



Munich Personal RePEc Archive

Regularisations and employment in Spain. REGANE Assessment Report

Baldwin-Edwards, Martin

ICMPD

February 2014

Online at <https://mpa.ub.uni-muenchen.de/59812/>
MPRA Paper No. 59812, posted 12 Nov 2014 02:22 UTC



Regularisations and Employment in Spain

REGANE Assessment Report

Martin Baldwin-Edwards¹

February 2014

Introduction

This report presents the results from the collection of background information, interviews with experts and stakeholders conducted in Barcelona and Madrid in May 2013, and qualitative semi-structured interviews with migrants in these two regions of Spain.

Section one provides an overview of Spain's relatively recent emergence as a major receiver of labour immigration, along with policy responses and outcomes. The succeeding section details the current policy on regularisation (changed in 2011) and also presents the most detailed statistics available on policy outcomes, for Spain as a whole, by region, and also recent detailed data provided by the Government of Catalunya. Some older data, concerning the period 2006-2010 are also presented for Catalunya, since these data reflect a regularisation policy that has been seen as not operating with particularly good results.

¹ This report was reviewed by Joaquín Arango. The author thanks for the valuable comments and input received and the responsibility for the content of this report and any errors and omissions solely lies with the author. The views expressed in this study are those of the author and do not necessarily reflect the point of view of the European Commission or ICMPD as an intergovernmental organisation.

The third section provides in the first instance a summary of the more important literature concerning labour market outcomes of regularisations in Spain. This is followed by a synopsis of the results of the 20 interviews conducted with immigrants in Barcelona and Madrid. Some broad patterns are identified, along with tabular presentation of some major variables concerning the responses. The report concludes with some thoughts on the problematic of conducting large-scale surveys in Madrid and Barcelona to establish the impact of regularisations on the labour market and on immigrants themselves.

1. General Context – migration history and policy

Spain's migration transition – from an emigration to an immigration country – occurred in the mid-1980s. Starting in the 1960s there had been some European retirement migration, along with a few thousand African (mostly Moroccan) workers, and from the mid-1970s Spain became a new home for Latin American citizens fleeing military dictatorships in that region. However, it was not until the mid-1980s that new larger flows of Africans, Latin Americans and Asians became significant and replaced Europeans as the major foreign population (Arango 2000: 255). By 1991, the number of residence permit holders had reached 361,000; by 2001 this was at 1.1 million; and in 2013 at 5.5 million (Peixoto et al. 2013: Table 5.1; Gobierno de España 2013).²

Uniquely within the EU, the Aliens Act of 2000 established the right of all immigrants – including the undocumented – to access all public health and basic social services in the same manner as Spanish nationals, conditional only on registration with the relevant *Padrón Municipal* (municipal registry) (EMN 2011: 17). The effect of this has been that the municipal registers contain data on irregular immigrants, whilst no other EU country possesses a comparable dataset. These data show total immigrant stocks³ for 2001 at 2.0 million (an additional 900,000); for 2008 at 5.2 million (additional 1.2 million); and for 2012 at 5.7 million (additional 400,000).⁴ Detailed inspection of the nationalities of the total stocks according to municipal data shows the principal nationalities in 2001 to be Moroccan, Ecuadorean and Colombian (followed by British and German) and in 2012 to be Romanian, Moroccan and British (followed by Ecuadorean and Colombian).⁵

² These figures include EU nationals, as a significant component of foreign population. The non-EU total for 2012 is 3.23 million.

³ The larger numbers in the *Padrón* data cannot be used directly to infer irregular presence of third country nationals, as they include other categories as well as records of persons who may no longer reside in Spain. Cleaning and disaggregation of the data are necessary to estimate irregular stocks.

⁴ 1991 data: Peixoto et al. (2012); other data: Cebolla-Boado & Gonzalez-Ferrer (eds) (2013), ch. 7.

⁵ Data extracted from online database of the Statistical Service at <http://www.ine.es>

Spain adopted basic legislation relating to immigration control almost before any obviously significant flows – meaning that the laws were not policy responses but arose from other factors (Arango 2000: 265). The 1984 Asylum and Refuge Law was not the result of any obvious pressures from within or without, but can be seen as modernization; on the other hand, the 1985 Organic Law⁶ is derived from EU pressures to control southern borders (Cornelius 1994: 345). Indeed, as with all of southern European immigration legislation passed in that period, entire swathes of text are directly transplanted from the Schengen Treaty (Baldwin-Edwards 1997). Moreover, the 1985 law – despite its title (see footnote) is mostly confined to administrative matters such as entry, work and residence permits; labour immigration imposed complex and costly obligations on potential employers, who therefore preferred to employ immigrant workers irregularly (Peixoto et al. 2012: 128). Thus, from the very outset Spain’s management of mass labour immigration favoured irregularity over organized recruitment.

In 1993, the government decided to supplement the existing policy with labour entry quotas, known as the *contingente*. Annual quotas were agreed with trade unions and employers associations, and published by the Ministry of Labour. However, the principle of ‘blind recruitment’⁷, along with poor communication between central and regional governments, meant that the *contingente* was of little utility; rapidly, it turned into a de facto regularisation instrument for immigrants already resident in Spain (Peixoto et al. 2012: 128). During the 1990s, Spanish politics began a debate on reform of the inadequate 1985 legislation (Pinyol & Cebolla Boado 2011: 5). In particular, a new orientation which was sympathetic to migrants’ rights signalled a move away from the ‘police orientation’ which had informed the 1985 law (Arango 2000: 267). This shift did not have any practical outcomes until the end of the decade, and led to a major reform with the passing of Organic Law 4/2000; this was revised to be more restrictive⁸ by a new conservative government elected that year and promulgated as Organic Law 8/2000. However, the revised law did not alter the new provisions of registration with the *Padrón* and the associated benefits (see above).

Over the next decade, immigration into Spain both intensified and diversified, and for most of the decade Spain was the most important destination in Europe and worldwide was

⁶ *Ley Orgánica sobre los derechos y libertades de los extranjeros*

⁷ Employers were expected to select workers without ever meeting them. Serious as this problem would be in any employment situation, it is an absurd policy for small family firms and even more so for domestic workers and carers for the elderly.

⁸ Law 8/2000 excluded irregular immigrants from the right to assembly, association, demonstration and strike. After two rulings by the Constitutional Court in 2007, this exclusion was overturned in the Aliens Act of 2009 (EMN 2011: 18).

surpassed only by the USA (Arango 2013: 2). Between 2000 and 2010 over six million immigrants arrived in Spain (Lopez-Sala 2013: 44). The principal immigration flows in the 1990s had been of Moroccans; at the end of the decade, South American flows (mainly from Ecuador and Colombia) began to increase; and in the second half of the 2000s, flows from Eastern Europe (mainly Romanians) predominated. Moreover, the number of irregular immigrants increased substantially after 2000, reaching around one million by 2004 (Arango 2013: 4). Various policy responses emerged. In the case of Latin American immigration, visa restrictions had been imposed in the early 1990s on Peru; in 2002 the visa requirement was extended to Colombia, to Ecuador in 2003 and to Bolivia in 2007. In all three cases the immigration flows (as recorded by municipal registrations) fell by almost a third (EMN 2011: 22). However, immigration reform had to wait for a change of government in 2004. The new centre-left government implemented a sophisticated package of reforms, including a list of hard-to-fill occupations (permitting employers to begin recruitment directly without a labour market test), increased employer sanctions and checks, greater emphasis on integration, and the 2005 mass regularisation or *Normalización* (Arango 2013: 4).

After 2004 trade union negotiations⁹ and following northern European criticism of the 2005 regularisation programme, Spain started to implement a permanent regularisation mechanism in 2006.¹⁰ This was based on the concept of *arraigo*¹¹ and had two basic routes for regularisation (Sabater & Domingo 2012: 194). Labour settlement required two years' residence and proof of a one year dependent employment relationship; this effectively denounced employers and trade unions were actively involved in verification and support. Social settlement required three years' residence, an employment contract of at least one year's duration, and either the existence of family links in Spain or social integration in the local community (to be verified by local authority official reports). In addition to the *arraigo* permits, there were also permits for family settlement and exceptional circumstances (humanitarian reasons): both of these could effectively regularise irregular immigrants.

In 2011 the centre left government passed a new aliens regulation¹² that modified the *arraigo* regularisation mechanism in order to provide a permanent mechanism for regularisation on a case-by-case basis, in 'exceptional circumstances' (see section 1.2 below). The same 2011 regulation also provides for easier renewal of residence permits after loss of employment.

⁹ Interview with CC.OO Secretariat for migration and employment, Madrid, 10 May 2013

¹⁰ Royal Decree 2393 of 30 December 2004

¹¹ This can be translated as 'rootedness' or 'settlement', but we retain the Spanish word here. It has a substantial basis in Spanish jurisprudence, which grants quasi-citizenship rights to all residents of Spain satisfying the conditions of social integration

¹² Royal Decree 557/2011 of 20 April 2011

Workers can renew their permits if they satisfy any one of the following conditions (EMN 2011: 28):

- (a) Possession of a contributory unemployment benefit
- (b) Receipt of a public assistance benefit for social or occupational integration
- (c) That the termination of employment was the result of gender-based violence
- (d) That they have been registered in a social security scheme for 9 months out of 12, or 18 months out of 24; that they state they have found work; and that the termination of their last employment was involuntary.

With the change of government in late 2011, a cornerstone of Spanish policy – that is, the policy of *empadronamiento*¹³ and associated social benefits – started to be eroded (Arango 2013: 5). A decree law of April 2012 (effective September 2012) withdrew healthcare from most irregular migrants by restricting it to minors, pregnant women and emergency cases. Several regional governments (Catalunya, Navarra, Andalusia and the Basque Country) refused to comply and there was also refusal of co-operation from various medical associations (Arango 2013: 5).¹⁴

Of course, the serious deterioration of economic conditions has had a massive impact on the labour market and therefore on the employment of both natives and immigrants. In particular, the construction sector – a major employer of both regular and irregular immigrants – has collapsed in Spain; manufacturing has also declined seriously. The overall result is a massive loss of male immigrant jobs (Ferrero-Turrion 2010). Subsequently, as the austerity began to really impact, the services sector also started to shrink; in 2005 this sector had employed 90% of female immigrants and 60% of the total foreign-born population, taking immigrant unemployment levels to well above those of the native population (Arango 2013: 6). By 2011, the unemployment rate of immigrant workers was at 33%, compared with the native level of 19%; Moroccans constituted 24% of this figure and both Moroccans and Algerians had disturbingly high unemployment rates (López-Sala 2013: 61-2).

With a collapse of demand for immigrant workers, inflows have recently substantially declined thus stabilizing the immigrant population levels. Since 2008, most inflows have consisted of family reunification and student visas (López-Sala 2013: 47). Spain also chose in late 2011 to reactivate the transitional measures for free movement of Romanian workers, in force until the end of 2013 (López-Sala 2013: 57).

¹³ Registration with the municipal authorities

¹⁴ This is also confirmed by some of the expert interviews carried out in May 2013 in Barcelona and Madrid.

By June 2013, the number of third country nationals with long term permits had climbed to 2.14 million constituting 76% of permits (Gobierno de España 2013: 11). This is the continuation of a trend over the last decade, taking the proportion of long-term permits from 26% in 2004 to 68% in 2012 (Cebolla-Boado & Gonzalez-Ferrer 2013: Table 4.4). A similar pattern can be observed with estimations of the rate of irregularity. Table 1 shows the estimated irregularity rate 2001-2008, calculated from the difference between *Padrón* registrations and permits. According to these calculations, the irregularity rate peaked in 2003 at 47% and thereafter declined to a low of 12% in 2008. A more recent estimate (Cebolla-Boado & Gonzalez-Ferrer 2013: Table 4.4) indicates that the irregularity rate has dropped to a mere 8%, but the methodology of this calculation appears not to be the same as in Table 1.

Table 1: Estimation of annual rate of irregularity of third country nationals from *Padron* registrations compared with permits (000s)

Year	<i>Padrón</i> registrations	Residence permits	Student permits	Expired permits	Irregularity rate (%)
2008	3,070.5	2,432.7	42.9	241	11.5
2007	2,769.7	2,089.3	33.3	209	15.8
2006	3,164.3	2,169.6	30.6	217	23.6
2005	2,894.7	1,478.4	36.5	148	42.6
2004	2,358.0	1,208.8	30.3	121	42.3
2003	2,042.1	971.5	23.8	97	46.5
2002	1,457.7	777.7	29.4	78	39.2
2001	928.0	589.5	28.8	59	27.0

Source: Pinyol & Cebolla-Boado (2011: Table 3)

2. Regularisation policies

The 2011 aliens regulation (see above) instituted a permanent mechanism that modified the 2004 *arraigo* mechanism; Spain has moreover abandoned extraordinary regularisations such as that of 2005. The new permit is granted on the grounds of *arraigo* based on evidence of integration into Spain concerning (i) employment, (ii) social or (iii) family situation (EMN 2011: 32-33).

- (i) In the case of employment, the requirements are: no criminal record, continuous stay of at least two years, and an employment relationship that lasted at least six months.
- (ii) In the case of social roots, the requirements are: continuous stay of at least three years, no criminal record, an offer of an employment contract of one year's duration or more, and *either* possess family ties (with spouse/partner, parents/children) with other legal immigrants or Spaniards, *or* submit a report from regional authorities accrediting the applicant's social integration.
- (iii) The provision of family integration¹⁵ is aimed at parents with children of Spanish nationality, and children with parents who have been naturalized as Spanish.

These residence permits for 'exceptional circumstances' are initially valid for one year. Renewals can be applied for and are valid for two years;¹⁶ after five years, the holder may apply for a long-term permit. They automatically allow the holder to apply for a work permit.

In addition to the above residence permits based on *arraigo* there are also permits granted to irregular immigrants for specific reasons, including international protection, humanitarian reasons, collaboration with authorities, national security or public interest, female victims of gender-based violence, victims of human trafficking, and co-operation against organized crime networks (EMN 2011: 33). These permits are generally of one year's duration¹⁷ and most categories of awards also entail the right to a work permit.

Table 2, below, shows national statistics of valid permits awarded under the revised *arraigo* provisions. The data are for the same reference date in 2011, 2012 and 2013. As can be clearly seen, the total of valid permits has declined from 71,000 in 2011, to a low of 47,000 in 2013 (a decline of 32% from 2012). Permits awarded to citizens of South American countries make up over half of the total permits and also show the largest decline (from 44,000 in 2011 to 27,000 in 2013); permits for African nationals also show a significant decline (17,000 in 2011 down to 11,000 in 2013). The most remarkable decline concerns that of Bolivians, whose permits numbered 17,000 in 2011 and only

¹⁵ This permit is distinct from family reunification, which is not included under *arraigo*.

¹⁶ The duration of the renewed permits is given variously as two years (EMN 2011: 33; EC 2013: 142) and one year (EMN 2012: 12). Given that the Ad-Hoc Query (EMN 2012) was supposedly answered directly by national administrations, this contradiction is baffling.

¹⁷ For victims of gender-based violence or of human trafficking, the duration is 5 years (EMN 2012: 12).

Table 2: Residence permits on the bases of *Arraigo* and 'Other' reasons (including humanitarian) by country of citizenship – valid on 30 June 2011, 2012 and 2013

	30/06/2013		30/06/2012		30/06/2011	
	Arraigo	Razones humanitarias y otras ²	Arraigo	Razones humanitarias y otras ²	Arraigo	Otras
Total	47,054	3,749	68,800	3,071	70,684	2,623
Resto de Europa	2,289	205	2,798	145	2,982	114
Albania	18	3	12	3	18	5
Andorra	1	0	0	0	2	0
Bielorrusia	50	4	50	4	62	3
Bosnia-Herzegovina	5	0	5	1	3	0
Croacia	5	0	12	1	10	0
Macedonia	5	2	4	1	1	1
Moldavia	176	18	264	11	316	7
Rusia	636	99	850	61	1,035	43
Serbia	22	0	18	2	15	1
Turquía	29	0	36	1	32	4
Ucrania	1,341	79	1,547	60	1,488	50
Otros Resto de Europa	1	0	0	0	0	0
África	11,097	1,360	15,735	1,150	16,511	957
Angola	11	6	22	4	19	2
Argelia	850	138	1,000	110	1,084	92
Benin	4	2	15	2	0	0
Burkina Faso	49	2	49	2	39	3
Cabo Verde	80	3	88	3	51	2
Camerún	102	25	115	19	123	15
Congo	12	3	11	0	11	0
Costa de Marfil	53	14	94	5	94	11
Egipto	9	3	19	1	15	0
Etiopía	13	5	16	4	2	2
Gambia	297	22	451	27	578	30
Ghana	217	28	241	71	238	52
Guinea	167	16	193	20	227	56
Guinea Bissau	92	8	117	19	83	8
Guinea Ecuatorial	218	71	220	55	145	35
Kenia	9	6	12	0	8	2
Liberia	5	0	0	0	0	0
Libia	1	32	2	1	5	3
Mali	685	16	1,263	26	1,317	46
Marruecos	5,468	691	7,878	525	7,845	402
Mauritania	153	19	261	26	264	30
Mozambique	3	2	0	0	0	0
Nigeria	472	131	653	115	858	60
Rep. Dem. del Congo	28	4	25	5	35	5
Senegal	2,049	94	2,918	94	3,402	83
Sierra Leona	9	7	8	7	5	4
Sudáfrica	4	1	5	1	2	0
Togo	4	3	9	4	9	7
Túnez	8	0	11	0	12	0
Otros África	25	8	39	4	40	7
América del Norte	293	32	309	24	264	27
Canadá	5	4	11	0	7	0
Estados Unidos	92	11	90	11	56	12
México	196	17	208	13	201	15
América Central y del Sur	27,249	1,933	42,348	1,543	44,459	1,342
Argentina	1,333	88	2,506	102	2,512	80
Bolivia	5,216	432	11,748	338	17,434	331

Table 2 /cont.

Brasil	2,094	268	3,814	219	3,096	199
Chile	621	59	942	40	1,147	40
Colombia	2,093	198	2,979	158	2,315	128
Costa Rica	47	0	74	0	60	3
Cuba	665	52	802	53	857	51
Ecuador	1,346	145	2,237	117	1,187	115
El Salvador	370	10	438	10	379	4
Guatemala	255	10	300	4	210	14
Haití	4	6	0	10	0	0
Honduras	2,337	96	2,410	59	2,992	42
Nicaragua	1,590	57	1,577	39	1,752	25
Panamá	38	2	43	3	40	4
Paraguay	6,247	237	8,185	188	6,361	146
Perú	749	66	980	49	651	35
República Dominicana	817	79	1,056	50	873	35
Uruguay	606	38	1,037	33	1,255	35
Venezuela	817	90	1,218	71	1,334	46
Otros América Central y del Sur	4	0	2	0	4	9
Asia	6,096	182	7,567	190	6,442	151
Arabia Saudí	0	1	1	0	0	0
Armenia	278	21	371	18	397	4
Azerbaiyán	12	0	16	0	0	0
Bangladés	206	5	211	4	189	13
China	1,664	23	2,234	17	1,912	22
Corea del Sur	22	1	15	1	24	1
Filipinas	547	4	541	2	222	3
Georgia	487	9	752	10	536	6
India	802	17	991	8	994	15
Indonesia	25	1	20	18	15	1
Irak	2	8	5	7	2	8
Irán	13	3	28	5	10	0
Israel	12	15	16	33	13	25
Japón	15	2	21	3	25	1
Jordania	7	1	11	2	8	3
Kazajistán	14	0	10	0	17	1
Líbano	8	2	6	7	9	0
Malasia	0	1	2	0	0	0
Mongolia	44	4	0	0	0	0
Nepal	134	0	191	0	233	1
Pakistán	1,729	32	1,995	31	1,726	17
Palestina	5	5	9	7	4	8
Siria	13	17	20	4	28	2
Sri Lanka	5	2	4	1	2	1
Tailandia	9	2	18	1	11	1
Taiwán	5	0	1	0	2	1
Uzbekistán	10	1	16	1	0	0
Vietnam	12	0	14	0	0	0
Otros Asia	16	5	48	10	63	17
Oceanía	10	17	8	0	4	6
Australia	6	16	7	0	3	6
Nueva Zelanda	4	1	1	0	1	0
Otros Oceanía	0	0	0	0	0	0
Apátridas y No consta	20	20	35	19	22	26

Source: <http://extranjeros.empleo.gob.es>

5,000 in 2013. The other principal nationalities show only small declines – that is, Paraguayans and Moroccans.

Interpreting the drop in the number of these permits is not straightforward, since they are renewable and the lower figures may well represent only a decline in the stock of irregular immigrants. Moreover, the trajectory of permit types allows the holder of an *arraigo* permit either to renew it or to acquire a standard labour permit on its expiry. This should imply an increased number of first renewal permits, although the numbers are too small for discernment using general statistical data. In the case of Bolivians, the total number of permits (all types) has not declined over this period – which might suggest that the trajectory is generally being followed. However, detailed empirical work is required to be sure of the accuracy of this claim.

Award of one-year humanitarian and other permits has increased slightly, from 2,600 in 2011 to 3,700 in 2013. However, the numbers are so small as to be trivial. The nationalities concerned reflect the general distribution of the total immigrant population in Spain.

Turning to Table 3, showing the location of regularised migrants, the four main loci are Catalunya, Madrid, Andalusia and Comunidad Valenciana. All experienced a significant decline in the number of these permits from 2012 to 2013; however, Madrid actually had a 50% increase from 2011 to 2012 (from 10,000 to 15,000) and declined to 12,000 in 2013. Catalunya shows the largest decline from 2011 to 2013, going from 18,000 down to 10,000. The two other big regions (Andalusia and Comunidad Valenciana) show declines only from 2012 to 2013. In 2013, Madrid and Catalunya awarded just under half of the total *arraigo* permits of Spain.

Humanitarian and other exceptional permits are not concentrated in Madrid and Barcelona, and seem to be distributed quite widely across Spain.

Published statistical data for the new *arraigo* permit system do not distinguish between the three routes for acquisition. However, interviews with local experts lead to the conclusion that the predominant route is that of *arraigo social*, with local authority reports on social integration also being of primary importance for the acquisition of the permit. Moreover, there are tensions between the central state and local governments, including some reports of

different implementations of the policy.¹⁸ Data provided by the government of Catalunya¹⁹ concerning local authority reports on *arraigo*, show a total number of reports issued as 30,495, of which 26,662 were favourable. For the period 5/7/2012 to 3/5/2013 (10 months), more detailed reasons for rejection are provided. The total number of *arraigo* reports issued over that period is 13,268, of which 11,688 were favourable (88%). Table 4, below, shows the numbers and reasons for refusal. The rejection rate is again 12%, with insufficient command of language being the predominant reason at 88% of rejections or over 10% of actual applications.²⁰

Data for the previous *arraigo* mechanism dating back to 2006 are not published. However, data for the province of Barcelona over the period 2006-10 have been published by Domingo et al. (2012) and these are reproduced below in Table 5.

As can be seen, the vast majority of permits granted were through *arraigo social* – 28,784 out of a total of 29,657. Examining the trends over the period 2006-10, what is striking is how rapidly the number of applicants increased (from 6,000 in 2007 to 20,000 in 2010) and how correspondingly rapid was the decline in grants (from 76% in 2007 down to 39% in 2010). Of course, these data do not reveal multiple applications, which seem to have been common (from our interview data). Nor is it clear that a similar pattern of awards was made across Spain as a whole, since statistical data on this are lacking.

¹⁸ Interview with the lawyer Maria Helena Bedoya, 9 May 2013. In particular, Catalunya gives little value to the employment record as an indicator of integration, and emphasizes command of the Catalan language as well as Spanish.

¹⁹ Interview with the Assistant Director, Catalan Department of Immigration, 9 May 2013.

²⁰ The requirement of competence in both Catalan and Spanish was referred to, with some antagonism, by one of our expert interviewees from the Gambian community in Barcelona.

Table 3: Residence permits on the bases of *Arraigo* and 'Other' reasons (including humanitarian) by province – valid on 30 June 2011, 2012 and 2013

	30/06/2013		30/06/2012		30/06/2011	
	Arraigo	Razones humanitarias y otras ²	Arraigo	Razones humanitarias y otras ²	Arraigo	Otras
Total	47,054	3,749	68,800	3,071	70,684	2,623
Andalucía	6,209	627	10,310	493	9,820	411
Almería	1,301	210	1,697	131	1,614	97
Cádiz	444	48	619	55	647	48
Córdoba	221	14	329	22	398	12
Granada	855	54	1,073	34	1,426	51
Huelva	307	51	452	37	339	29
Jaén	637	36	1,378	19	1,166	21
Málaga	1,450	130	3,305	121	2,671	70
Sevilla	994	84	1,457	74	1,559	83
Aragón	1,593	132	1,797	86	2,021	73
Huesca	171	14	233	9	252	8
Teruel	32	9	38	3	34	2
Zaragoza	1,390	109	1,526	74	1,735	63
Asturias (Principado de)	675	33	899	44	777	45
Balears (Illes)	1,247	91	2,671	75	4,027	68
Canarias	1,586	157	1,939	115	2,429	86
Palmas (Las)	970	115	1,127	80	1,379	57
Sta. Cruz de Tenerife	616	42	812	35	1,050	29
Cantabria	290	22	460	23	602	21
Castilla y León	692	80	1,139	70	1,265	80
Ávila	46	3	103	2	94	2
Burgos	132	25	212	20	219	9
León	89	5	198	5	171	6
Palencia	42	1	49	1	53	2
Salamanca	147	13	214	11	258	24
Segovia	50	5	85	5	128	2
Soria	41	7	49	11	65	13
Valladolid	105	4	147	7	212	12
Zamora	40	17	82	8	65	10
Castilla-La Mancha	1,212	98	1,984	107	2,251	128
Albacete	182	19	292	15	398	19
Ciudad Real	200	20	287	29	262	53
Cuenca	95	10	169	9	187	6
Guadalajara	361	25	504	27	493	17
Toledo	374	24	732	27	911	33
Cataluña	10,108	579	15,935	544	18,366	474
Barcelona	8,117	405	12,800	411	12,710	357
Girona	914	59	1,499	53	3,145	54
Lleida	285	31	507	30	695	27
Tarragona	792	84	1,129	50	1,816	36
Comunitat Valenciana	4,909	592	7,010	368	7,807	293
Alicante/Alacant	2,486	203	3,048	121	3,904	118
Castellón/Castelló	269	26	188	19	283	7
Valencia/València	2,154	363	3,774	228	3,620	168
Extremadura	232	49	316	40	407	27
Badajoz	139	42	172	31	221	22
Cáceres	93	7	144	9	186	5
Galicia	851	115	1,255	96	1,242	118
Coruña (A)	282	44	487	39	488	74
Lugo	127	25	140	22	156	16
Ourense	77	11	136	10	131	7
Pontevedra	365	35	492	25	467	21
Madrid (Comunidad de)	12,092	612	15,154	564	10,163	374
Murcia (Región de)	1,611	91	2,849	71	3,454	84
Navarra (Comunidad Foral de)	441	20	331	25	880	15
País Vasco	2,970	393	4,163	297	4,526	230
Araba/Álava	504	60	766	39	671	57
Bizkaia	1,528	210	2,352	157	1,001	59
Gipuzkoa	938	123	1,045	101	2,854	114
Rioja (La)	185	21	335	18	522	7
Ceuta (Ciudad Autónoma de)	45	10	106	5	22	14
Melilla (Ciudad Autónoma de)	80	24	108	30	88	75
No consta	26	3	39	0	15	0

Source: <http://extranjeros.empleo.gob.es>

Table 4: Social integration reports issued by the Government of Catalunya, between 5 July 2012 and 3 May 2013

	Number	%
Total reports issued	13,268	100.0
Favourable reports	11,688	88.1
Unfavourable reports	1,580	11.9
<i>Rejected because of:</i>		
False documents	11	0.7
Less than 3 years residence	58	3.7
Insufficient financial resources	55	3.5
Insufficient language skills	1,385	87.7
More than one reason	71	4.5

Source: Government of Catalunya

Table 5: Applications and grants of *Arraigo* (laboural and social) in the province of Barcelona, 2006-2010

Year	<i>Arraigo laboral</i>			<i>Arraigo social</i>			Annual total granted	% awarded
	applications	granted	%	applications	granted	%		
2006	28	22	78.6	1,310	1,010	77.1	1,032	77.1
2007	84	73	86.9	5,718	4,344	76.0	4,417	76.1
2008	299	233	77.9	13,426	8,931	66.5	13,725	66.8
2009	481	301	62.6	14,864	6,544	44.0	15,345	44.6
2010	566	244	43.1	20,603	7,955	38.6	21,169	38.7
<i>2006-10</i>	<i>1,458</i>	<i>873</i>	<i>59.9</i>	<i>55,921</i>	<i>28,784</i>	<i>51.5</i>	<i>29,657</i>	<i>51.7</i>

Source: Domingo *et al.* 2012: Table 1

3. Impact of regularisation on the labour market outcomes of regularised immigrants

3.1 Review of existing studies

The research literature on the impact of regularisation on labour market outcomes in Spain is small and very recent. It can be categorized into three types:

- (i) studies of the general impact of regularisations on the legal status and integration of immigrants, using official macro-datasets
- (ii) studies with original survey data and addressing specific issues concerning immigrants' legal statuses and their position in the labour market
- (iii) studies of a longitudinal nature using register-based data to identify labour market trajectories after legalization

The third category is the one that is of most relevance to REGANE. However, the other two also provide some important insights into the processes and effects of regularisation on the Spanish labour market.

In category (i), we have already cited statistics from the work of Pinyol & Cebolla Boado (2011), which itself is an update and supplement of Cebolla Boado & Gonzalez-Ferrer (2008), as well as a forthcoming publication by Cebolla-Boado & Gonzalez-Ferrer (2013). All of these are important contributions to knowledge concerning the macro impact of regularisations, dating from 1991 to the present. They rely heavily on the *Padrón Municipal*, which is highly inclusive owing to the legal advantages resulting from inscription therein, and on comparison with data from other datasets.

Category (ii) has only two pieces of research, both published in 2013. Amuedo-Dorantes *et al.* use data from the National Immigrant Survey²¹ of early 2007 in a two-stage model of the labour market to examine the impact of legal status on two labour market outcomes – employment status and level of earnings. They conclude that the probability of being employed is 37% higher for documented immigrants and the earnings of documented

²¹ *Encuesta Nacional de Inmigración*, carried out by the *Instituto Nacional de Estadística* (INE) between November 2006 and February 2007. The survey interviewed foreign-born individuals aged 16+ and the sample was drawn from the municipal population registers. 15,465 interviews were carried out, of which 4,847 were with people not from the EEA area. Of these, 637 were identified as undocumented. Just over 50% of the non-EEA respondents were in work and provided information on earnings.

workers are 32.5% higher than those of the undocumented. Thus, a 10% increase in the proportion of legal immigrants would (*ceteris paribus*) increase the employment rate from 58 to 62% and would raise earnings from an average of 1,029 euros per month to 1,063 euros. Other findings are that the determinants of employment likelihood include male gender and greater age, fluency in Spanish and work experience. Levels of earnings are highest for male migrants, people with work experience, labour and repeat migrants, and East Europeans. Low earnings are correlated with contract type – fixed or temporary; educational attainment – even the possession of a Spanish university degree – does not impact labour market outcomes. The authors conclude that the 2005 regularisation raised immigrants' employment likelihood by 16% and their earnings by 13.2%.

The other piece of research in this category consists of a study of the occupational trajectories of Senegalese immigrants in Spain, Italy and France (Obućina 2013). The data used are from the Senegalese sample of the MAFE²² dataset. In a detailed analysis, the author shows that the conventional U-shaped occupational cost of migration pertains, but has not disappeared even after 15 years of stay in Europe. After five years, only one quarter of the sample had experienced upward mobility relative to their first year. Education acquired in Europe (but not from the home country) is associated with upward occupational mobility. Thirdly, possession of a work permit substantially increased occupational mobility, and lack of its possession was associated with low attainment. Other relevant conclusions are that there was little evidence of differences between the three countries, when measured with destination country dummies; and that men showed greater occupational mobility (both up and down) while women suffered a higher occupational cost of migration. Host country language skills were also associated with access to better employment.

Category (iii) is occupied entirely by the pioneering research activities of Andreu Domingo and his research team at the Autonomous University of Barcelona and elsewhere. We examine here two recent publications – Sabater & Domingo (2012) and Domingo *et al.* (2012). Their research uses administrative data from the province of Barcelona, which implies that data for other regions of Spain were not accessible: nevertheless, Barcelona accounted for 15% of applications in the 2005 regularisation programme and around 13% of applications for *arraigo* in 2009. The dataset covers all work and residence permit

²² MAFE (Migrations between Africa and Europe) is an EU-funded research project previously funded by French state agencies (see <http://www.mafeproject.com/>). The part of the project dealing with Senegalese migration relies on complex and extensive sampling of Senegalese migrants, non-migrants and return migrants. 600 immigrants in Spain, Italy and France were interviewed, along with 1,000 non-migrants and 70 return migrants in Senegal. In Spain, along with snowball sampling, probability sampling was used with the *Padrón Municipal* as a sample frame. Quota sampling was used in Italy and Spain, as there was no comparable dataset to draw from.

applications with a permanent unique identifier for each applicant. It contains the following pieces of information: (a) entry date of the applicant; (b) permit expiry date; (c) type of permit; (d) permit status (granted or denied); (e) origin/nationality; (f) age/D.O.B.); (g) gender; and (h) municipality of residence.

The research study examined residence permit data from the 2005 regularisation programme and from the continuous *arraigo* mechanism, operational since 2006. Its objective was to examine the trajectories of those regularised under either policy, and determine if they were able to renew their permits, change to another permit, or lapse back into irregularity.²³ Using a sophisticated cumulative analysis, the researchers were able to plot actual trajectories of legal status over the period 2005-2009/2010.

The results of their research are detailed and show important patterns. First, the success rates of the applicants for *arraigo* are much lower and continuously declining (from 77% in 2006 down to 39% in 2010) compared with those of the 2005 programme (94%). Secondly, survival rates are very different between the two. Over 95% of those legalized in the 2005 programme renewed their permits one year later; the renewal rate for *arraigo* permits granted in 2006 and 2007 was around 80% and for 2008 was less than 60%. In terms of trajectory, by 2009 *arraigo* permit holders had lapsed back into irregularity at rates of 24% (labour settlement) and 29% (social settlement) compared with a rate of 15% for the 2005 programme. Variables indicating a high probability of falling into irregularity include (i) age, affecting the youngest (16-19 years) and oldest (>60 years) age groups; (ii) geographical origin, concerning Asia, North Africa and sub-Saharan Africa. A cycle of irregularity was identified, especially concerning applicants for the *arraigo social* permit; certain national groups showed very high rates of being in such a cycle – 40% of applicants from North Africa, and 32% of applicants from sub-Saharan Africa. Overall, the conclusion is that the most secure channel for maintaining legal status is renewal of the ordinary work permit (which is given automatically to recipients of the regularisation permits). However, the dataset contains no information on the employment activities of permit holders, and no analysis can be made of the labour market relationships.

In Domingo *et al.* (2012), the more recent paper also provides some important statistical data on the 2005 *Normalización* and subsequent *arraigo* applications in Catalunya for the period up until 2010. These include applications and rejection numbers and rates, for

²³ There is another option, which appears not to be unusual – namely, of acquiring permanent legal status through acquisition of Spanish citizenship. This is particularly easy for Latin American nationals, who need only two years of legal residence in Spain to be eligible for naturalization.

individual years (Table 1), by gender (Table 2), by age group (Table 2) and by region of origin (Table 2). Table 3 gives the five principal nationalities of the three regularisation types (*Normalización*, *arraigo social* and *arraigo laboral*) for the period 2005-2010 and their application numbers, rejections and rejection rates.

3.2 Results from the feasibility study

Interviews were carried out in Madrid and Barcelona, following semi-structured guidelines. In each city, 10 interviews were undertaken – 7 with immigrants previously regularised, and 3 with irregular immigrants. Their dates of entry into Spain ranged from 1998 to 2012; the citizenships involved were 8 from South American countries, 3 from Morocco, 3 from sub-Saharan African countries, and the remainder from the Philippines, Ukraine, Bangladesh, Pakistan, China and Russia. Five had been granted Spanish citizenship, and four possessed permanent residence permits. The age range is from 23 to 50; a wide educational level ranges from incomplete primary education to postgraduate degrees acquired in Spain. Most (12) had entered as tourists and overstayed; six had entered illegally; and one came under family reunification rules prohibiting work, while another entered as a seasonal worker with the intent of overstaying. Table 6 gives a synopsis of the principal variables collected in the course of the interviews.

Of those who had successfully regularised, six had achieved legal status through the 2005 *Normalización* programme; five through *arraigo social*, two through labour contracts, and one through marriage. Many reported failed attempts to regularise with labour contracts (mostly genuine) and three successful applicants had used fake employment contracts. Two had entered into marriages of convenience. No person in our case studies had acquired legal status and lost it: those without work have been paying social insurance from their own money and renewing their permits.

There are no typical patterns that one can report, based on this evidence. There is some (expected) correlation between employment and legal status, as well as between date of arrival in Spain and legal status. However, the link between educational level and employment type or status is weak.

The majority of those in employment are in various segments of the services sector – most often as domestic workers and caregivers, but also in bars and fast-food restaurants. Eight are in full-time positions with one employer; two engage in a mix of regular and irregular employment; one is self-employed; one is legally employed by two employers; and two (both irregular) have inadequate part-time employment.

Of the six irregular migrants, three were unemployed, one was outside the labour market, and two were in poorly paid part time work. The three sub-Saharan Africans were unemployed, with one begging on the streets and another selling counterfeit goods. Employment trajectories, both before and after regularisation, are complex and usually exhibit multiple employment types, part-time, temporary, and even one regular employment contract supplemented with other irregular ones. Most respondents reported at the minimum a greater peace of mind after regularisation, even if they retained the same contract and working conditions. Others benefited from small increases in pay or a longer-term contract. Overall, the perception seemed to be that regularisation brought access to a wider range of jobs, but not such clear benefits other than unemployment insurance. Given the current economic situation, this is now seen as rather important.

Reasons for coming to Spain were predominantly family connections and networked migration (12 cases) but language was also an important factor. Several came expecting to find more work opportunities, whereas one person came specifically (from Italy) to benefit from the *arraigo* policy, and another because Spain is a more accessible part of Europe from Africa.

4. Conclusions

Evaluating the impact of regularisation policy in Spain is a highly problematic exercise, owing to three major factors. First, is the decentralized nature of the recent *arraigo* policy and the reported different regional implementations of it. Secondly, the impact of the economic crisis on immigrant employment has been massive – making trajectories since 2008 almost universally poor. Thirdly, the reluctance of the authorities to conduct regularisations and to award permits and permit renewals with any degree of transparency means that sampling the regularised population is extraordinarily difficult since we have insufficient information on the univers.

The first and third problems are actually somewhat attenuated by focusing on the regions of Barcelona and Madrid. In 2013 they accounted respectively for 561,000 and 513,000 documented immigrants, representing 57% of third country nationals in Spain (Gobierno de España 2013: 8). These two regions also appear in the national data (Table 3 above) as the principal loci of *arraigo* permit holders in Spain (10,000 and 12,000 respectively in 2013). Moreover, there is also the advantage that similar research has already been undertaken in these two regions with local government co-operation.

The research of Domingo et al. in Barcelona is quite clear in its conclusions concerning declining award rates of *arraigo* in the late 2000s, as well as low survival rates by 2009 – down to around 28%. They identify a cycle of irregularity, which as a trajectory is an important phenomenon. However, it is possible that the new *arraigo* policy is having different results. The initial rejection rate (subject to appeals) over a 10-month period (Table 4) is at 12%, compared with a 2010 rate of 55% (Table 5). Since the new system has been operating over several years, it seems likely that it has been able to mop up some of the casualties of the earlier *arraigo* policy. This hypothesis is given credibility by the 2013 very low estimated irregularity rate (8%) noted earlier, in section 1.

The results of the feasibility study interviews indicate the sheer difficulty of constructing representative samples. For example, not one person in our study had gained legal status and lost it at any point. With one exception – strangely, a South American national – all of the interviewees in irregular condition in our sample had arrived in Spain relatively recently. Given the difficulty of finding employment since 2010 – and all of them were either unemployed or in poor part-time work – along with the temporal and other requirements of the *arraigo* permit, this is not surprising. However, the complexity and volatility of

contemporary employment patterns is something poorly understood and therefore very difficult to sample. Of our sample of 20, only 14 were in any sort of employment and of these, only 8 had a regular full-time position. This may be a reasonable reflection of current labour market conditions.

Finally, we perhaps need to consider how appropriate it is to include in our sample recent immigrants – e.g. those who arrived after 2008. In our feasibility sample we have 7 such cases; of these, 4 were with irregular status and 3 were in full-time employment. Of the three in employment, two are females engaged in domestic work, and one is employed as a shop assistant by a family friend. It may be that these patterns do no more than reflect recent labour market conditions, and have little to say about regularisation policy and the employment trajectories of their beneficiaries.

5. References

Amuedo-Dorantes, C., M. Malo & F. Muñoz-Bullón (2013): 'New evidence on the impact of legal status on immigrant labor market performance: The Spanish case', *Labour* 27(1), 93-113

Arango, J. (2013): *Exceptional in Europe? Spain's experience with immigration and integration*, Washington DC: Migration Policy Institute

Arango, J. (2000): 'Becoming a country of immigration at the end of the twentieth century: The case of Spain', in R. King, G. Lazaridis & C. Tsardanidis (eds), *Eldorado or fortress? Migration in southern Europe*, London: Palgrave

Baldwin-Edwards, M. (1997): 'The emerging European immigration regime: Some reflections on implications for southern Europe', *Journal of Common Market Studies* 35(4), 497-519

Cebolla Boado, H. & A. Gonzalez-Ferrer (2013): *Inmigración: ¿integración sin modelo?*, Madrid: Alianza Editorial

Cebolla Boado, H. & A. Gonzalez-Ferrer (2008): *La inmigración en España (2000-2007): Del control de flujos a la integración de los inmigrantes*, Madrid: Centro de Estudios Políticos y Constitucionales

Cornelius, W. (1994): 'Spain: The uneasy transition from labor exporter to labor importer', in W. Cornelius, P. Martin & J. Hollifield (eds), *Controlling Immigration*, Stanford: Stanford UP

Domingo, A., A. Sabater, M.H. Bedoya & X. Franch (2012): 'Regularizaciones y trayectorias de inmigrantes no comunitarios en la provincia de Barcelona', *Reis* 140, 121-146

EC (2013): *Study on the situation of Third Country Nationals pending return/removal in the EU Member States and the Schengen Associated Countries*, Brussels: European Commission

EMN (2012): 'Ad Hoc Query on Duration of Residence Permits', compilation of replies made by the European Migration Network, 5 Dec. 2012

EMN (2011): 'Practical measures to reduce irregular migration: Spain', European Migration

Network, December 2011

Ferrero-Turrión, R. (2010): 'Migration and migrants in Spain: After the Bust', pp. 95-112 in D. Papademetriou et al., *Migration and immigrants two years after the financial collapse*, Migration Policy Institute

Gobierno de España (2013): *Extranjeros residentes en España (30 June 2013)*, September 2013: Government of Spain

López-Sala, A. (2013): 'Managing uncertainty: Immigration policies in Spain during economic recession (2008-2011)', *Migraciones Internacionales* 7(2), 39-69

Obućina, O. (2013): 'Occupational trajectories and occupational cost among Senegalese immigrants in Europe', *Demographic Research* 28, Article 19, 547-580

Peixoto, J., J. Arango, C. Bonifazi, C. Finotelli, C. Sabino, S. Strozza & A. Triandafyllidou (2013): 'Immigrants, markets and policies in southern Europe', in M. Okólski (ed), *European Immigrations*, Amsterdam: Amsterdam UP

Pinyol, G. & H. Cebolla Boado (2011): 'European Task Force on Irregular Migration: Country Report: Spain', Paris: IFRI

Sabater, A. and A. Domingo (2012): 'A new immigration regularization policy: The settlement program in Spain', *International Migration Review* 40(1), 191-220