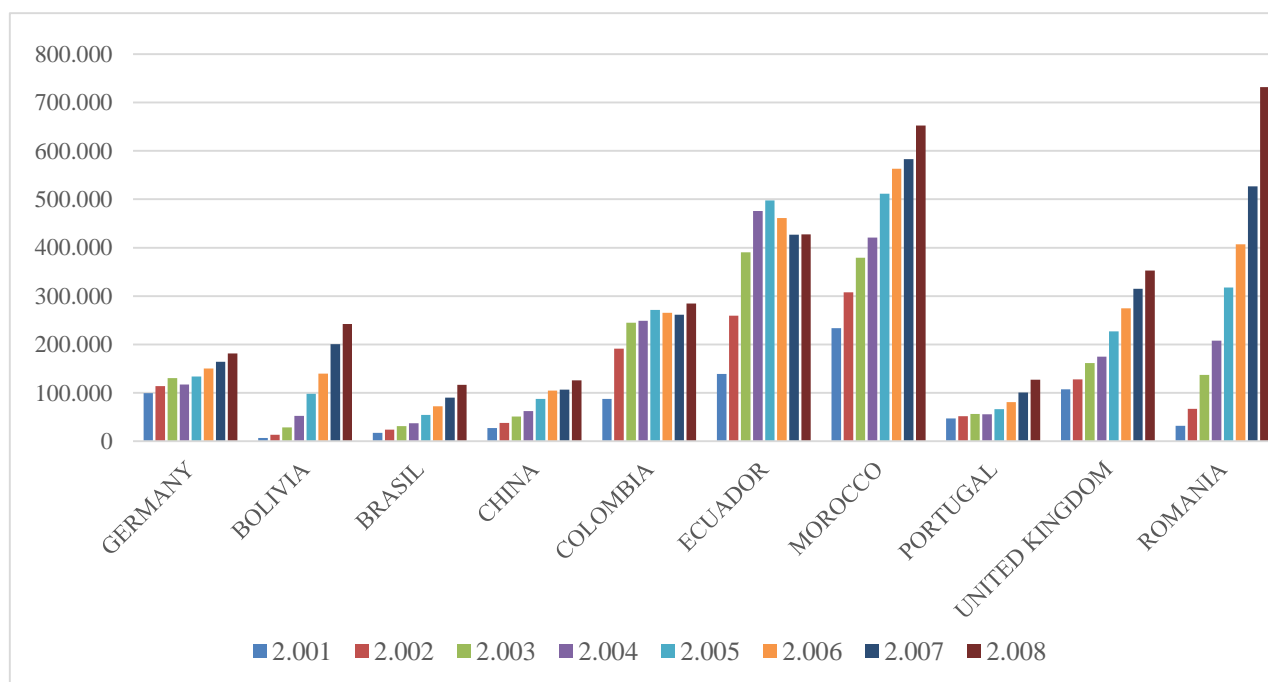
**Source:** Own elaboration based on data extracted from the National Institute of Statistics

According to Pau Miret, a researcher at the Center for Demographic Studies in Barcelona, “The evolution of the number of inhabitants depends mainly on three factors: births, deaths and migratory movements. The long-term trend is aging and population decline. It could only be avoided by immigration of young people, which will not occur until the labor market actually recovers and these record numbers of unemployment are no longer so scandalous”.

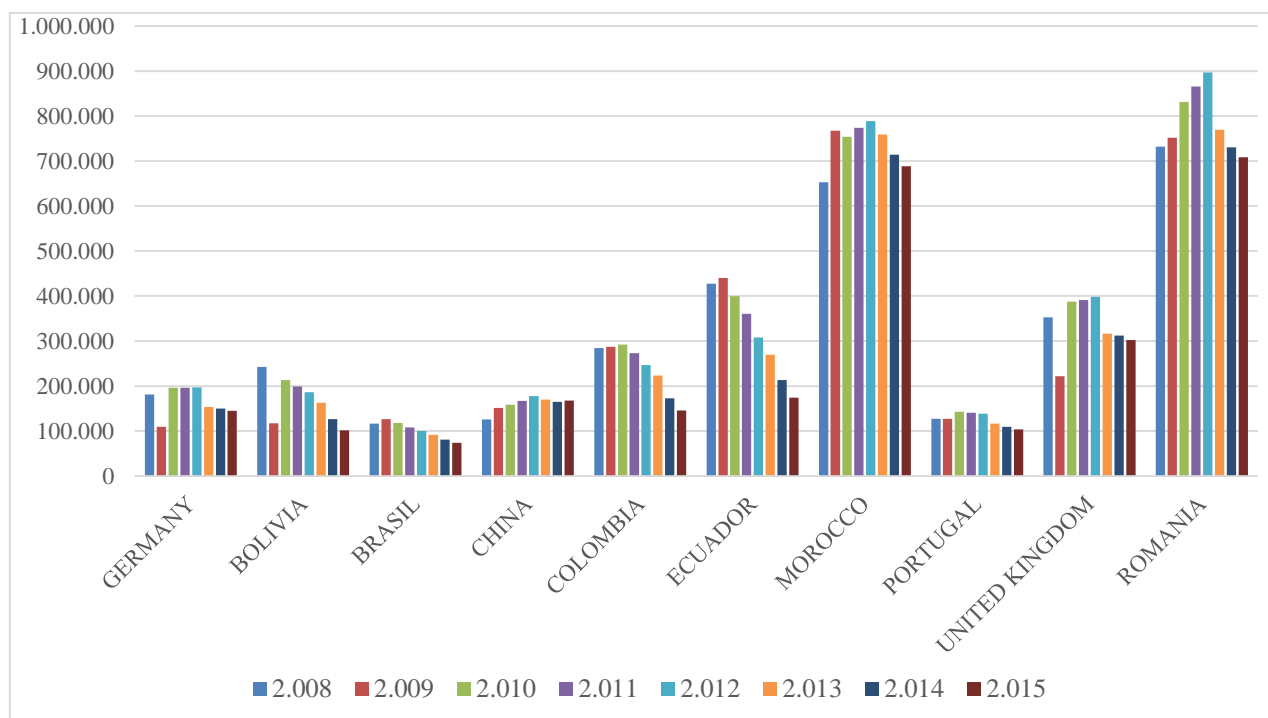
According to Casado (2010), the management of migratory flows is carried out by an annual forecast called “contingent of workers<sup>297</sup>”, where each year the government meets with the main superiors to calculate the number of immigrants that Spanish market needs annually. On this point, it should be noted that what the public authorities have called the “equilibrium of market misalignments” or “effects of upward mobility of native workers” is actually the use of immigration for the maintenance of a class of workers with low wages and precarious working conditions.<sup>298</sup>

<sup>297</sup> The contingent of foreign workers supposes an offer of employment directed to non-Community foreigners that the government can approve annually and to which they cannot accede who already are or reside in Spain. In order to design the quota, in order to establish the number of jobs to be offered and the characteristics of the quotas, the government must take into account the proposals of the Autonomous Communities and obtain a report from the Higher Council on Immigration Policy, in addition to giving to the most representative trade union and business organizations. At the moment, the most important contingents of foreign workers are addressed to the countries linked to Spain and to those with which agreements have been signed for the regulation of migratory flows. SEPE, *Ministry of Employment and Social Security*, <https://www.sepe.es/LegislativaWeb/buscarInformacionLeg.do?tipo=espLIBCIRC>, (23.02.2017)

<sup>298</sup> Ramón Mahía Casado; Rafael De Arce Borda, Impacto de la crisis laboral sobre la población inmigrante, *Análisis del Real Instituto Elcano (ARI)*, No. 21, 2010, p. 1.

**Figure 7.** Evolution of Immigration in Spain since 2001 to 2008

**Source:** Own elaboration based on data extracted from the National Institute of Statistics

**Figure 8.** Evolution of Immigration in Spain since 2008 to 2015

**Source:** Own elaboration based on data extracted from the National Institute of Statistics

Citizens from the examined countries went to Spain in search, either out of work or a retreat with better expectations of standard of living. As of 2008 this influx stopped abruptly and was slowly referring to the date studied (2015). The exception was the population of the Maghreb, who continued to come in abundantly with the concern to improve their standard of living.

Regarding emigration, Spain began to lose population after the demographic boom due to the arrival of 5.8 million immigrants between 1998 and 2008 (according to INE). Consulting CSIC sociologist and researcher Gonzalez Ferrer, A (2013), the tendency to emigrate generally increases with the level of education and this implies a qualified emigration.<sup>299</sup>

The crisis affected a large part of the Spanish population, and especially from the point of view of employment, among the young there was an increasing emigration of people between 20-25 and 35-40 years. Forced unemployment, precarious work and underemployment contributed to these young adults seeking a way out of their situation, using emigration. In this recent process, young people highly qualified have participated, which has been interpreted as a “brain drain” and a loss of valuable human capital from well-formed generations, probably the best educated in the history of Spain.<sup>300</sup>

In relative terms, between 2014 and 2015 immigration increased by 12.5%, while emigration experienced a decrease of 12.1%.

**Table 16.** 2015 Spanish Migration

	Emigration	Immigration	BALANCE
Born in Spain	64.136	34.198	-29.938
Born abroad	34.798	17.362	-17.436
<b>TOTAL</b>	<b>98.934</b>	<b>52.227</b>	<b>-46.707</b>

**Source:** Own elaboration based on data extracted from the National Institute of Statistics

<sup>299</sup> Amparo González-Ferrer, La nueva emigración española, *Político*, 2013, p. 18.

<sup>300</sup> Ramón Díaz, Josefina Domínguez Mujica, and Juan Manuel Parreño Castellano, *Una aproximación a la emigración española durante la crisis económica: herramientas de estudio*, 2015

In order to elaborate the previous Table we have extracted data *Statistical of Migrations (Population Figures to 1 of January of 2016)*, in which INE indicates that in 2015, 98,934 Spaniards emigrated (of which 64,136 were born in Spain and the rest nationalized immigrants). By sex, more Spanish men than women emigrated (52.1% compared to 47.9%).

The balance is generally negative. In the year 2015 the total number of people who have left Spain is greater than that of those who have entered, although a high number of Spanish people has returned again after having emigrated to other countries. The main receiving countries of Spanish emigrants were the United Kingdom, France, Germany, the United States of America and Ecuador. It should be noted that in the case of Ecuador, it is mainly a population not born in Spain or of children under 15 years of age, which seems to indicate a return migration of Ecuadorians of origin who have acquired Spanish nationality together with their born children in Spain.<sup>301</sup>

### **3.4.1. Consequences of Migration Flows on Spain's Labour Market**

Immigration has become in a relatively short time in one of the fundamental factors for the explanation of the evolution and behavior of the Spain's labour market. This result is based on reasons related to the magnitude of reception of immigrants as well as the effects which can be derive from this type of processes.

A recent study by Foged and Peri (2015) analyzes the impact of the massive influx of refugees on the working conditions of the less qualified native workers during 1991 and 2008 in Denmark. The researchers chose this group because refugees could be considered direct competitors having a low level of education, poor language proficiency and being concentrated mainly in low-skilled occupations with a high content of manual tasks. From this research three main results are resultant:

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<sup>301</sup> INE, *Spanish Statistics National Institute*, <http://www.ine.es/prensa/np980.pdf>, (23.02.2017).

- The arrival of refugees displaces the natives into more complex occupations with fewer manual tasks.
- A zero or positive effect on the level of employment and wages of the natives is estimated.
- These effects persist over time.<sup>302</sup>

The authors conclude that the results respond to the fact that immigrant workers have characteristics different from those of natives, and therefore are not perfect substitutes in the labor market. While immigrants tend to focus on occupations with a greater content of manual tasks, the natives move to less manual occupations with a greater degree of specialization and sophistication and possibly better paid.

The assumption of being able to substitute the unskilled immigrant worker with the unskilled native has been analyzed a lot. According to Casado Francisco, M. (2003), there are many unskilled workers in Spain, but they are not, and will be less and less, available for many jobs that are still demanded and needed. The most important example is domestic service (employing a significant percentage of immigrants); but it's not the only one. There are many other jobs that, because of their hardness or their considered low remuneration, do not want to perform by the natives: personal services (care for the elderly, handicapped), many jobs in the hospitality, agriculture, construction, textile industry, etc. A large part of the work performed by immigrant workers is complementary and not substitutable.<sup>303</sup>

Immigration allows us to cope with the shortage of labor in those activities not demanded by the natives, freeing them for the exercise of tasks of greater remuneration, more appropriate to their level of qualification, obtaining a better overall result. This reality radically changes the economic effect of immigration: from being a problem to being, fundamentally, a solution.

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<sup>302</sup> Mette Foged - Giovanni Peri, Immigrants' effect on native workers: New analysis on longitudinal data, *American Economic Journal: Applied Economics*, Vol. 8, No. 2, 2016, p. 1-34.

<sup>303</sup> Montserrat Casado - Luis Molina Sánchez - Francisco Javier Oyarzun de la Iglesia, *El análisis económico de los movimientos migratorios internacionales: Determinantes empíricos y nuevas propuestas de regulación*, 2003.

The growth model has practically formed the immigration policy. It has adapted to the needs of cheap labor. From the public authorities, the future viability of the jobs covered by foreign workers or the capacity of public services to attend a growing population, maintaining the quality standards, has not been questioned. The border closure policy pursued by the countries of the Union has had as its main consequence the rise of illegal migratory flows, which implies an important supply of labor.

In Spain the response of immigration flows to the deterioration of the labor market has occurred with special delay, both in relation to the triggering of the crisis and the behavior of the national workers. If we take the second quarter of 2008 as the start of the crisis, the first decline in the number of foreigners did not occur until the end of that year, while among the nationals the first decline occurred a year earlier, at the end of 2007. Part Of this differentiated behavior is due to the different sectorial composition and by gender of foreign and native employment. In particular, the weight of foreigners employed in the tertiary sector, in activities that received the impact of the crisis later than the industrial sector or construction, explains the difference. This data was already studied by González and Ortega (2011), when they analyzed the complementarity between immigrant workers and qualified native women.

Another point to be taken into account is that the non-national immigrant population shows a very high propensity for mobility, causing a growth of the interior mobility.<sup>304</sup> According to them, one of the phenomena resulting from migratory flows is “remigration”: *“the crossing of more people with a propensity for mobility - foreigners - has resulted in the impressive growth of the internal migratory rate”*.

Once the recession has started, the decline in employment among foreign assets has been more intense and has occurred more quickly. At the end of 2007 56% of foreigners held a temporary contract, by the end of 2009 this rate had fallen to 47%.

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<sup>304</sup> Mónica Martí Sempere - Carmen Ródenas Calatayud, *Reemigración en España: una aproximación a sus determinantes*, 2012.



There was a 29% cut in the number of temporary contracts, while, on the contrary, fixed contracts had increased by 7%.

According to Elías J. (2011), although the reaction capacity to the crisis has been equal or higher in the case of foreigners, the strong inertia in the growth of assets and the sharp increase in foreign unemployment have determined a much greater deterioration in labor market variables. This intense deterioration has particularly affected man foreigners, with a large part of the factors that explain it (type of contract, sectors affected, low qualification, age segment, etc.).<sup>305</sup>

### 3.4.2. Spanish Emigration in Times of Crisis

According to the INE from which we have collected data (years 2012-2013-2014), in 2013, the main destination countries of the Spanish emigrants were Ecuador<sup>306</sup>, United Kingdom, France, Germany and USA. In what refers to the European countries mentioned, it is mainly young Spanish adults, professionally qualified. The emigration of Spaniards is a growing reality, due to the difficulty of finding work in Spain as the crisis progresses. But these official data provided by the INE, do not reflect the whole reality<sup>307</sup> since they are based on the low employers, which occur only when the emigrants register in the consulates of Spain abroad (this inscription does not always occur although the person spend years living abroad).<sup>308</sup>

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<sup>305</sup> Joan Elías, *Inmigración y mercado laboral: antes y después de la recesión*, La Caixa, Servicio de Estudios, Vol.20, No. 1, 2011.

<sup>306</sup> The case of the Spanish emigrants to Ecuador is significant, being mainly migrations of return of previous emigrants to Spain, where after a few years of stay they return to their country of origin, already with Spanish nationality. It is not taken into account that, by agreement, they also retain Ecuadorian nationality.

<sup>307</sup> According to statistical services in the United Kingdom and Germany and their comparison with the Spanish INE data, Gonzalez-Ferrer notes: "Data from the United Kingdom and Germany indicate not only that those who are emigrating are many more than the figures Spanish, but also its number continues to increase... Spain has gone from occupying the 14<sup>th</sup> position as emitter of labor migrants to 5<sup>th</sup> place in 2012 and 2<sup>nd</sup> in 2013, just behind Poland. Amparo González-Ferrer, *La nueva emigración española*, *Político*, 2013, p. 6-7.

<sup>308</sup> Amparo González-Ferrer, *La nueva emigración española. Lo que sabemos y lo que no*, 2013.

There is no statistical evidence of the significant departure that is taking place in Spain; in fact, data indicate that there are many more Germans, British and French at an active age migrating to Spain, than Spaniards doing the opposite. It could be that statistical registers do not reflect the movement of the real magnitude because the Spanish emigrants have not incentive to cancel the Register in Spain or to register in the Consulate of destination country.

According to Albert Esteve, the Center of Demographic Studies (CED), says that Spain has not become a country of emigration. *“The bulk of the migratory dynamics is basically carried out by foreigners or nationalized persons of foreign origin”*, as the INE data show. For this demographer at the University of Barcelona, current emigration responds to a situation of rebalancing after the avalanche of foreigners that Spain received in the last decade. *“Above all, they are readjustments of immigrants who have not settled in the country. There is some Spanish population, but it is not the one that leads the bulk of the migratory statistics”*

Some reports such as “Emigration from Spain, a return migration” (ARI), by González Enríquez, C. (2012), state that Spanish emigration is a return migration, as appears to be the case in Latin America. In this way, the increase of the number of Spanish people residing abroad would reflect, *“the departure of thousands of nationalized immigrants, together with Latin Americans of Spanish origin, nationalized Spanish in their countries by application of The Law of Memory”*.<sup>309</sup>

International labor flows to the more advanced Western countries have intensified with the growth of economic globalization (Arango, 2000, Castells, 2000). In this context, the European labor market has been shaped around Community directives and strategic agreements between the EU member countries to promote and facilitate mobility. Relations with other Western countries and in particular the

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<sup>309</sup>Law 52/2007 allows volunteers members of the International Brigades to access Spanish nationality without having to give up the one that they hold already. It also extends the possibility of being Spanish to the descendants up to the first degree of those who had originally been Spanish. The rule thus satisfies a legitimate claim of exile and Spanish emigration.

bilateral agreements between Spain and Latin America represent privileged links of international mobility for young people who decide to go abroad.

The European and world economic scenario presents more or less attractive and driving conditions for the young Spanish emigrants. The new generations of workers and professionals move in an environment of extensive competition between Spain and other countries, in comparatively more favorable or less critical socio-economic situations.<sup>310</sup>

The more specialized and better trained human capital has been attracted by those countries that have improved their economic and productive system comparing to those that have been stuck. The migration of young people from a country with economic difficulties such as Spain and other destinations with greater and sustained growth (i.e. Germany and the United Kingdom) is a demonstration that we are witnessing a new configuration of international balance between different labor markets and sectors. On the one hand, the countries that suffer the crisis, with a critical financial situation, that expel labor, like Spain and the rest of European countries of the Mediterranean area. On the other, countries that attract labor and have reacted better to the crisis, taken advantage of the structural instability to reinforce their political and economic protagonism, such as the countries of central and northern Europe.

With their options of insertion and job stabilization limited in Spain, a growing number of young people have considered emigration as an opportunity to improve their professional and salary situation. The coincidence of attractive possibilities abroad and of circumstances that favor the departure of Spain, bases the evasion of the young Spanish. In addition, new elements facilitate mobility, such as the growth of connections through means of transport such as low-cost airlines or high-speed train.

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<sup>310</sup> Peter Stalker, *Workers without frontiers: the impact of globalization on international migration*, International Labour Organization, 2000.

Some of the disadvantages encountered by Spanish emigrants abroad are the lack of adequate contact between education and work as well as the language of the host country, taking into account that the majority of the Spanish population does not have basic knowledge of English. Another major drawback is the difficulty in homologating their titles. On many occasions, all this leads young people to take up a job that does not correspond to their education. In addition, the salary expectations do not always agree with the expectations, with young people sometimes forced to change their perspectives and reconsider their stay in the host country.

### **3.5. Immigrants Integration into Labour Market**

The migration model followed in Spain is a model based on the labor market. This fact provokes that the possibility for immigrants to reside in Spain depends, almost exclusively, on how desirable the labor market is. The immigration legislation, consistent with this characteristic, renews the residence and work permits, only to the extent that the immigrant has contributed to the Social Security. In the extraordinary regularization made by the government in 2006, which made 800,000 immigrants able to regularize their situation in Spain, the requirement of labor supply was also constituted as an essential element.

In view of the great fall in employment, some of the immigrants will be able to access unemployment benefits and may renew their permit, but once this benefit is completed, they will join the illegal immigrants, since the law has no mechanism established to let these people reside legally in Spain without being working. Another large part of the emigrant population that does not have the right to unemployment benefits, either because they have been listing a short period time, or because they have exhausted their benefits beforehand. The increase in the stock of irregular population generates situations of greater labor exploitation of a population whose only possibility of insertion is in the underground economy. The immigrant who falls into an irregular situation because of the crisis will not only cut his income, but also his rights: freedom

of movement, residence, right to work, and access to housing are rights that are automatically denied.

The resources available to irregular immigrants are really scarce rendering to the situation of helplessness and vulnerability in which they find themselves. According to **Law 4/2000, on the rights and freedoms of foreigners**, undocumented immigrants have the right to basic health care, which includes health benefits for pregnant women, health care in emergency situations (understood as situations that can lead to the death of the person) and incorporation into health programs of general interest (vaccines, epidemic control, drug addiction care, etc.). For access to healthcare in its entirety, it is necessary to be registered (there are Autonomous Communities in Spain where administrations deny the right to register immigrants who are in an irregular situation). With regard to education, the right to access to education for minors is recognized and in reference to social benefits, they can only access basic social services, that is, those services which cover a situation of serious urgency. They have no right to the specialized social benefits offered by the Autonomous Communities, nor to the social benefits that come from Social Security.

The immigration model implemented with the **Immigration Law of the year 2000** sought to implement a model of control of the entry of immigrants according to the needs of the labor market. To this end, the State created the figure of the *annual quota* for which, after dialogue with employers and unions, the State sets an annual number of work permits and opens the processes, at the respective consulates, of entry visas. On the other hand, it is also implanted the figure of the *catalog of occupations of difficult coverage*, table that every quarter elaborates the INEM with the demands of the labor categories that are not covered in the national market and that can be covered with new immigrants.<sup>311</sup>

When the economic model collapsed, the Spanish government decided to encourage the return of those. The Voluntary Return Plan was approved for this purpose. The return implies on the one hand, the loss of the residence permit and not

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<sup>311</sup> An alien at the time of applying for the visa must first be provided as a quota and secondly, opt for a type of work that is not covered by the internal labor market.

being able to enter Spanish territory for 3 years. After three years, the person will be able to return to Spain whenever he is granted a residence visa.<sup>312</sup>

### **3.6. Job Prospects for Spanish and Foreigners**

Although no one is able to predict the start of economic recovery in Spain, the inertia of predictable growth and current labor market conditions mean that low employment and high unemployment rates will persist for some time. This is also because of the backwardness with which labor variables react to the recovery of activity, a delay that varies according to the characteristics of both the recession and the subsequent exit from the crisis. At this stage, stabilization of the labor market will depend fundamentally on the intensity of the recovery and on the implementation of effective structural reforms that improve the economy's ability to generate employment.

The analysis of the last Active Population Survey (2016) shows that there is a recovery in the creation of jobs and a decrease in the number of unemployed, something that has not happened in recent years. The economic growth of the country from this moment will go hand in hand with immigration. The already considerable number of children from different backgrounds who have been born in Spain will be the guide of the coexistence models.

The International Migration Outlook 2014<sup>313</sup> points out that in Spain, “The economic crisis has transformed the migration landscape, especially for the arrivals from abroad, whose unemployment rate increased by 26% between 2007 and 2013, reaching 36% while Spanish grew 17 percentage points during the same period.”

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<sup>312</sup>The Voluntary Return Plan establishes that immigrants who lose their jobs and are entitled to the unemployment benefit (that is, to be in a regular situation and have paid enough contributions to Social Security) may jointly charge the entire unemployment to which If they return to their country. The immigrant signs a return contract where he agrees to leave the Spanish territory and the State satisfies 40% of the benefit in Spain and 60% once the immigrant has returned to his country.

<sup>313</sup> The International Migration Outlook is an organization that annually analyzes the policies and the migratory changes of the 34 member states of the OECD.

For foreigners, the normalization of labor market conditions is also conditioned by the ability of the economy to generate employment in the most sensitive segments of the labor force (young, women, low or middle skilled) and, finally, the behavior of foreign asset inflows.

According to a macro-survey carried out by the Institute for Society and Communications of Vodafone in six of the most important countries in Europe (UK, Germany, Italy, Netherlands, Czech Republic and Spain) with over 6,000 interviews 18 and 30 years old, the young Spaniards, along with the Italians, are the least confident in their country when looking for a job. Three out of four consider that there are better job opportunities abroad (especially in Europe) and 58% plan to leave Spain in search of an occupation.<sup>314</sup>

The Eurobarometer survey on youth mobility of the European Commission, published in 2011, shows that 75% of the children of immigrants born in Spain want to emigrate because their outings are smaller than they imagine could exist in other places.

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<sup>314</sup> Institute for Society and Youth of Vodafone.

## CONCLUSION

The 21<sup>st</sup> century has witnessed a notable increase in immigration pressure in Europe, which, for the first time in recent history, has had our country as a priority pole of attraction. During the first eight years of the century, the average influx of new residents from abroad has exceeded eight hundred thousand people a year. It is difficult to exaggerate their social importance. The fact that Spain has been a country of emigration for centuries has contributed to the fact that such a large number of people has been received in a very positive way. It is important to emphasize the exceptional nature of the institutional reception of immigrants since, since the promulgation of the Organic Law on Aliens of the year 2000, they enjoy free access to health and education (including irregular ones) with the only requirement to register. This regulation places Spain as one of the most welcoming countries in Europe. Its effect was clear: while in 1999 there were 224 thousand new entries, in 2000 they were 563 thousand and in 2001, 787 thousand.

According to data obtained from the National Survey of Migrants, immigration is a new reality in Spain, currently encompassing six million residents from abroad that can be divided into three different groups:

The most characteristic of this period is the so-called “economic immigration” (coming from countries with a per capita income lower than Spain's), which consists of three and a half million residents. About the reasons for their stay in Spain in spite of their work difficulties, they consider the citizen security an important reason, which is added to those derived from free access to the services proper to the welfare state. In 2014 they have an average unemployment rate of 37%, reaching in the case of the Moroccans to 57%. The Asians are the only ones with a more complete labor integration than the Spaniards with a 15% unemployment rate and a 70% employment rate.

Another quite different immigration comes from the wealthiest countries in the EU, which totals three-quarters of a million and consists of two age groups. On the



one hand, there are the elderly whose stay in Spain comes from a change of residence to improve their quality of life during their retirement. And on the other, young people and adults who, on average, have occupational positions higher than those of the Spanish and a lower unemployment.

And a third one made up, in part by Spanish who, having in origin Spanish nationality, were born outside Spain and by those who have dual nationality (most of them born abroad have obtained Spanish nationality during these last years). They are two groups of such an entity, which, in total, exceed one million and a half.<sup>315</sup>

From the economic point of view, there are several positive effects provoked by the growth of the immigrant population:

In the first place, as shown by Amuedo-Dorantes and De la Rica (2010), immigrants, as job-seekers, have formed a workforce quite complementary to the native's one. Immigrants have occupied highly demanded jobs in our country (construction laborers, domestic service, agricultural activities and other activities related to catering and hospitality), for which there was not enough supply on the part of national workers. This increase in supply, coupled with a generalized increase in aggregate demand, led to an occupational mobility of the natives and natives towards more skilled jobs and, therefore, higher wages.

Second, as shown by Farré, González and Ortega (2010), the arrival of immigrants made it possible to increase the rate of female labor participation, especially among the most educated women, who were able to hire immigrants to take care of domestic production. This allowed this collective of skilled labor not to abandon in some cases, and return in others, to the Labor Market.

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<sup>315</sup> The National Survey of Emigrants (ENI from now on), collects data on the migration process from its inception in the country of birth and the arrival of the immigrant to Spain. It includes information on the migratory trajectory in general, and the internal one in Spain in particular, the way in which the migration networks work and on the result of the migratory experience of the informant in Spain. The main objective of the ENI is to provide relevant information on migrants who have lived in Spain for at least a year or intend to remain in Spain that period of time. It is designed to provide reliable, representative and testable data to policymakers and the scientific community. Collective Fernández, *National Immigrant Survey 2007: the labor market and social networks of immigrants*, Madrid: Ministry of Labor and Immigration, 2010.

Third, as shown by Amuedo-Dorantes and De la Rica (2010), immigrants respond to the labor conditions, in terms of geographical mobility, to a greater extent than the national workers, more restricted by their family ties. This greater mobility has, to a certain extent, reduced regional disparities.

As negative effects it can be included the following:

Firstly, some people attribute to immigrants is the fact that they have slowed productivity growth in our country by providing a large amount of low-skilled and, consequently, low-productivity labor. This availability led companies to specialize in intensive production processes in low-skilled work.<sup>316</sup>

As a second negative effect we could mention the unfair competition of the work of illegal immigrants against legal workers (whether indigenous or foreign). These illegal workers are not taxed, but they do benefit from services such as toilets, which in the case of most of the Spanish Autonomous Communities provide them in full (either in full charge of the Institutions or in collaboration with NGOs).

In times of crisis, this type of skills can create discomfort among the native population. The activities carried out by these illegal immigrants do not contribute to the welfare of the population, although they do use the services offered by the administration for their welfare. In times of economic boom, it does not cause greater discomfort among the autochthonous, but when the crisis is widespread, this can lead to a point of xenophobia towards immigrants, sometimes without differentiating that emigrants provide and contribute to the Spanish economy and which do not.

Another of the negative effects of the work of the immigrants in the Spanish economy is what we could call “flight of currencies”. The immigrant with family abroad sends much of their earnings to their families. Many people tend to live to be able to transfer almost their entire salary to their country of origin. He does not consume, does not move or enjoy the money he receives. He deflects it almost entirely.

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<sup>316</sup> Catalina Amuedo- Dorantes - Sara De la Rica, Labour market assimilation of recent immigrants in Spain. *British Journal of Industrial Relations*, Vol. 45, No. 2, 2007, p. 257-284.

The crisis poses important challenges, but not only economic, but also social. In recent years, immigrants have been the very representation of economic development, the key to achieving productive levels hitherto unthought in our country, but they have also been the first to be accused by public opinion of the weakness and fragility of the market.<sup>317</sup>

At the moment we can conclude that, although there is a decrease in the intensity of migratory flows in general, the fact is that among the main groups of foreign workers, the number has continued to grow even among the crisis and the increase of unemployment rates; when in general, labor market problems (such as temporary hiring, jobs in the shadow economy and unemployment) hit the foreign population harder than the Spanish population.

Given the contraction of the labor market, immigrants are perceived by the host societies as cheap labor that displaces the local population and competes for increasingly scarce resources and, therefore, are considered as a hindrance that increases even more the expenses of the public coffers before their rights of receiving the aid to which they are entitled after having quoted the Social Security.

However, the numerous studies available on the effect of immigration on the Spanish labor market conclude that immigration does not affect natives' employment opportunities. Similarly, it cannot be affirmed emphatically that immigration has a significant negative impact on the wages of native workers. One of the aspects to be emphasized is the mobility, both geographically and between sectors of activity, and of both native and immigrant workers to see their degree of adaptability to the needs of the market. Nevertheless, it is also possible to appreciate that the crisis is helping as an alibi to revert policies prohibitive, restrictive and limiting rights to immigrants in destination countries.

Immigration and development are, more than contradictory, complementary and should form part of the same strategy to achieve the main objective, to improve

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<sup>317</sup> "Immigrants are the first to suffer the crisis and the last to emerge from it," said the President of the Union of Moroccan Workers in Spain, Kamal Rahmuni in an interview in February 2010 for *Interviu* magazine. Interview published in <http://www.atime.es/pdfs/interviu.pdf>, (23.02.2017).

the quality of life in the sending countries, improving, by extension, the management of migrations.<sup>318</sup>

According to Chueca Sancho, “*no one can currently ignore the relationship between development and immigration. Of course, the interactions between economy, politics and human development have an impact on immigration*”.<sup>319</sup> According to Durán, M.A., immigrants usually do not compete with native people, since they usually occupy residual segments of the labor market with unattractive working conditions and low wages. In some cases the foreign labor force replaces the poorly qualified native. To the question that is asked in its document “*The social bases of the Spanish economy*” (1997), about whether the immigrants are complementary or substitute of the active population, responds that “*despite the crisis and the high index of unemployment, certain categories of employment are covered only by foreigners*”. Proof of this is the presence of steadily growing clandestine immigration, successive regularizations in Spain and the high number of asylum seekers, and that usually low-skilled immigrants are a substitute for natives of the same qualification.

Another point of view is shown by Casado Francisco, González Rabanal, M., Molina Sánchez, M. C., Luis Oyarzun de la Iglesia, J. in his “*Economic analysis of immigration in Spain. A proposal for regulation*”, (2005). They note that there are many jobs that immigrants exercise are neither substitute nor complementary; Are vacant and there are unemployed factors, where demand exceeds labor supply, and thereby increases the economic impact of immigration.

Immigration can also contribute to increasing the degree of capitalization of the economy, as immigrants are willing to work longer hours, and save a significant portion of their salary. Also, due to their greater geographical mobility, they help to make the labor market more flexible.<sup>320</sup>

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<sup>318</sup> García, A. M. Cuadernos FIE.

<sup>319</sup> Chueca Sancho, “Ius migrandi y el derecho humano al desarrollo”, Jornadas ‘Codesarrollo y Migraciones: el papel de la cooperación’, *Instituto de Estudios para la Paz, Revista de Filosofía*, Vol. II No. 8, 2007, p. 191, <http://revistadefilosofia.com/11angelchueca.pdf>, (23.02.2017).

<sup>320</sup> M. Ángeles Durán, *Las bases sociales de la economía española*, Universitat de València, 1997.

In order for immigration, which has played a very important role in the growth of the labor market, to continue to be a positive element, it will be necessary to facilitate the retraining of immigrants by offering training opportunities to advance the process of transformation of the productive structure to a more efficient and competitive, and in which the new settlers can continue to contribute to the growth of the Spanish economy.



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