



# UNDOCUMENTED MIGRATION IN SPAIN CLANDESTINO



## *Counting the Uncountable: Data and Trends across Europe*

December 2008

Research Brief

### KEY POINTS

#### *Main facts and figures*

- According to the CLANDESTINO report, there were between 300,000 and 600,000 irregular Third Country Nationals (TCNs) residing in Spain at the beginning of 2008. In previous years the number was much higher as the regularisation of 2005 and the entry of Romania and Bulgaria in the EU legalised the stay of 1,200,000 immigrants.

#### *Quality assessment of estimates found in literature*

- Most estimates of irregular migration are based on the comparison between the municipal register of inhabitants (called Padrón) and the number of permits of stay. Most irregular immigrants register themselves in the Padrón, as this is the condition to receive free healthcare and access to public education. However the figures of the Padrón are often inflated by the municipal authorities whilst, on the other hand, some immigrants with a residence permit do not register on it anyway.

#### *Main paths of irregularity*

- Irregularity has become a common feature of migration in Spain over the last ten years, largely due to the lack of effective channels of regular migration combined with job market demands.
- Most irregular migrants come to Spain legally as tourists and then overstay. A small number arrives illegally, travelling by boat from Africa; however no more than five per cent of the new irregular migrants entering each year are from Africa.
- “Befallen irregularity” is also a significant pathway into irregularity: it results mainly from slow bureaucracy and the understaffing of public services which renew residence and labour permits, or with the difficulty in finding a new job when a previous one ends. With the available data however it is impossible to know the number of migrants who fall into irregular status in this way.

#### *Relevant policies*

- Visa requirement, border controls, accords with the sending countries and extraordinary and ordinary regularization schemes are the main current policies managing irregular migration in Spain.
- Internal controls on irregular immigrants are weak and the Labour Inspection service is understaffed.

#### *Conclusions - policy suggestions*

- The visa requirement for nationals of countries from which a high number of irregulars come has already proved to be an effective step and should be extended to the new cases. There is also a need to sign new accords of repatriation and to promote a more effective involvement of European Union in the negotiation of these kinds of accords.
- On the domestic front, the number of labour inspectors should increase substantially, as should the resources devoted to police specialized bodies. New personnel and organisational resources must also be invested into those administrative services devoted to the issue or renewal of residence and work permits, as their present scarcity provokes the befallen irregularity of thousands of immigrants.
- Forecasts for the Spanish economy are gloomy now and the unemployment among immigrants is rising. However, when the economy recovers to the degree that new inflows of foreign workers are needed, it will be necessary to improve the management system. In order to achieve an immigration system based on legality, the needs of the labour market need to be monitored more effectively by incorporating the labour agencies. Also, foreign services should receive more personnel resources to facilitate hiring from source countries.



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## **THE RESEARCH**

*Estimates and guesstimates of irregular migration in Europe ‘travel’ freely and uncritically among experts, journalists and policy makers without it being clear who produced them first and how. Their source may not be clear, their direction, however, definitely is: these numbers are routinely used as a means of arousing public anxiety about migration and exercising pressure for policy responses.*

*This study critically explores the sources of data and estimates of irregular migration and, in particular, the validity and reliability of the methods used in their production. In doing so, it shows why and how migrants become irregular and whether and how they can achieve legal status. We also critically assess the policies aimed at tackling the phenomenon of irregular migration.*

## **Background of Migration Situation in Spain**

As other Southern European countries, Spain began to receive immigration in the second half of the eighties, but this process was accelerated during the nineties and especially during this decade. In the last eight years more than five million immigrants have settled in the country and at the beginning of 2008 the percentage of foreign born population was 13%. It has been a very quick passage from emigration to immigration, which has been made possible due to the extraordinary economic growth experienced in the country in the last years, the highest in the EU-15. Spain has received one third of the whole net migration arrived in the European Union in this decade and almost half of it in 2007. This inflow involved mainly manual and unskilled migrants that have filled an occupational gap in the construction, agriculture and service sectors. Immigrants' origins are varied: Romanians, Moroccans, Ecuadorians, Colombians, Bolivians and Argentinians formed the biggest TCN groups in 2007, just before Romanians became EU citizens.

## **Size and Demographic Features of Irregular Migration**

Irregularity has been a phase in the life of most immigrants in Spain, as the results of surveys, regularizations and demographic data show. A study conducted in 2000 showed that 83% of the immigrants interviewed arrived in Spain without a work permit and then began to work or look for a job. Another piece of research focusing on immigrants in Andalusia in 2003 showed that 50% of them were irregulars at the time of the survey. A simultaneous study carried out in Catalonia also found 50% irregularity among immigrants. After the last extraordinary regularisation of 2005 the number of irregulars decreased dramatically, but a survey conducted in the last weeks of 2006 still showed that at least a 13% of migrants had irregular status. Regularity increases with the time of stay, but irregularity is a common way of entry: 40% of those arrived during 2006 were still irregulars at the end of this year.

According to our estimate, there were between 300,000 and 600,000 irregular TCNs in January 2008, the middle point would be 450,000 – that is, 15% of all TCNs. The last regularisation of 2005 and the entry of Romanians in the EU reduced drastically the percentage of irregularity, which was at an average of 43% during the years 2000-2006. Regarding the origins of irregular TCNs, in January 2008 they were mainly Latin-Americans: Bolivians (28%), Argentineans (17%), Brazilians (13%) and Paraguayans (9%), followed by Uruguayans, Peruvians and Colombians (each of them with a 5% of total irregularity). The remaining 20% is distributed among other minor Latin-American nationals, East Europeans (Russians, Ukrainians), Pakistanis, Senegalese, Algerians and other minor groups coming from Africa.

As irregularity has been the most common way of entry, demographic features of irregular immigrants are roughly similar to those of the whole TCN population, but with a smaller percentage of dependent persons. Irregular immigrants comprise a young population, concentrated in the more active years (16-44 years), with very few older people, as can be expected in the first phase of a labour immigration, i.e., when family reunification is still scarce. Dependent persons (children and the elderly) arrive when immigrants have achieved stability in the country as regards housing and legal status. For this reason, the percentage of children among irregular immigrants is lower than among regular ones (16%), but there are no specific data in this area. Overall, there are slightly more men than women amongst the irregular migrant population, but gender distribution is very uneven when looked at by continent of origin. Thus, women are the biggest group among non-EU Europeans (mainly Romanians till 2007) and among Americans

## **Main Paths into and out of Irregularity**

(almost all of them Latin-Americans), while men dominate among Africans (mainly Moroccans) and Asians (mainly Chinese). Irregular immigrants mainly work in domestic service, construction, hospitality (hotels, restaurants and bars) and agriculture. All of these are "niches" of hidden economy, which in Spain has been evaluated as providing at least one fifth of the GDP.

Typically, irregular immigrants arrive as tourists and overstay after the legal maximum of three months allowed by this kind of entry. At the beginning of this decade Latin-Americans did not need a visa to travel to Spain, but when the government confirmed the arrival of irregular immigrants in high numbers from Colombia, it imposed –through the EU- the requirement to apply for a visa in advance. The number of immigrants seeking to enter Spain from Colombia immediately decreased dramatically. Subsequently, irregular immigrants began to arrive from other Latin-American countries, mainly Ecuador. In this case the visa was also imposed and the Ecuadorians were soon substituted by Bolivians and Brazilians, whose percentage of irregularity in January 2008 was 70% and 67% respectively.

Together with this main channel into irregularity, there are two other minor ones: Irregular frontier crossing and befallen irregularity. The irregular frontier crossing was important as a source of migration in the nineties, when a significant number of Moroccans arrived illegally by boat. But after the deploying of the SIVE (Sistema Integrado de Vigilancia Exterior - a sophisticated surveillance electronic mechanism) on the Southern coast of Spain, and the beginning of effective collaboration with Morocco regarding its nationals, Moroccans' irregular migration almost stopped, as their boats were detected and their passengers returned to Morocco. A different problem was that posed by sub-Saharanans who crossed Moroccan territory to finally travel by boat to Spain. For some years Morocco did not accept the return of these immigrants when they were caught in Spanish waters or on the Spanish coast line, but since 2004 pressure from the EU resulted in a change of attitude from the Moroccan authorities. From then on, sub-Saharanans began a riskier travel to Spain, beginning in Mauritania to arrive in Canary Islands. When Spain attained the Mauritanian collaboration, sub-Saharanans moved further south, to Senegal and even Côte d'Ivoire. 2006 was the highpoint in terms of the number of migrants arriving by these boats to Canary Islands, as many as 25,000 immigrants arrived that summer. Spanish law allows a maximum of 40 days internment in the special centres devoted to irregular migrants and if during this period the police, administrative and judicial system cannot identify and return the immigrant, he or she must be freed – this always happens when there is no readmission accord signed with the migrant's country of origin. This form of entry was the pathway of most Sub-Saharanans who arrived by boat until 2006, but the diplomatic offensive of Spanish government in the Western African Coast during the last two years has achieved the signing of accords with Cape Verde, Mali, Guinea Conakry, Guinea Bissau and Nigeria and varied forms of cooperation with other states in the region - the result being a notable decrease of irregular arrivals from Africa. Nonetheless, the flow of irregular immigrants via this route has always been very small in comparison with that of false tourists: for instance, during 2007, 18,057 immigrants were arrested when trying to enter Spain through the sea while in the same year the number of irregular immigrants increased by 219.000 persons.

The assaults to the Spanish-Morocco frontier in the Spanish towns of Ceuta and Melilla by Sub-Saharan immigrants are other spectacular and dramatic forms of entry but numerically non significant (in 2007 only 1,553 immigrants entered irregularly in this way). Finally the number of persons whose entry through airports or land frontier is blocked by the police is also small: only 5,579 persons were denied entry to Spanish territory in airports or land frontiers during 2007.

"Befallen irregularity" is also a significant pathway into irregularity: it results mainly from slow bureaucracy and the understaffing of public services which renew residence and labour permits, or with the difficulty in finding a new job when a previous one ends. With the available data however it is impossible to know the number of migrants who fall into irregular status in this way.

The most important way out of irregularity is regularisation, be it ordinary or extraordinary. Since 1985 five extraordinary regularisations have taken place, which have benefited 1,100,000 immigrants. There are no systematic data on those legalised during the

whole period by ordinary regularisation which can be obtained after three years of illegal stay (after five years according to the law in force till the reform of 2004). In 2007 28,000 persons were able to acquire “papers” in this way. The “Contingente”, designed as a measure of active management of new and legal immigration flows, was in fact used during some years as a way out of irregularity, as employers contracted immigrants already residing in the country but without permits.

### **Main policy recommendations**

Recommendations based in this report refer to the statistical knowledge on irregular immigration and the policy measures devoted to reduce its size. In the first case, there is a need to improve the main instrument of information, the Local Padrón of inhabitants. Since the approval of the Foreigners Law in 2000, irregular immigrants have strong incentives to register themselves in this Padrón – free access to public health service and to education on the same basis as Spaniards – and no requirement to de-register themselves when they leave the country. Besides, many Local Councils have their own reasons to inflate the number of registered inhabitants and therefore use all means possible to facilitate this registration, such as allowing registration by internet or by third persons without any proof of residence in the area. It is necessary to unify the local administrative practices in this field to improve the accuracy of the Padrón.

As regards controls on irregular immigration, the following measures in the foreign and domestic realm could diminish its number. The visa requirement for nationals of countries from which a high number of irregulars come has already proved to be an effective step and should be extended to the new cases. There is also a need to sign new accords of repatriation and to promote a more effective involvement of European Union in the negotiation of these kinds of accords. On the domestic front, the number of labour inspectors should increase substantially, as should the resources devoted to police specialized bodies. New personnel and organisational resources must also be invested into those administrative services devoted to the issue or renewal of residence and work permits, as their present scarcity provokes the befallen irregularity of thousands of immigrants.

Forecasts for the Spanish economy are gloomy now and the unemployment among immigrants is rising. However, when the economy recovers to the degree that new inflows of foreign workers are needed, it will be necessary to improve the management system and avoid costly mistakes made in the past. In order to achieve an immigration system based on legality, the needs of the labour market need to be monitored more effectively by incorporating the labour agencies. Also, foreign services should receive more personnel resources to facilitate hiring from source countries.

#### **For more information**

The full report on Spain, by Carmen González-Enríquez, is available at <http://www.eliamep.gr/en/category/migration/>.

Read the research briefs and full reports of the other 14 countries included in CLANDESTINO project at <http://www.eliamep.gr/en/category/migration/>

For more clarifications contact:  
Carmen González-Enríquez, Professor on Political Science (UNED) and Senior Analyst on Immigration at the Real Instituto Elcano

tel: +34 91 398 70 33  
email: [mcgonzalez@poli.uned.es](mailto:mcgonzalez@poli.uned.es)



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