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Effects and consequences of labour migration

By Micaela Sampedro Fromont

REGULARIZATION PROCESS IN SPAIN

On December 30, 2004 the Spanish government passed a decree to modify certain aspects of the existing immigration legal framework, which, among other aspects, included provisions for a regularization program (named "normalization") for employers and their foreign workers.

This policy was promulgated after consultation of employers organizations, trade unions, immigrant associations, and government. The objective of that process was aimed to satisfy the existing demand for foreign labour and to reduce illegal employment by regularizing foreign workers.

The regularization program was not intended to be a catch-all for irregular immigrants. Instead, the regularization program has been trumpeted as much as an economic policy tool as one of immigration policy.

ACCEM, as NGO specialized in migration issues, was appointed by the Spanish government to inform and give advice to the civil society and to the applicants during the extraordinary regularisation process held in Spain during the period from February 7 to May 7, 2005.

To summarise, the eligibility criteria were:

- to be registered in Spain before August 8, 2004.
- not to have criminal record.
- to sign a future employment contract for at least six months (three months in agricultural jobs)

Employers were responsible to submit the application of the foreign workers, except in the case of independent domestic workers, working for different employers.

A one-year renewable work and residence permit was granted to eligible applicants **once** the contract was validated by the Social Security administration and the migrant was affiliated to the Social Security. In general terms, this temporary permit can be renew when the migrant has contributed to the Social Security for at least 6 months and have an ongoing contract or a job offer.

However, beside that special regularization process, Spain maintains a permanent, continuous case-by-case regularization program regulated in the article 31.3 of the Foreign Law and in the article 45 of their application Regulation which, provide authorization to reside in Spain for exceptional circumstances. Some of those reasons and requirements are the following:

- Personal roots: permanency in Spain during minimum 3 years, a job offer, and family bonds with other authorised resident or integration report from the city council.
- Humanitarian reasons: victims of clandestine immigration, persons who have been discriminated or victims of racist, discriminatory crimes or domestic violence, medical reasons...
- For collaboration with the authorities or when it affects a public interest.

CONCLUSIONS:

A regularization campaign, is not a final solution, we cannot close the door after that.

The regularization process, called normalization, was not intended to regularize all the irregular persons, it implicated the recognition of the existence of a hidden economy and the desire to bring illegal labour into the formal economy.

The benefits were not only for the migrants concerned, who were brought into the society, limiting on that way exploitation and abuse, but also for the State, since:

- allows a better management of the population residing in Spain
- serves to tackle illegal working
- increase government revenues through taxation and social security payments

As a final conclusion we can establish that due to the high number of authorizations issued we understand that the extraordinary procedure of normalization has been a proper measure to try to adapt the social reality of the immigrants in Spain to the reality of the country, specially of the labour market.

QUANTITATIVE ANALYSIS OF NORMALISATION PROCESS

(figures at 30 December 2005)

Applications	Positive	Negative	Resolutions	Pending	S.S.Affil.
691.655	573.270	115.149	688.419	3.236	550.136

Social Security Affiliations by country origin:

Equator	122.636	Argentine	20.307
Romaine	95.993	Ukraine	18.652
Morocco	64.697	Uruguay	9.165
Colombia	48.355	Pakistan	7.844
Bolivia	37.286	Bulgaria	21.316
Others	103.885		

Social Security Affiliations by activity:

Domestic Sector	33.42 %
Construction	21.19 %
Agriculture	14.16 %
Catering	10.77 %
Sailing	0.11 %
Others	20.34 %