

MIGRATION POLICY IN SPAIN

MINISTRY FOR LABOUR AND IMMIGRATION

SECRETARY OF STATE FOR IMMIGRATION AND EMIGRATION

DIRECTORATE GENERAL FOR IMMIGRATION

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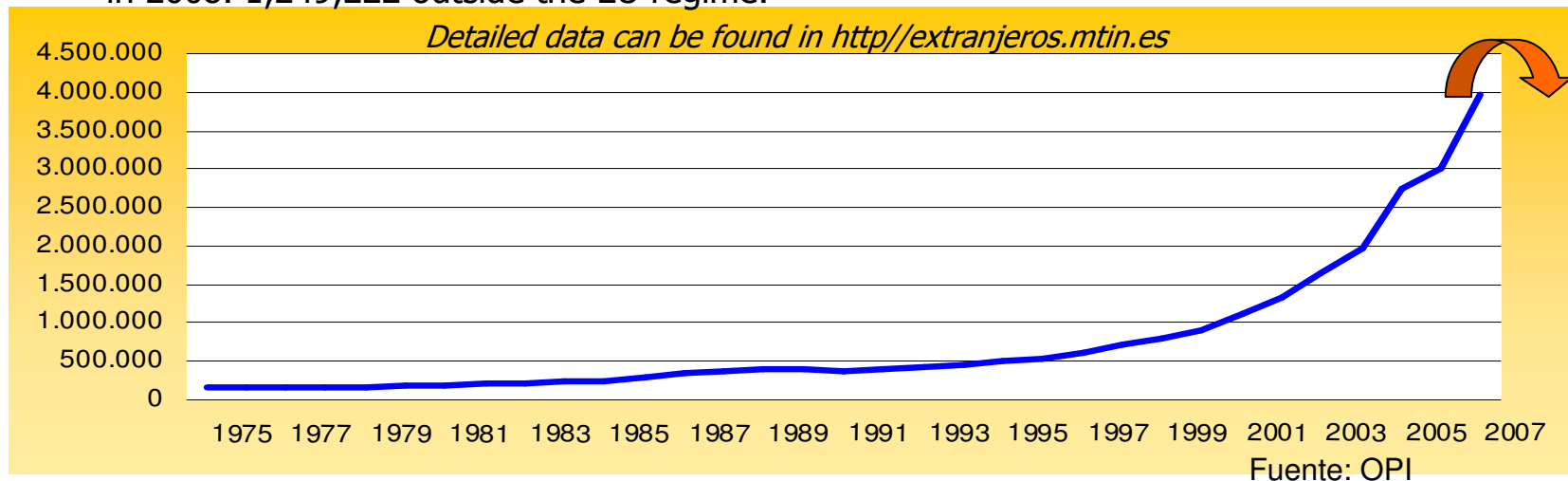
- Orderly **managed migratory flows**
- International **Cooperation** with third countries
- Social **integration** of legal immigrants
- **Fight** against **illegal** immigration

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I. General remarks

a) Evolution of the migration in Spain .

- During centuries and until very recently (early 1970'), Spain was a **country of emigration**
- Immigration, is a very **recent phenomenon** in Spain: 895,720 foreigners legally residing in Spain (31/12/2000) and now 4,274,821 (30/09/2008). General Regime (outside EU regime):2,177,118. Women: 1,960,999
- Immigration fills the needs of the **Labour Market**, but not only for low/medium skilled workers: 1,882,223 foreigners currently registered in the Social Security as active workers, in 2008. 1,249,222 outside the EU regime.



I. General remarks

a) Main figures (I).

Gráfico 2. Extranjeros con certificado de registro o tarjeta de residencia. Principales nacionalidades. 30-09-2008

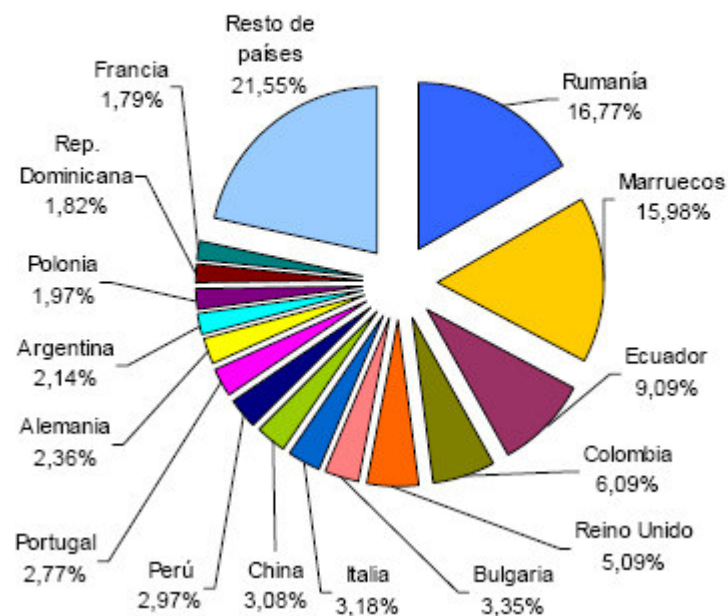
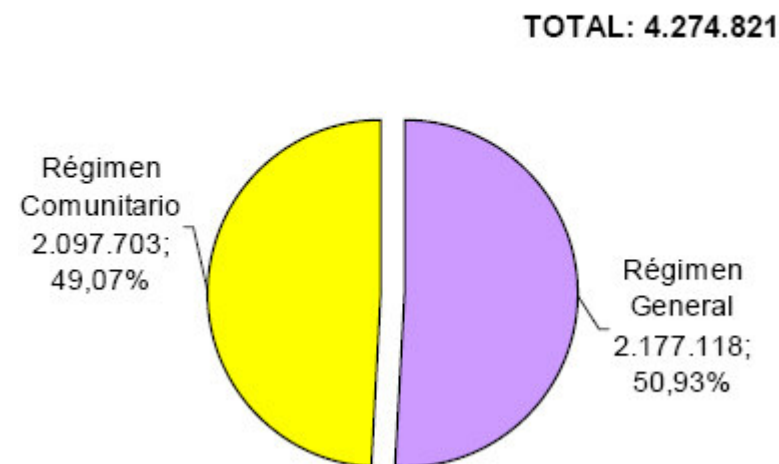


Gráfico 5. Extranjeros con certificado de registro o tarjeta de residencia según régimen de residencia. 30-09-2008



I. General remarks

a) Main figures (II).

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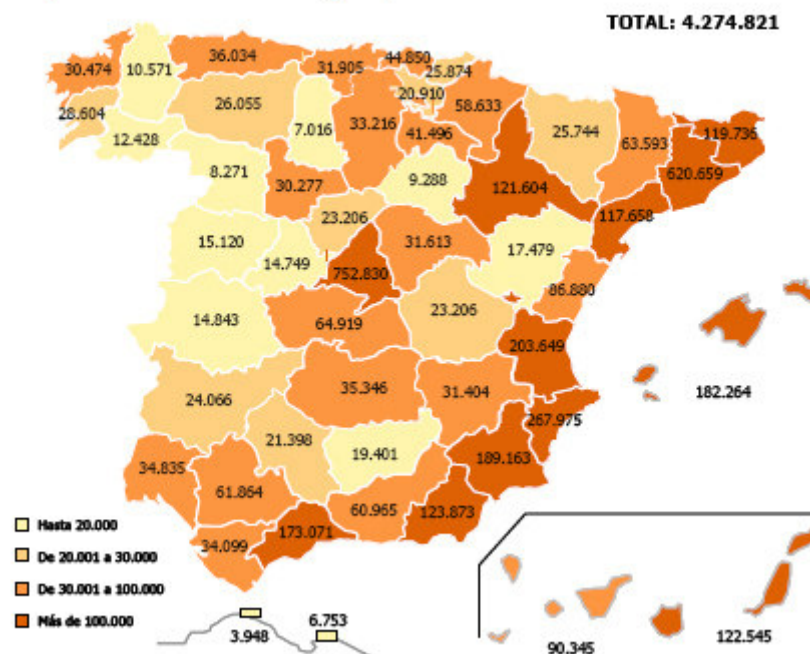
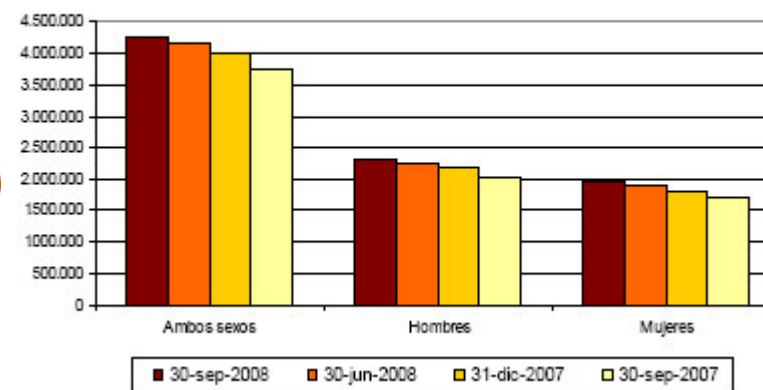


Gráfico 1. Extranjeros con certificado de registro o tarjeta de residencia según sexo



I. General remarks

a) Main figures (III).

Gráfico 3. Extranjeros con certificado de registro o tarjeta de residencia según continente y sexo. 30-09-2008

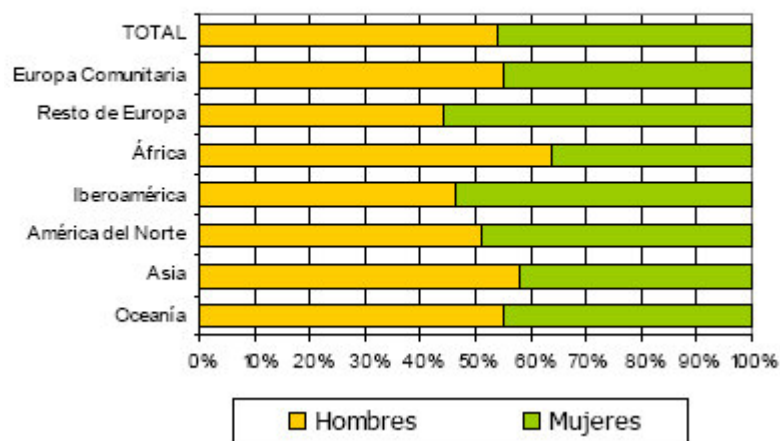
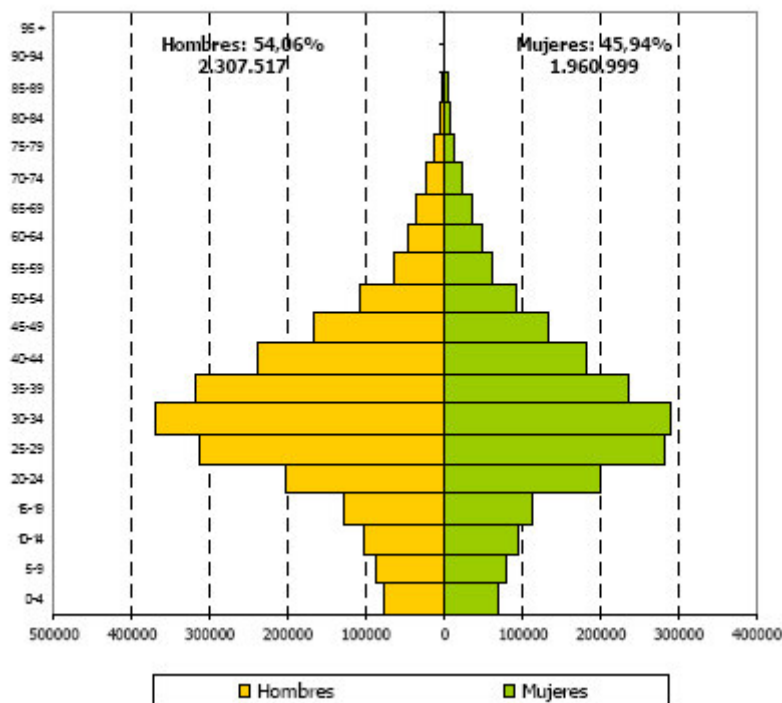


Gráfico 6. Estructura de edad y sexo de los extranjeros con certificado de registro o tarjeta de residencia. 30-09-2008



I. General remarks



b) Legal framework

All foreign workers enjoy in Spain the same rights and obligations as any Spanish worker or any worker who is resident in Spain, since the rights of these workers are acknowledged by:

- Constitutional Law 4/2000 of 11 January on Rights and Freedoms of Aliens in Spain and on their Social Integration, as well as by the Implementing Regulation of that Law, approved by Royal Decree 2393/2004, of 30 December.
- Spanish Constitution,
- Worker's Statute

Equal opportunities is one of the main axes of the spanish legal framework.

I. General remarks



c/ Immigration policy in Spain

1. Orderly **managed legal migratory flows**
2. International **Cooperation** to third countries
3. Social **integration** of legal immigrants
4. Fight against **illegal** immigration

I. General remarks



d) Organization and responsibilities

The responsibility in the development of the Government policies on immigration moved in 2004 from the Ministry of Interior (Home Office) to the **Ministry for labour and Immigration** (since May 2008):

- Linked to the employment: **The Secretary of State for Immigration and Emigration of the Ministry for Labour and Immigration** has the key role in the management of legal migration and integration issues. It works in closed collaboration with, mainly but not only:
- **Ministry of Interior** (Asylum, border control and fight against illegal migration)
- **Ministry of Foreign Affairs and Cooperation** (external relationships and cooperation for the development)

II. Global Approach: The 4 pillars of the spanish immigration policy

- I. Orderly **managed legal migration flows**, directly linked to the labour market needs
- II. **Cooperation** to contribute to the development of the countries of origin and transit countries
- III. Social **integration** of legal immigrants
- IV. **Fight** against **illegal** immigration



II.I Orderly managed migratory flows

- **Outlines**

1. Immigration policy linked to employment.
2. Immigration has to be arranged from the origin country and has to fill the needs of the labour market:
National Situation of Employment.
3. Immigration fills mainly In Spain, the labour market needs for low/medium skilled workers, but not only.



II.I Orderly managed migratory flows



- **Ordering hiring (I)**

Main ways:

- General Regime.
- Yearly “Contingente”

II.I Orderly managed migratory flows



- **Ordering hiring (II)**

- ☒ *Main tools:*

- ☒ The Catalogue of Hard –to- Fill Occupations

- ☒ The Labour Migratory Flows Agreements

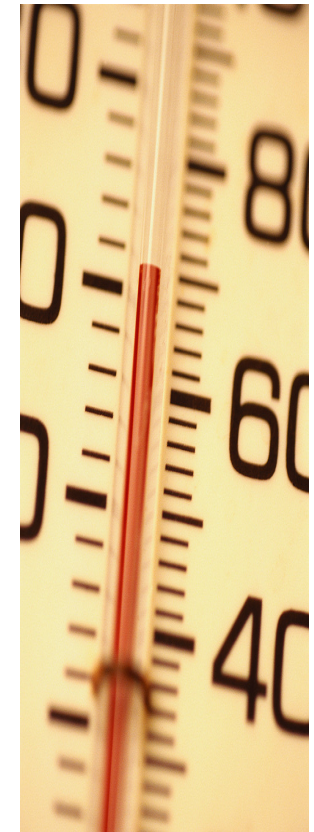
II.I Orderly managed migratory flows

- **Measuring the National Employment Situation**

- **Catalogue of Hard-to-Fill Occupations :**

Makes easier to check that there are not workers in Spain for jobs to be offered to the immigrants.

- **Aim:** To fit the migratory flows to the labour market needs.
- **Making process:** Participation of the social partners and the regional employment services.
- **Content:** Occupations difficult to fill with national workers or foreigners legally residing in Spain.
- **Result:** The variation of the migratory flows is gradual and its depends on the labour market needs.



II.I Orderly managed migratory flows

- **Ordering hiring in origin**
- **The yearly “Contingente” (I)**
 - The Contingente DEVELOPS THE LAW AND REGULATION, CONCERNING THE WAY to allow **seasonal workers** to work in Spain and then go back to their own countries.
 - The Contingente **can be approved every year** by the Spanish Government. Is elaborated with the collaboration of the Public and Regional Services for employment and of the social partners.
 - The Contingente is **not a quota TOOL, EVEN THOUGH IT ALSO PREESTABLISHES A NUMBER OF PERMANENT JOBS TO BE OFFERED TO THIRD COUNTRY NATIONALS.**
 - The countries which provide workers through the Contingente are mainly the ones with **agreements on the management of migration flows** or, at least, instruments for collaboration on this matter, signed with Spain

II.I Orderly managed migratory flows



- **The yearly “Contingente” (II)**
 - For **seasonal positions** which cannot be covered by workers legally residing in Spain, the “Contingente” establishes an **ease procedure** for the employers to hire foreign workers from abroad for no more than 9 months in a period of 12, being possible to go from one season to another and from an employer to another.
 - The applications for managing job offers for seasonal workers must be submitted at least **3 months before** the pre-established date for the beginning of the work.

II.I Orderly managed migratory flows



- **The yearly “Contingente” (III)**
- Seasonal workers are obliged to sign a **written commitment** to go back to their countries when the season (s) ends.
- The fulfilment of this **commitment** is **rewarded** by two means:
 - 1/ The worker can be hired in successive years in an easier way, without going through the selection process.
 - 2/ The worker hired for 4 years has an easier way to get an authorisation to work in a permanent position

II.I Orderly managed migratory flows



- **The yearly “Contingente” (IV)**
- The possibility to directly hire the returned worker gives rise to **circular immigration mechanisms**:
 - 1/ Establishing his/her participation in successive seasons
 - 2/ Providing the employer with workers with a good knowledge of the work environment and with an appropriate experience

II.I Orderly managed migratory flows



- **The yearly “Contingente” (V)**
 - Employers must *organise* the **trip** of the seasonal workers to Spain and back. They must *pay*, at least, the way in, more the transfer from and to the board position
 - Employers must also provide_adequate **housing**.
 - A **written contract of employment** will be signed and the labour conditions must be the same than for national workers.
 - Employers must have **no debts** with the tax office or the Social Security

II.I Orderly managed migratory flows

The yearly “Contingente”: Some figures

⌘ Contingente 2007

⌘ *Seasonal work:*

- ⌘ Total: 25,091
- ⌘ Men: 5,711 (22,77%)
- ⌘ Women: 19,380 (77,23%)

⌘ ***Main origin countries:***
*Morocco, Romania, Bulgaria,
Colombia*

⌘ ***Main sectors:*** *Agriculture, hotel
trade, services, commerce*

⌘ Contingente 2008

⌘ *Seasonal work:*

- ⌘ Total: 15,429
- ⌘ Men: 5,016 (32,52%)
- ⌘ Women: 10,413 (67,48%)

⌘ ***Main origin countries:***
*Morocco, Romania, Bulgaria,
Colombia*

⌘ ***Main sectors:*** *Agriculture,
commerce hotel trade, services*

II.I Orderly managed migratory flows

Unit for Big Companies: Some figures



⌘ Job initial authorizations in 2008

⌘ Total: 2,965

⌘ Men: 1,882 (63,47 %)

⌘ Women: 1,083 (36,53 %)

⌘ ***Main origin countries:*** *United States of América, México, India and Venezuela*

⌘ ***Main occupations:*** *Technical for different sectors and designers*

II.II Cooperation with origin countries

– Agreements



- Migratory Flows
- Framework Agreements for Cooperation in migratory issues
- Readmission

II.II Cooperation with origin countries

— Agreements for Migratory Flows

Colombia, Ecuador, Morocco, Dominican Republic, Mauritania

- *Objectives:* To order and to regulate the migratory flows, in a coherent way, between the signatory countries with an spirit of bilateral cooperation .
- *Specific aim:* To match the job offers with the profile of candidates looking for emigration, after taking into account the employment national situation. Priority given to the country of origin in the framework of the Contingente generic job offers.
- *Issues regulated in a global way:* Information about job offers, assessment of professional requirements, social and labour rights and conditions, specific arrangements for temporary workers (corresponding visa applications and voluntary return).
- *Issues regulated in an specific way:* communication about job offers , preselection of workers in origin, contract hiring, visas for immigrants workers.
- *Hiring conditions:* The same as the national workers. **Equal opportunities** and no discrimination.

Pilot projects signed with Senegal, Mali, México, El Salvador, Philippines, Honduras, Paraguay, Argentina

II.II Cooperation with origin countries

— Framework Agreements for Cooperation in Immigration issues

Gambia, Guinea-Conakry, Cap verde, Mali, Niger

- *Objectives:* To tackle migrations issues concerning to the signatory countries, in an comprehensive, pragmatic and cooperative way.
- *Standards fields of cooperation:*
 - Migratory Flows: Facilitating the legal flow of workers exploring the needs of the labour market.
 - Voluntary return: Assistance in promoting the voluntary return, including support in order to facilitate the integration of returnees in their country of origin.
 - Integration: Mutual assistance on integration of nationals of one part residing in the territory of the other part.
 - Migration and development focusing on the creation of employment
 - Cooperation in fighting against illegal immigration and traffic of human beings.

II.II Cooperation with origin countries

⌘ Readmission Agreements

Morocco, Mali, Niger, Nigeria

- *Objectives:* To improve the cooperation between the contracting parts in order to fight against illegal immigration, facilitating the identification and repatriation of nationals of one part who stay illegally in the territory of the other part.
- Some of these agreements include a clause for ***technical assistance*** to the authorities of the country of origin (Niger, Mauritania).
- Other agreements conceived as *Framework Cooperation Agreements on Immigration* are more comprehensive and are not limited to readmission issues only (Gambia, Guinea-Conakry, Cap verde, Mali, Niger).

II.III. Integration of Immigrants

- **Strategic Plan for Citizenship and Integratio(SPCI)**

- *Approved* by the Spanish Government with a global budget of 2.005.017.091 euros.

- *In force*: 2007 - 2010

- *Aim*: To become one of the elements driving integration (key element) forward in Spain

- *Concerns* all members of society: Immigrants and hosting soociety.

- *Implementation responsibility*: In principle, “Comunidades Autónomas” (Regions) and Local Councils. Nvertheless, the Spanish Government collaborates with them in different fields: Immigrant’s reception, education, employment, Housing, Health, Social Services, Equal Opportunities,...



II.IV. Fight against illegal immigration

Main ways

- Borders control
- Short stay visa
- Repatriations policy
- Industrial and Social Security Relations Commission



III. The gender perspective in immigration policies



⌘ The woman in the Strategic Plan of Citizenship and Integration

⌘ *Objectives:*

- To incorporate the gender perspective in all the steps of the immigrations policies.
- Facilitate the standard access of immigrant women to specific programmes for women in general

Programmes:

- Research about gender, immigration and interculturality
- Designing and incorporationg the gender strategy in immigration issues
- Creating rooms in order to transfer knowledges and good practices

III.The gender perspective in immigration policies



⌘ Bibliografy. Last news

⌘ "*Crossing borders: Migration and Development from the Gender Perspective*".

A work by the **INSTRAW** (International Institute of Researching and Building Capacities of the United Nations) in collaboration with the **Spanish Institue for the Woman** (Ministry for Equality).

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