Definitions of Citizenship in the EU: Problems and Prospects for Third Country Migrants from North Africa

Introduction

"Citizenship in the modern world constitutes legal, economic, political and social practices which define social membership and which counteract social cleavages. In this sense the practice of citizenship becomes a method of social inclusion which gives people who differ in age, sex, beliefs or colour of skin the same basic entitlements. It is this aspect of citizenship that has contributed to the legitimacy of the modern state. Citizenship has become also an element of legitimation for the new Europe? To what extent is citizenship going to be universalized in Europe, and to what extent are people going to be excluded?"

(Soledad Garcia, 1993)[1]

There are various issues which arise in the European context with respect to the boundaries of citizenship, however one of the main questions which arise in this regard is to what extent will the division between the European Union citizens and third country nationals increase especially if further entrenchment of the idea of "Fortress Europe" occurs due to "deepening" of the Community? This paper addresses the question of to what extent can citizenship rights be extended to third country migrants in the EU?

Defining the terms "immigrant" and "immigration"

In this paper, the terms: *immigrant* and *immigration* will be used quite frequently hence it would be useful at this stage to define what one means when using this terminology as the meaning inherent to these two words tends to vary. The term immigrant is at times used in the very broad sense of its root-word - *migrant* who is a person who moves from one country to another. However the term immigrant can be used even more specifically, thus meaning: "a person who migrates to a country with the intention of taking up permanent residence". The way in which these terms shall be used hereby will somehow be at a middle-line between the term *settler* and *migrant*.

Immigrant in this case will be someone who goes to a country and resides there for more than three months - thus requiring a residence permit. However, my focus will be long-term residing migrants, who have been in the EU for five years or more (for legal reasons). The main decisive criterion is the actual time a person resides in country, then, those who do not intend to return anymore to their country of origin become *settlers*.

Immigration is used to mean the actual entrance into a country by a single person or group of persons with the intention of staying there for more than

---

[1]Garcia, S. (1993) - "Europe's Fragmented Identities and the Frontiers of Citizenship" in RIIA Discussion Papers #45. London, The Royal Institute of International Affairs, p.19.

three months, however, this does not imply that these persons may not decide to return to their country of origin after a period of time.

These two terms are applied in a different way in each of the EU Member States, thus related policies are shaped by each country's experience and the particular national needs. For this reason, the definitions offered here, may not be at times fully convergent with the definitions which some of the EU countries attribute to these terms. As T. Hammar (1992)[2] stated: "There is an obvious relation between a country's immigration policy and its terminology". He also offers the following examples of different terms used for migrants in a selection of countries immigration: In Germany and Switzerland immigrants are 'foreign workers' (Ausländische Arbeitnehmer in Germany and Fremdarbeiter in Switzerland and they are controlled by "aliens bureaux" (Ausländerbehörde, or in Switzerland Fremdenpolizei). France has always used the term *les immigrés* and *l'immigration*, Sweden also used similar terms - *invandrare* and *invandring* (in 1960's when it launched its new immigrant policy). Britiain has used the term 'immigrant' especially for coloured people and defines its immigration policy as *race relations*, whereas in the Netherlands the new policy for immigrants is called *minorities policy*.[3]

Of course, one can go even further than that and go into differentiation between perceptions of the host society with respect to some of their migrants which would place these at a more precarious position than others. If one considers the current situation in Europe, migration flows are coming from two main directions, from: East Europe and North Africa. East Europeans, are related through blood to West Europeans and have always been part of Europe albeit not in the EU, they are still part of the "us", whereas North Africans *enjoy* the "them" status. Due to past conflicts between Europe and North Africa and diffidence on either side, they're actually viewed as a threat and an Algerian in France being classified as a potential terrorist.

The world of Islam is and always has been so lacking in monolithic qualities as to make the concept of an Islamic threat *per se* literally meaningless. But neither can there be any doubt that the member states of the European Union are confronting problems in their relations with the predominantly Islamic states of North Africa which raise issues about the whole future development of the EU. The misfortune is that the confrontation across the Mediterranean and the Dardanelles looks just as simple as a clash of civilizations in the starkest possible terms, a conflict, in the words of Dominique Moisi, of *"a white, wealthy and Christian 'Fortress Europe' pitted against a largely poor, Islamic world"*[4], which is nonetheless a potential reality even though it might be felt that contemporary Europe is Christian chiefly in the sense that it is not Islamic.

Terminology tends to influence the way in which immigration policy is conceived and understood in each country and these terms intially instruments of description then

---

[2] Hammar. T. (1992) - <u>European Immigration Policy</u>, UK. Cambridge University Press. p.12.
[3] ibid., p.12.
[4] Dominique Moisi in "The European Union and the Maghreb: A Clash of Civilisations?" by Glen St. J. Barclay, <u>Australia and World Affairs</u>, No. 25, Winter 1995., p.5.

became fixed concepts limiting flexibility and creativity. So the terms 'immigrant' and 'immigration' will be used hereby in strict adherence to the above definitions so that the reader has a point of reference when comparisons between different countries of immigration are made.

The number of third country migrants (my focus hereby will be on Maghrebi, more than 2.5 million in the EU) residing and working at present in the EU has increased again in the nineties due to:

a)the increase in poverty, unemployment and uncurbed boom in population growth increased the pressure for emigration from developing countries;
b)the political, religious and ethnic conflicts have led to a world-wide increase in migration (this is especially in the case of Algeria).[5]

For practical reasons we shall restrict myself to legally resident migrant workers in the EU and their families. They form a very large section of the total number of immigrants in the EU but my remarks can be regarded in certain specific circumstances as being equally relevant to other groups[6]. From a legal point of view, the position of illegal immigrants is so different from that of legal immigrants that it would not be fruitful to compare their position to that of EU nationals. However, the fact that there are so many illegal immigrants adds to perceptual contours of policy challenges. The Community principles which will be adopted as a yardstick for assessing the position of legally resident third country nationals nationals are the ones which pervade the Community's whole legal system: *free movement of persons within the Community in order to work in another Member State, equal treatment and social justice.* These three, highly related principles will be the basis to assess existing and possible social policies for Maghreb labour immigrants in the EU.

This paper is divided in two parts; the first part is a brief theoretical approach to highlight and explain some of the major existing theories related to definitions of citizenship as this topic to thus put the second part in context. The second part will concentrate on Italy and Greece as two case studies of "new" receiving states affected by the ongoing North/South migration prevailing in the Mediterranean region in the nineties. Finally, we shall view and attempt to explain what problems and prospects this situation offers to the EU in the era of the Single European Market, using the case of the transformation of Italy and Spain from "sending to receiving" countries as an example.

Part I - Theoretical Framework

Questions related to citizenship, nationality, immigration and rights of immigrants, poverty discrimination, social exclusion are high on the EU agenda. These issues are

---

[5]Commission of the European Communities. (1991) - "Immigration of citizens from third countries into the southern Member States of the European Community" in Social Europe, Brussels, Supplement 1/91, p.25.
[6]It is difficult to determine whether the number of legal immigrants is actually higher or lower than that of illegal immigrants as there are no precise records documented with regard to the numbers of illegal immigrants in the EU coming from the Maghreb region.

being widely debated across the political spectrum of the EU Member States[7] this is especially so because the position of non-EU nationals who are residing within the EU gives rise to tension and leads to further restriction on freedom of movement. The tightening of external border controls certainly does not help alleviate feelings of racism and xenophobia projected towrads "alien" residents. Forbidding freedom of movement is a very explicit way of ratifying the inequality factor.   In fact, Hannah Arendt in her book On Revolution, London 1963, p.279 spells this inequality factor with respect to freedom of movement quite clearly:

"Freedom, wherever it existed as a tangible reality, has always been spatially limited. This is especially clear for the greatest and most elementary of all negative liberties, the freedom of movement; the borders of national territory or thw walls of the city-state comprehended and protected a space in which man could move freely. ... Freedom in a positive sense is possible only among equals, and equality itself is by no means a universally valid principle but, again, applicable only with limitations and even within spatial limits."

Thus, were one to equate Arendt's idea of spaces of freedom to the political context, one would be inclined to think of these geographically bound areas as, using Arendts' words, "islands in a sea ... as oases in a desert" or more applicable to the European context - fortresses. Citizenship in a nation-state is an exclusive status that confers on the individual rights and priveleges within national/Community boundaries. Nation states try to protect this exclusive status through immigration and aliens' laws. Regulating population movements is considered elemental to the very existence of modern nation-state system and to national sovereignty (Zolberg, 1981).[8] In principle, states have the right to refuse entry to citizens of other states, on the grounds of national security, public order, or public health (Niessen 1989).[9]

The impact of EU rules on third country nationals is a source of concern in the EU. This concern has been expressed, as mentioned beforehand, by all the various institutions of the EU but due to the fact that it is such a highly sensitive matter consisting of very complex legal issues - it has remained an area under state sovereignty in a sense, in accordance with the principle of subsidiarity. Pope Pius XI in his Encyclical Letter, "Quadragesimo Anno" (1931), one of the principle things he attempted to expose was the root of the social disorder at the time and he stated that:

[7]Taylor, D. (1992) - "A Big Idea for the Nineties? The rise of the citizens' charters" in Critical Social Policy, #1, p.2.

[8]Zolberg, A. (1981) - "International Migrations in Political Perspective" in Global Trends in Migration: Theory and Research on International Population Movements, ed. M. M. Kritz, C. B. Keely, and S. M. Tomasi. Staten Island: Center for Migration Studies.

[9]Niesen, J. (1989) - "Migration and (Self)-Employment, Residence, and Work Permit Arrangements in Seventeen European Countries" in Maastricht: European Center for Work and Labor , Manuscript, p.34.

"it is an injustice, a grave evil and a disturbance of right order for a larger and higher association to arrogate to itself functions which can be performed efficiently by smaller and lower societies."[10]

On similar lines a valuable description to explain the term principle of subsidiarity in relation to the European Community has been offered by Cassese, Clapham and Weiler:

"The Community cannot offer a panacea for all the social and economic problems of Europe; this is equally true in the field of human rights."[11]

Consequently, respectful of the principle of subsidiarity, the Community concentrates on areas where the Community is clearly better placed than the Member States, whereas the Member States are the ones to decide who is to be inside and who is to remain outside their borders. However, it is difficult to reconciliate this view with the needs of the Single European Market and this can be clearly seen in the debates about the possibility of a transfer of the authority of the Member States to the Community.

Granting powers to EU institutions or making use of intergovernmental provisions to bring about a greater convergence in the related provisions might offer a possibility for finding solutions. This latter approach has been the one adopted as can be seen from for example the Schengen convention. However, one must note that simple intergovernmental conventions between a small number of EU Member States shut out institutions such as the European Parliament and the Court of Justice, which are thereby excluded from the scope of the EEC Treaty and their legitimacy, hence contesting the role of the EU in such matters. It is therefore doubtful whether uniform implementation of the regulations and legal protection against their application can be assured. Nevertheless, the Treaty of the European Union contains the possibility of establishing the Court's jurisdiction to interpret provisions of intergovernmental conventions with regard to entry and movement of nationals of third countries on the territory of Member States, and their conditions of residence including family reunion and access to employment.[12]

The position of permanently resident, legal immigrants to the Community, which is both formally and materially weak and unequal, is reflected in the much debated issue on whether or not the free movement of persons pursuant to EEC Treaty[13] can, or indeed should, be granted to them. This matter is rightly linked to the matter of integration in their host societies and the meaning attributed to the term 'integration' also tends to vary between the different Member States. After all, integration is a means of removing inequality between various population groups. Not allowing freedom of movement is one way of rectifying the inequality factor. The question I

---

[10]Wilke. M. and Wallace. H. (1990) - "Subsidiarity: Approaches to Power-Sharing in the European Community" in RIIA Discussion Papers #45, London. The Royal Institute of International Affairs, p.12.

[11]Cassese. A, et al. (1991) - "1992 - What are our Rights?" in Human Rights and the European Community: Methods of Protection, University of Florence. p.6.

[12]Article K3 (2c) of the Treaty on European Union.

[13]Refer to a review of the Court's case-law by Willy Alexander (1992) - "Free movement of Non-EC Nationals" in ibid., p.53.

would like to put here is whether depriving legally and permanently[14] resident nationals of third states from free movement within the Community corresponds with the fundamental principles of the Community as well as the idea of justice which can be distilled from the Community principles and policies. Moreover, the capability of national policy for controlling immigration at national borders is quite weakened especially due to the dismantling of internal barriers in the Single European Market and accordingly, a policy at Community level is required.

Freedom of movement of third country nationals in the era of the Internal Market

In view of the changes that the internal market will evoke it is reasonable to withhold freedom of movement compatible with the logic of the internal market[15]. However, resting on sovereignty in relation to policy towards immigrants does not really hold anymore as a greater co-ordination/concertation with a view to achieving a possible convergence is required, even more than sole individual national policies can offer. Moreover, the internal market has also been responsible for a renewed interest of the concept of European citizenship. If this notion were to leave the realm of European rhetoric and was, according to the Treaty of the European Union[16], transformed into a legal status, it would emphasize the fact that there are two main sorts of persons living within the Community: EU citizens on the one hand and persons who can be regarded as 'second-class residents' on the other.[17] One of the basic principles protecting human dignity is the principle of non-discrimination, which is designed to abolish barriers and pejorative distinctions between individuals. It is therefore contrary to the very essence of the doctrine of human rights to disregard persons coming from third countries and residing on the territory of one of the Fifteen, even though these migrant workers and family members enjoy the basic rights and freedoms provided for in the European Convention on Human Rights and its Protocols. These instruments, however, do not regulate the entry, the length of residence or the working conditions

---

[14]It is not necessary to adopt a yardstick in terms of a minimum number of years as is done in the Council of Europe: See Council of Europe, Parliamentary Assembly, Report on the right of permanent residence for migrant workers and members of their families. Doc. 5904: for example, would also be possible to adopt the period imposed by the various national rules in respect of permanent residence.

[15]The internal market has brought about a removal of internal borders within the EU, hence allowing EU nationals to move freely within the Community without being subject to border controls, to thus take up employment in another Member State. However, it is not clear that this freedom is also extended to legally resident third country nationals even though technically speaking, if internal border controls have been abolished, then they can also move freely within the Community. This freedom, though depends on the attitude of the Member States involved towards these third country nationals and their interpretation of the social rights that these immigrants can possess within their territory. Barriers to this movement (this is actually quite contradictory to the idea of removal of internal borders in the internal market) or internal policing of migrants' movements within the Community only helps to reinforce the inferiority of status of these third country nationals.

[16]See Article 8 in which the Citizenship of the Union is established and see also the Commission of the European Communities, "First Contributions of the Commission to the Intergovernmental Conferences on Political Union" SEC (91) 500, as partly reproduced in Migration News Sheet No. 98/1991-05 (May 1991) 8.

[17]Advisory Council for Ethnic Minorities: "Memorandum A Social Europe for One and All"(1989) pp.17-21.

of aliens. Thus, one is obliged to rely on the national legislation of each of the Member States as well as Community legislation as far as in existence.

A study of this body of law makes it advisable to focus on legal residents who have resided in the Community for a minimum of five years, for it only applies to them that national and supranational legislation is likely to grant rights assimilating aliens from third States to EU nationals. How could the legal situation of these individuals be described? Casses, Clapham and Weiler[18] states that there are four factors involved:

1. The wide ranging differences among the EU Member States as far as national legislation on the treatment of aliens is concerned with respect to admission, the granting of a residence or work permit, the granting of specific rights related to working activities, and expulsion. This legislation tends to highlights the differences between EU nationals and non-EU nationals.

2. The labour market situation constitutes the decisive criterion used by national authorities when deciding on whether to issue a residence permit and for how long.

3. Member States are allowed to discriminate on the basis of nationality between their own nationals and third States' nationals (or between other EU nationals and third country nationals) in the field of entry, residence and access to work. For these discriminatory measures to be lawful, they must be authorized by national legislation. EU legislation does not prohibit the aforementioned discrimination, where it is laid down in national legislation.

4. Even those aliens who have legally resided in one of the Member States for more than five years have no right to move freely within the Community territory.

What has been done so far at Community level to cater for the needs of alien migrant workers?

Apart from a few resolutions of the European Parliament and a Decision of the Commission (adopted in 1985 and revised in 1988), mention should also be made of a Regulation adopted by the Council in 1968 (n. 1612/68 and revised in 1976 Reg. 312/76). While reaffirming that Member States are not prevented from discriminating between EU nationals and non-EU nationals, the Regulation accords a privileged position to those family dependents of EU nationals who have the nationality of a third State (according to Article 11 the spouse and children have the right to accept any form of wage-earning employment on the territory of a Member State, even if they do not have the nationality of any of the EU Member States).[19] Moreover, Association Agreements have been established between the Community and States like the Maghreb countries which provide that EU Member States will not discriminate against the nationals of these countries with respect to conditions of employment. However, all this is no doubt very little compared to the magnitude of the problem. If so far so little has been achieved, this could also be due to the pressing demands of EU workers

---

[18]Cassese. A. et al. (1991) - "1992 - What are our Rights?" in Human Rights and the European Community: Methods of Protection, University of Florence, p.49.

[19]ibid., p.50.

who, faced with increased unemployment nowadays, exact greater protection for themselves especially in view of the impending dismantling of the last barriers to free movement of EU nationals.[20] In fact, it would be quite naive to believe that by simply erecting or strengthening barriers, the growing influx of foreign workers from third countries will be stopped.

The ideas which date back to the Enlightenment about the natural equality of (male) human beings are the ones that informed the political approaches of John Locke, Thomas Paine and Jean Jacques Rousseau, movements for democracy and the ethical basis of the French Declaration of the Rights of Man and the Constitution of the United States of America. The growth of these ideas coincided with the consolidation of the nation-state (Heater, 1990)[21] which brought about the need to control borders. This was the source of dependence of rights on the inheritance of the appropriate nationality or the acquisition of it (Zolberg, 1991).[22]

The legal and political entitlements of citizenship might be illuminated by contrasting the citizen with a denizen (Hammar, T. 1992), metic (Zolberg, A. 1991) or subject. A denizen is a lawfully resident alien with the same primary rights of political participation as native or naturalized citizens. A metic is also a resident alien with legal status but enjoying only some of the rights of citizenship; for example, not the primary right to vote but with secondary rights such as the capacity to belong to political parties (Leca, 1990).[23]

Part 2 - Italy and Spain as New Receiving States

During the late 1980s the Southern European States - Spain, Italy, Greece and Portugal were transformed, from states of emigration to states of immigration. The main reason for the transformation in the above mentioned countries may be attributed principally to three reasons:

- the economic growth (especially of the tertiary sector)[24] in Southern Europe;
- the stop policies in Centre-North Europe;
- the marked increase in push factors almost everywhere throughout the third world.

Migration studies in Italy and Spain had, until the late eighties, focused on emigration *from* as opposed to immigration *to* Southern Europe and the world of research was not

---

[20] idem. op. cit., p.51.

[21] Heater, D. (1990) - Citizenship. The Civic Ideal in World History, Politics and Education. London, New York: Longman.

[22] Zolberg, A. (1991) - "Ethical dilemmas of immigration policy in the New Europe", paper presented to conference on Social Justice, Democratic Citizenship and Public Policy in the New Europe. ECPR/Erasmus University, Rotterdam.

[23] Leca, J. (1990) - "Nazionalità e cittadinanza nell'Europa delle immigrazioni", in Italia, Europa e Nuove Immigrazioi, Turin: Edizione della Fondazione Giovanni Agnelli.

[24] Growth of tertiary sector in South Europe allowed South Europeans to move into less manual jobs and this was percieved as also going up the social ladder with the result that only very few South Europeans continued working in sectors such as agriculture, construction, domestic work. This of course, gave the opportunity of migrants to find "manual" type jobs because the nationals of the recieving states did not want to do anymore that kind of work.

ready at the time to analyse and interpret a phenomenon which, moreover was quite different compared with migration flows in 1950s and 1960s. Legislation procedures referred to the foreign tourist rather than the immigrant worker. Thus, in the recent years, a great effort has been made to gather statistics appropriate to the new situation and hence analyse more precisely and in greater detail immigration and its implications as well as furnish appropriate legislation which could cope better with the new problems involved.

The main reasons for the increase in number of immigrants from North Africa entering Italy and Spain are various. The first reason is mainly geographical. The geographical proximity and "openness" of both Italy and Spain, the reliance of Italy and Spain on tourism and shipping, Italy's long coast line, to a certain extent its lack of informatica, mountainous regions, all makes control of migrant inflows very difficult.

The control measures taken by the traditional receiving countries of Northwest Europe led to an increase of immigration into Southern European countries: "either because these were the traditional staging-posts for clandestine migrants routing to the north, or because Southern Europe was seen as a straightforward alternative to direct entry to Northern Europe" (King and Konjhodzic, 1995 : 50)[25].

The lack of initial concrete migration policy in Italy and to a lesser extent Spain, the differential of economic growths between the countries of Southern and Northwest Europe has narrowed considerably as EC membership has brought Italian and Spanish (and to a lesser extent, Greek and Portuguese) wages up to to the average EU levels. Spain experienced a rapid growth of employment in 1960s, but virtually none was recorded in the 1970s as Spanish economy proved more vulnerable to the world recession than that of the other four countries.[26] After 1976, an expansion in Spain's tertiary sector took place which helped bring about social mobility (King and Rybaczuk, 1993)[27]. The different demographic regimes between the two sides of the Mediterranean basin which act as a strong push factor for immigration in South Europe. Finally, an important pull factor of increasing immigration into the South European States is the large informal sector of the economy and labour market of the country. Southern European countries. The rapidly-rising official wage-rates, the squeeze on productivity and devaluation of the lira in Italy lead firms to recoup their competetiveness by tax evasion, reduced labour costs and more flexible use of labour. So, informal and irregular demand for migrant labour in some sectors like agriculture, construction and domestic services is very high.

[25]King, R. and Konjhodzic, I. (1995) - "Labour, Employment and Migration in Southern Europe". Paper prepared for a conference on Problems of Labour and Employment in Southern Europe and the Maghreb: European and US Policy Options, Lisbon, 27-28 April 1995.

[26]Hudson, R. and Lewis, J.R. (1985) - "Recent economic, social and political changes in Southern Europe" in Hudson, R. and Lewis, J.R. (eds) - Uneven Development in Southern Europe, London, Metheun, 1-45.

[27]King, R. and Rybaczuk, K. (1993) - "Southern Europe and the international division of Labour: from emigration to immigration" in King, R. (ed.) The New Geographies of European Migrations, London.

New vs. Old Migration

The predominance of push over pull factors, the limited capacity of the labour markets of the receiving countries and increased migration for political reasons are all elements which, interacting with the migration dynamics over the last years, are greatly responsible for this break with the past. New immigration flows are only partly absorbed in the hidden economy of the receiving countries and in sectors and jobs where the distinction between legal and illegal is minimal. This encourages the social exclusion of the immigrant as well as compromising their integration with the receiving society, not to mention the ethnic, cultural and religious divide which often seperates the immigrant from the local population.

In countries which have a tradition of immigration these new aspects are not so visible given the effects of the greater problems caused by immigration in preceding decades and where well established and rooted foreigner communities already exist. Indeed Southern Europe and Centre-Northern Europe are going through two different stages of the migratory cycle: the former is experiencing the arrival of immigrants and settling in of the first foreign community and the latter their consolidation and integration (or the lack of this) within the local community. However, given the different contexts wherein immigration takes place today, in contrast to the past, the experience gained by the latter countries is not always of use to those which have only recently become receiving countries. This occurs at a time too when a wave of hostility and restrictive policies are sweeping across Europe, urgently calling for a European response capable of tackling the underlying causes of this phenomenon.

Due to initial lack of legislation in Italy and Spain it is somewhat difficult to establish the exact numbers of the migrants who entered or then left the country during the last twenty years. Nor can one know the changes in structural characteristics of immigration for the very same reason. The only data available which enables one to follow this trend does not allow one to make any sound analyses. The most complete and continuous source of data are the permits of stay issued by the Ministry of the Interior (see appendix). However, these do not allow one to distinguish which of the "foreigners" registered could be considered immigrants, except by referring to the reasons for entering the country. Alongside this source and other official sources which can not be held to be reliable for a variety of reasons (population register, population census), there are also a number of studies carried out by private bodies. These however, tend to refer only to limited regions and tend to be mainly sample surveys (not particularly exact given the impossibility of referring to a universe). Earlier surveys in Italy usually dealt with structured communities of immigrants coming from the Philippines, Cape Verde, Somalia, Eritrea, Morocco, Tunisia, Egypt, Iran. Recently the list has expanded to include immigrants from Algeria and other African and Asian countries such as Senegal, Ghana, Sri Lanka, Pakistan, China.

In Spain, the immigrants can be divided into two main groups: elites and marginalized. The elites would include North Europeans who retire to Spain for its climate and lower cost of living, this group could also include migrants from Spain's former colonies, who are usually very well qualified and manage to secure a standard of living similar to

that of the Spaniards, if not better. This group does not usually have large difficulties to integrate in the host society. The "marginalized" group would include North and Sub-Saharan Africans and to a certain extent poorer Portuguese and Philippinos. The most marginalized of all in South Europe are the illegal immigrants.

It could be said that immigration from outside the EU, even though one cannot be precise for the reasons stated above and it is probably quite variable, could be estimated to be around a million in Italy. An official estimate made in 1989 (ISTAT[28], 1990) put this at 963,000, however it was thought that this number was slightly exaggerated as apparantly they did not subtract the number of return migrants who were no longer on Italian soil. Immigrants are spread throughout the country but particularly in the Centre-North and certain areas of the South (Sicily and Campania) which are easy landing places for migrants coming by sea from the Maghreb (see appendix for comparative figures with Spain). In Spain estimates vary between 450,000 and 657,000 with respect to number of third country immigrants known to be residing on Spanish territory, 74% of whom are in either Madrid or Cataluña, where most work opportunities can be found. Southern regions like Andalucia tend to recieve a lot of seasonal workers who would like to work in the tourist sector or harvesting - this conflicts with the interests of the locals who themselves would be waiting for the tourist and harvest seasons to be able to earn some extra money through part-time work.

Defintions and Differences of Integration in the Host Societies

By the term integration, legally speaking, one might mean the achievement of all the political rights (and obligations) which a citizen of that geographically bound area usually enjoys. This would imply also equal opportunities in the job market and in the eyes of the law. This of course, is something quite difficult to achieve, especially in the current climate of recession and high level of unemployment which Italy and Spain Europe, as much as the rest of Europe, are passing through. The objective of achieving equality in the eyes of the law, is still a very faraway milestone because a third country national who has committed a criminal offence can be deported whereas an Italian or a Spaniard would not (this is valid for all the other EU Member States).

In sociological and economic terms, integration of the migrant may be defined in terms of to what extent is the migrant segregated, to what extent can the migrant speak the language of the host society and hence socializes with nationals of the receiving state with also possibilities for inter-marriages, to what extent can the migrant afford a standard of living in the host country comparable to that of a national of the host country and what social benefits are there available for the migrant to enable him to achieve this.

However, when speaking about integration one has also to stress the fine line between integration and assimilation. When one states the term "integration" on assumes that it is meant to be a process through which the indigenous population and the minority

---

[28]ISTAT is the National Statistics Institute which is an annex to the Ministry of the Interior.

settled in the same place gradually intermingling and moving towards equality on the socio-economic, cultural and political levels, becoming a single population unit (with its own cultural traits, of which language is a fundamental component) that shares the same identity but differs from other population, units or groups.[29] This concept of integration, then differs from that of assimilation, which implies the cultural, social and political subordination of one group to the other - which Solé (1988) describes as "the melting pot idea". This implies the partial or total loss of immigrants' identity as they merge with the majority group. A receiving society can, however, develop selective mechanisms *vis-à-vis* the immigrants, foreigners or otherwise, who settle there. Potential intra- and inter- class conflicts are aggravated by the introduction of ethnic discrimination which limits the opportunities open to certain immigrants, regardless of how well their education and experience compare with those of the local population. In Cataluña, as in other migration-receiving societies, certain occupational segments or categories are unofficially reserved for different ethnic groups. The French idea of assimilation expects the migrant to manage to identify himself/herself with the host society to the extent that he/she feel they now belong there more than anywhere else. Of course, this last point especially is very highly debated because one may also argue that expecting the migrant to renounce almost completely to his/her previous identity could cause serious conflicts and a sense of insecurity within the individual himself/herself especially if they have not achieved a full extension of citizenship rights from the host country. Some organizations (almost all voluntary) question highly this contradictorial French method of assimilation. These organizations are trying to help the migrants to integrate themselves in Italy and Spain by teaching them the national language, speak to the migrants about the host culture and give them vocational training to help them find work.

The demographic structure of non-EU immigrants in Italy is mainly composed of women, when dealing with the communities from the Philippines and Cape Verde, and of men for the other communities. Family reunions are quite rare, also because most immigrants are fairly recent arrivals. Nonetheless, mixed marriages, although the numbers are still fairly low, are not, an exception. The social impact of non-EU immigrants on the Italian and Spanish demographic structure is particularly felt in those areas where migrants tend to congregate. This must be seen as related to the fact that immigarnts do not find it easy to have access to world of work and thus often end up living together in the outskirts of the city which does little to facilitate their social integration. This is further exacerbated by cultural differences which make contact difficult. This situation often sparks off episodes of intolerance as well as favours forms of criminal behaviour among the immigrant population (for example linked to drug pushing).

The economic impact of the immigrant population is somewhat varied and contradictory. In Catuluña, Spain, most Maghrebi tend to be of rural origin. In this case, family reunions are more common because they tend to be more traditional. The women in this case, due to tradition and/or lack of qualifications tend stay at home taking care of the family or maybe doing domestic work on part-time basis. This does not encourage grasping of the language and limits greatly integration into the host

[29] Solé. C. (1981) - La integración sociocultural de los inmigrantes en Cataluña, Madrid: CIS. and Solé, C. (1988) - Cataluña: societat receptora d'inmigrantes, Barcelona: Institut d'Estudis Catalans.

society. The Moroccan women who go to Madrid are usually more independent and more highly qualified and tend to work as interpreters and tourist guides In many areas and particularly in the less economically developed regions of South Italy and South Spain, foreigners tend to be found mainly on seasonal employment, or which is at any rate temporary and transitory as without any contract or social welfare contributions. Vice versa, in the more industrialized regions, the immigrant worker is often in paid employment, with a contract. However, this job is usually to be found in those areas which because of long working hours or the risk involved are avoided by the local labour force. Many women find jobs mainly as housemaids, a job which the local labour force is no longer willing to undertake. In this case the job is usually covered by a contract, with social contributions being paid.

The self-employed deserve a separate mention, the number of non-EU immigrants involved being quite high, albeit concentrated in particular sectors. Two levels can be distinguished here, the first - usually street-vendors - being fairly precarious. This type of activity, which assumes a variety of forms, is more common in Italy than in Spain. This tends to be concentrated in urban areas, and particularly in the big cities and is mainly carried out by Africans. A second level are enterprises run by the self-employed particularly in trade and only rarely in the industrial sector, in handcrafts mainly. The main businesses both in Spain and Italy are the restaurants and catering services usually run by Chinese, Pakistanis for handicrafts and the carpet trade run by the Iranians.

The political aspects of immigration are still difficult to appraise as this is a fairly recent issue. One can only mention some episodes of racism. These are mainly provoked by the worsening housing shortage, in part brought about by the ever growing number of migrants, and the difficulty in finding a job anywhere in the country. These problems favour attitudes of rejection or refusal which have emerged and taken root in certain Italian and Spanish regions, the origins of which, however, lie elsewhere.

One cannot demonstrate any kind of social integration of immigrants into the Italian or Spanish society. On the contrary what is evident, from the experience so far, is that the majority of immigrants live and work in conditions of social exclusion and social exploitation. Their legal status and the lack of any concrete welfare policy by the state, are considered to be important factors. contributing to their social isolation. Cultural and language barriers keep contacts with natives to a minimum. Furthermore, their spatial and labour market concentration to deprived areas and to the lower segments respectively, lead to the gradual creation of a distinct social identity that seperates them from the native population. Finally, the stigmatization of the foreigner and the popular abstract stereotypes of the foreigner as a "potential criminal" or "trouble-maker" create more difficulties in the relationship between natives and immigrants.

In Italy and Spain, over the years there have been some clear incidents of xenophobia and lack of tolerance, not to say respect, of the foreigner. The attraction for immigrant employment in certain sectors remains strong mainly because of the existance of a large informal economy which entails high unit labour costs, and non-wage costs and low productivity. But, in terms of social integration, and because of work and legal arrangements, they become increasingly marginalized.

Changing Attitudes Towards Migration in Italy and Spain

Situation in Italy

The Italian public has grown increasedly interested in the question of migration: both because of greater numbers involved and due to episodes, often quite serious, of intolerance which have caught the attention of the mass media and the general public. Except for a particular number of situations, the impact of migration on Italy with respect to other European countries is still quite modest and the costs are limited in terms of the social services and welfare payments to migrants. The fact that numbers are still limited and primarily composed of workers on the economic and social fringes, helps contain the impact of migration as well as limits competition between migrants and the local population. This, however, has not prevented the outbreak of various forms of racism.

A number of opposing reactions have emerged also from the Italian society. On the one hand one can find 'solidarity' towards the migrant as expressed by the various catholic voluntary organizations, for example - Caritas, by some political parties, and by trade unions. On the other hand in Italy as in other European cultures a form of ethno-centrism does exist which, under certain conditions, could give rise to xenophobic or racist behaviour, although to date, for various historic reasons, this has had less occasion for expression than elsewhere.

OHP ABOUT PEOPLE'S OPINIONS - people not sure about no of immigrants, 21% think the figure is around 3 million

At this stage, the possibility of conflict could arise as the insecurity and marginality which is the lot of the migrant heightens the risk of their being caught up in various forms of criminal activity, thus encouraging intolerant and hostile attitudes on the part of the native population toward the marginalized foreigner[30]. The migrant issue has become an important element in Italian political life, which caused clashes between the parties during the Parliamentary debate on the February 1990 law (the Martelli law) and throughout the National Conference of Immigration which took place in Rome, June 1990. Following an initial unanimous attitude, the stance taken by the various parties tended to emerge and be shaped by the different party philosophies. Mention should also be made of the electoral successes of the Lega Nord, a neo-facsist political party whose manifesto is largely based on the ethnic question and on halting migration. The attention paid by the media has also increased. One of the national television networks (public) has dedicated an entire weekly programme to the problems facing migrants for the last five years.

Situation in Spain

---

[30]Melotti, U. (1990) - "L'immigrazione straniera in Italia: da caso anomalo a caso esemplare" in Stranieri in Italia - Caratteri e tendenze dell'immigrazione dai paesi extracomunitari, Cocchi, G. (ed.), Bologna, Istituto Cattaneo. p. 31-43.

Spain's immigrant population accounts for less than 2% of the country's total population and that the immigrant proportion of the official labour force is even smaller (about 0.7%). Spain's migratory 'impact' is in fact negative: as one can see from the above figures. To truly redress the balance, it would have to absorb more than a million foreigners - which has been more the case of Italy than Spain. They would be absorbed most probably from Spain's former colonies, where over half of the Spanish expatriate population now lives. But still, especially in the period between between 1988 and 1992, the press and government encouraged belief that immigration is one of Spain's most serious political and social problems by exaggerating numbers and pointing to its negative effects on the labour market and its implications for petty crime and drug trafficking.

The press with its sensationalism about the increase in the number of migrants, caused people to panic about the numbers actually present (which were never really as high those of other EU Member States. Media reports in Spain, stated that when Schengen is fully implemented, the other EU states with a tradition of immigration will tighten their borders, and thus Spain will suffer an invasion of third country nationals. This caused the people to become very agitated. The government, in order to tranquilize the people, in 1992 modified the *Ley Corcuera*[31] to give more powers to the police. The police could now stop anyone in the streets and demand to seetheir documents. In addition to this, according to the modified *Ley Corcuera*, the police could enter a private citizen's house without a mandate to check for drugs. Migrants, were indirectly thought of as possible drug traffickers, therefore the police took matters in their hands and occassionally were quite brutal with migrants with the excuse of searching for drugs. The latter amendment to the *Ley Corcuera* was later on described as being unconstitutional and therefore was prohibited from being put into force and the Minister Corcuera resigned from his position as Minister of the Interior.[32] In those days the people were feeling in a way, quite scared about how the situation with migrants might evolve, they could see the situation in France, Germany and also in Italy, the press was fueling the 'fear of the foreigner' and the people were not sure how to react.

Thus, demographers started to work on producing and revising the existing statistics to analyze what the real situation actually was. Following the murder of a Dominican women in 1992 and statistical results which demographers came up with, the state and the people realized that they had overblown the situation and thus in 1994 a social policy was enacted with respect to migrants working and residing on Spanish territory to try to soften down the hard-line regulations of the *Ley Extraneria* and to avoid further demonstrations of xenophobia. The press practically stopped speaking about the issue and the situation calmed down considerably.

---

[31]*Ley Corcuera*, named after its convener - the Minister Corcuera, who until 1992 was Minister of Interior Affairs, was a law establishing the powers the police had on Spanish territory in order to cut down on drugs, criminal offences and terrorism.
[32]Minister Corcuera had declared that if any part of the law would be called unconstitutional, he would resign.

There were events however, whereby police still took advantage of the powers they had with respect to immigration control and deported people from the borders before an appeal could be made in Madrid.

In 1986, the Collectivo IOE[33] carried out a study of various representative sections of Spanish society (company directors, employees, the unemployed, middle class housewives, politicians, the right wing, and liberal media). From their survey, five distinct attitudes emerged:

Nationalism: This view supports the rights of Spanish citizens and can be found across the entire spectrum of Spanish society and most prevalent in right wing press, a high proprtion of employees, the unemployed, but least strong amongst middle class women and civil servants. They tended to overblow the numbers of third country nationals present on Spanish territory. Signs of strong nationalism predominate in the poorer Southern regions of Spain, where Spaniards feel more in competition with immigrants for work in the tourist industry and in manual labour, due to higher levels of unemployment.

Company directors put economic considerations first and foremost, in keeping with Spain's constitutional commitment to the market economy. They justify foreign workers on the grounmds that Spanish workers increasingly reject certain forms of employment, or impose demands on their employers that are simply too costly to fulfil. They want the Spanish government to allow foreign workers to be exploited, whatever might be their nationality, as they represent a source for Spanish economy.

Christian universalist view defends the concepts of equality and fraternity and purports to wish to support the weakest and most needy elements of the population, in this case, Spain's 'economic' immigrants. Middle class women are the most staunch defenders of this view, although they simultaneously represent the 'nationalists' in still believing that Spanish people should be given first preference for employment.

Employees and the unemployed: this category represents a "workers' universalist" viewpoint which has more to do with nostalgia for the past than with concrete alternatives for the present. Their version of solidarity is based on raw nationalism.

Government departments and its non-governmental organizations in Spain wish to see the implementation of better border controls as well as a move towards legalizing the status of most of the country's foreigners who thet openly recognize as marginalized - in relation to work, but also legally and socially. The government overemphasis the need for immigration controls to identify illegal immigrants, Spain's NGO's, on the other hand, consider that the majority of third world immigrants are intolerably exploited and that the latest immigration measures will only make things worse for the immigrants.

---

[33]ibid.,p.137-138.

Immigration and Citizenship Policy in Italy and Spain

Situation in Italy

In Italy, with respect to legislation, only the Government and the Parliament can lay down migration policy and laws regarding Italian citizenship. So far there is, as yet, no immigration policy in Italy as this is still a very recent phenomenon, however, the most significant legal norms referred to immigrants in Italy from outside the EU are represented by two laws, the first one passed in 1986 (Law no: 943: Norms on the employment and treatment of immigrant workers from outside of the EU [still EC in 1986] and the prevention of undocumented migration) and in 1990, the so-called "Martelli Law" (Law no: 39: Special measures on political asylum, entry and residence for non-EU national and stateless citizens already present in the country).

Law no: 943/1986 upholds the principle that non-EU workers already present in the country should enjoy the same treatment and rights as Italian workers. The law is divided into separate administrative provisions, such as the granting of an entry visa being dependent on the existence of the authorization to work (Article 8). The work and residence permits normally last two years and may be extended. Law 943/86 also provides for the setting up of regional immigrant advisory councils and of new representative bodies of immigrants and of government bodies at the Ministries of Labour and of Foreign Office to foster immigration policy.

Both laws stipulate the criteria, procedures and time-limits for the regulations of the status of those immigrants who were in irregular or illegal position. Under the 1986 Law this was possible only for employees, while the 1990 Law made provisions for the broadest category of non-EU nationals (employee, independent worker, self-employed, student).

Law no. 39/90 stipulated new norms for entry, sojourn and expulsion and approved funds to the Italian regions for the creation of primary reception centres for immigrants. Since 1990, the Italian government has expressed the policy to programme the new immigrants' inflow. The programming of entry flows is established through annual decrees.

Three categories are envisaged for entry: asylum seekers, family reunifications of immigrants legally residing and fully employed, labourers called individually by employers who guarantee, besides the employment, adequate housing. This direct call is considered a pliable instrument apt to meet labour market demands.

Seasonal work has not yet been regulated.

On November 1991, the Ministry of Labour issued a Circular letter (no. 156) on immigration abolishing the block for domestic workers, established in March 1990. The Italian employer has to guarantee equal wages and equal legal conditions and social contributions for no less than 40 hour work a week, and has to provide proper accomodation..

Italian citizenship is now based on a new law, approved in 1992 which abolished the old 13 June 1912 law on Italian citizenship. A new was passed to favour return migrants of Italian origin, wheras making the achievement difficult for third country nationals.

Italian citizenship can be obtained:

- *jus sanguinis*, i.e. by having Italian parents, or one Italian parent. Minors can also acquire citizenship by adoption;
- *jus soli*, where the parents of a child found in Italy are unknown ;.
- *decree*, to a foreigner whose father or mother was a citizen by birth, to an adult foreigner adopted by an Italian citizen; to a foreigner who has served for at least 5 years as an employee of the State, or to a foreigner who engages in military service in Italy;
- *naturalization*, on some conditions, as service rendered to the Italian state for a period of 5 years, even if abroad, or residence in Italy for 5 years. Naturalization, a decree of the President of the Republic, only comes into effect when loyalty has been sworn to the Republic of Italy and to its President;
- *marriage*, Italian citizenship may be acquired through marriage to an Italian citizen, after residing legally for at least 6 months in Italy or after 3 years from the date of marriage, if it has not been dissolved.

The Italian authorities can refuse a request for citizenship in the case of a prison sentence of more than one year and for attempt to undermine the security of the Italian Republic. Italian Nationality may only be lost if a new citizenship is acquired.

However, the Martelli Law (law 39/1990) has been made more severe in new decree. The President of the Republic of Italy - Luigi Scalfaro, has approved on 18th November 1995, and signed a decree consisting of fifteen articles which will *re-design* the Martelli law. The new regulations put in a different perspective the original version of the law, and this has given rise to much debate as it has been described as xenophobic.

Situation in Spain

In Spain there is no policy to segregate migrants however, most migrants do tend to end up living where other migrants are for solidarity purposes and to be able to infiltrate already established networks to increase chances of success in finding work and making economic progress. Moreover, one must not commit the mistake of thinking that all migrants are living in poor abject conditions. Even though Spain is described as "a new receiving state", the immigration process has now been taking place over the last fifteen years or so (since 1985 and even before). So, some migrants have been in Spain for quite a long time and even though they have started as construction workers themselves at the time of their arrival in Spain, now they have accumulated enough capital and have learnt their way around enough to establish their own construction firm with the result that they have managed to become quite wealthy. This enables them to provide work in their own firm for other compatriots. One must

also bear in mind that in the eighties, Spain was economically better off than now, hence pay for workers, including migrant workers was comparatively higher[34]

The emerging situation in Spain with respect to integration of the migrant can be described as a middle-line between the British interpretation of integration upheld in the sixties and early seventies and the French method of assimilation[35]. Even though one cannot exactly describe Spain as a very religious country, this tends to vary from region to region. In Cataluña, where one has a more secular society, and above all due to the fact that Cataluña is proclaiming itself as being different from the rest of Spain hence asking the rest of Spain to be open-minded and accept the Catalan identity, in return it has to practice what it preaches by also being open-minded to diversity and this implies tolerance of the migrant. Moreover, this tolerance and openness towards the migrant is also attributable to the fact that even though Spain as a whole could be described as a country of emigration, however, Cataluña as a rich region has always been a recipient region of migrants - including other Spaniards. Thus, due to current day politics in Cataluña, the Generalitat of Cataluña has enacted a plan of integration for migrants. Theoretically speaking, Cataluña implements the politics of *jus soli* - that is the children of immigrants (including other Spaniards) are considered as Catalans. However, the application of the politics of *jus sanguinis vs. jus soli* is left to the jurisdiction of the central state administration which is in Madrid, therefore Cataluña at the moment has no power to apply the principle of *jus soli* to third country nationals residing upon its territory, it can only decide how to integrate them. In Spain it is the principle of *jus sanguinis* which is applied.

With respect to immigration policy, Spain has tightened its borders in full compliance with Schengen, however, even though it is the only country in the Southern European region who claims to have moved a step further towards an immigration policy from having just a legislation with respect to migrants, still the social and juridical dimension

---

[34]Nowadays, the average wage of a Spaniard worker is round about 150, 000 Pesetas a month, wheras migrants are said to earn an average of 60, 000 pesetas a month. Bank of Spain statistics show that on average, a Moroccan migrant sends back home 60,000 pesetas a year, which is quite low to justify their stay in Spain. This could mean that 60,000 pesetas is sufficient due to exchange rate and cost of living in their home country, or otherwise that they spend their money on rent and living expenses and cannot afford to save a lot. Another possibility could be that they transfer other non-declared money earned from the informal sector by other means.

[35]When one states the term "integration" on asummes that it is meant to be a process through which the indigenous population and the minority settled in the same place gradually intermingling and moving towards equality on the socio-economic, cultural and political levels, becoming a single population unit (with its own cultural traits, of which language is a fundamental component) that shares the same identity but differs from other population, units or groups. see Solé. C. (1981) - La integración sociocultural de los inmigrantes en Cataluña, Madrid: CIS. and Solé. C. (1988) - Cataluña: societat receptora d'inmigrantes, Barcelona: Institut d'Estudis Catalans. This concept of integration, then differs from that of assimilation, which implies the cultural, social and political subordination of one group to the other - which Solé (1988) describes as "the melting pot idea". This implies the partial or total loss of immigrants' identity as they merge with the majority group. A receiving society can, however, develop selective mechanisms *vis-à-vis* the immigrants, foreigners or otherwise, who settle there. Potential intra- and inter- class conflicts are aggravated by the introduction of ethnic discrimination which limits the opportunities open to certain immigrants, regardless of how well their education and experience compare with those of the local population. In Cataluña, as in other migration-receiving societies, certain occupational segments or categories are unofficially reserved for different ethnic groups.

are not so well established. Some argue that having no defined policy is also a policy because it gives the state the flexibility it might need according to arising needs[36].

Thus, the main instrument with respect to immigration is the legislation of 1985 - the *Ley Extraneria* - which is very much based on the German legislation for migrants[37].

Until the legislation which was popularly called "*Ley Extraneria*" (Foreigners' Law) which appeared in 1985, there was no single domestic judicial body in Spain to regulate the rights and responsabilities of the foreign contingent in Spain.[38]

The need for such a law, as stated previously, arose from continuing migrant pressure within Spain. The main objectives of the law were fourfold and can be summarized thus:

- to systematize the entry and residency procedures of foreigners in Spain;
- to protect the national job market;
- to guarantee acceptable working conditions for foreigners, as well as to assist them to integrate, avoiding illegality and marginalization;
- to harmonize Spanish legislation with the rest of EU (still EC in 1985) Member States, working within the framework of the EC unification process.

Three articles of the Law were found unconstitutional in July 1987 and in itself the Law was very difficult to implement in many cases because of its technical complexity and the deficient infrastructure of a "country unfamiliar with the administrative actions of immigration"[39].

Most of the criticisms about the Law were centred upon its discrimiatory character. Spain follows European immigration policies which facilitate freedom of movement within EC member states but restrict the entry of third country nationals, especially those from the Third World. The justification of the means of self-sufficiency or for having a regular job are clearly discriminatory measures taken against economic immigrants who, to a large extent, involuntarily become illegals.

Discrimation is directed towards various ethnic minorities, however some groups like Iberoamericans, Portugese, Filipinos, Andorrans, Equatoguineans, Sephardies and the orginal inhabitants of Gibralter are given preferential treatment. No such treatment exists for Moroccans coming from the region which used to be a Spanish protectorate until 1956.

---

[36]Cornelius, W.A., Martin, P.L. and Hollifield, J.F.(eds.) (1944) - Controlling Immigration - A Global Perspective, California, Stanford University Press, pp.322-335

[37]Spain had been used in previous years as a "corridor" or "waiting room" for migrants who wanted move up to Northern Europe. Thus, the immigrant was not viewed, until recently, as a possible settler, but only as a transient person who would carry out seasonal work on a temporary contract and who would leave the country within a short period of time. This led the authorities to base the "Foreigners' Law" of 1985 on the German "*Gasterbeiter policy*".

[38]Bodega, I. et al (1995) - "Recent Migrations from Morocco to Spain" in International Migration Review, vol.29, Fall, no.3: 807

[39]OECD in ibid, p. 308.

This law has been very infamous because when applied to the letter it is very exclusionary, not to say xenophobic. Ironically, so it was Cataluña, the region who applied the Ley in the strictest of ways, but then, as time went by, Cataluña, as much as other regions realized that the so-called term coined by the press and police "immigration problem" did not really exist. Spain first started becoming aware of the fact that it was becoming a receiving state for migrants in 1985 (1984 - for refugees and asylum seekers). But, the panic amongst the people about increasing numbers of migrants appeared in late 1987/1988 till 1991[40]. This took place because when Spain joined the EC in 1986 it, of course, had to tighten its border controls. Foreigners already residing on the territory started phoning their relatives in Morocco and other regions encouraging them to come over to Spain as fast as possible as Spain might be closing its borders. This resulted in an influx of migrants between the late 1980s and early 1990s. Not all the migrants entering Spain were documented, so one must not simply look at official numbers of immigrants as these would not be representative of the number of illegal migrants also present. When panic arises in a receiving state the people cannot tell which migrant is documented and who is not, so even though, here I am focusing on legal migrants the actual number of migrants one observes around oneself in the streets of a receiving country, would be the determining factor which would make policies towards migrants harsher or more lenient. On 13th February, 1992, a readmission agreement was signed between Rabat and Madrid, which Morocco has shown a great reluctance to apply. However, some of the migrants who entered Spain at that time, moved to Germany, Holland and/or Belgium for family reunification as they were afraid of the restrictions Schengen might bring about.

As a consequence of increase in numbers in Spain in the period of 1990, the government put into force a regularization process[41] - to regularize the situation of immigrant workers who had entered Spain. In 1991, the citizenship law was revised so that now it recognizes the presence of immigrants in Spain and makes the naturalization easier to achieve for iberoamericans who are in various ways related to the Spaniards as opposed to for example Moroccans. The previous citizenship law had been enacted in a time when Spain was itself a country of emigration.

In 1993/1994 *CUPO* was enacted which is a quota system for those who are trying to obtain a visa to be able to reside and work on Spanish territory. The quota system for 1993, 1994 and 1995 allowed 20,600, 29,349 and 20,600 respectively migrant workers (these workers could include workers who were clandestine workers already residing in Spain who are trying to regularize their situation). However, when speaking to migrants' representatives they said that the general feeling is that the quota system is actually cheating the migrants because, some irregular migrants who have been on Spanish territory since 1985 have not yet been given a regular working permit, to be able to do this they have to leave Spain, go back to their country of origin which at times could be difficult because of persecution as in Algeria, and have to apply through the Spanish Consulate there - but of course there needs to be Spanish consulate to apply to get this visa, some countries like Gambia and Senegal don't have a Spanish

---

[40]The king of Morocco at this point in time was asked to co-operate and try to control the numbers of people leaving Morocco.

[41]Some migrants were afraid to put themselves forth to regularize their situation as they thought that if they came out in the open the only result would actually be deportation instead of regulariztion.

Consulate therefore it is next to impossible for these migrants to obtain a visa from their country of origin. Moreover, if they were already clandestine workers in Spain, leaving the Spanish territory to go back to their country of origin to regularize their position might also mean losing the job they happen to hold at the moment.

On the other hand, however, quota system does give a chance to the migrant to make an appeal which is a step forward from the more restrictive policies of the past. An Algerian from Alicante, in 1995, by appealing to the quota system (*Cupo*), stating that even though in Algeria persecution was on a collective basis and not an individual basis, it was still too much of a risk for him to return there and hence the Spanish government allowed him to regularize his/her situation in Spain.

As a result of similar appeals, April 23rd 1996 was the onset of two very important processes for migrants in Spain. A new regularization process aimed at some 50,000 foreigners without authorization of residence and a modification of the Regulations of the *Ley Extraneria* "the new law (*reglamento*)" were implemented to thus make the implementation of the section of the *Ley Extraneria* of 1985, governing the entry and stay of foreigners, more lenient towards foreigners. The new law was approved by the Government on 2nd February 1996 and entered into force of April 23rd 1996, whereas the new regularization proces which started also on the same date will last until 23 August 1996.

This is in fact the second regularization process, the first one being in 1991 which was announced as exceptional and would not be repeated. However, the Government has, since then, has been obliged to start another one in view of the fact that there are at least 90, 000 foreigners without residence permits, many of whom became "clandestine immigrants" as a result of provisions in the former law on *aliens* after their residence or work permits expired.

Of the approximately 50,000 foreigners who are likely to be able to satisfy the criteria for regularization, 40% are Moroccans, and the majority of the rest are Latin-Americans. In order to be eligible to regularize their situation, they must have held some kind of work or residence permit before 1st January 1996. The spouses and dependants of applicants are also entitled to apply for residence permit. Applicants would, moreover, have to make a declaration of their willingness to enter the labour market. In the first regularization process, the condition was much stricter as applicants had to produce an employment contract. This requirement was much criticized by unions who informed that it led to a black market of employment contracts - which nowadays, to a certain extent has become a recognized sector in the economy (the informal sector). Of course, if immigrants were to seek jobs in the black market or to work as illegals they would be exposing themselves to all sort of exploitation by their employers and can claim no protection from the unions. This exploitation is condemned by the state in Código Penal and if the employer is caught, the fines against to be paid would be high with risk of imprisonment for the employer and possible deportation for the immigrant. Article 49 and Article 311 of the Penal Code (*Código Penal*)[42]. Article 49 spells out the number of hours in a standard

---

[42]Código Penal (1995) - Boletín Oficial del Estado, Madrid.

working day and the rights for social benfits of legal workers. Article 311 then lists the fines an employer would have to face if found breaching Article 49.

Another difference in this second process is that successful applicants will not obtain their residence permit from the police department[43] but from the administrative authorities. Whilst welcoming the process as positive, unions consider it as insufficient as it excludes all those immigrants who never held a work or residence permit, those who entered the country as asylum-seekers and were later rejected and those who entered Spain in the hope of being accepted in the immigrant quota - *Cupo* - but failed. If there situation is never regularized, they will continue to consitute a reservoir of cheap labour without any rights whatsoever.

One of the amendments with respect to *the new reglamento* of the *Ley Extraneria* of 1985 will be that immigrants can regularize their status in Spain and also they can obtain visa extensions of two years after their first year of residence and then of longer durations until they are considered permanent residents. Previously they had to renew it on a yearly basis. This law was published on 12 January 1996.

The regularization process, decided by the Government in February 1996, only concerned immigrants who entered Spain prior to 1st January 1996 and applied for regularization between 23rd April 1996 and 23rd August 1996. Its objective, as stated earlier, was to put an end to the system of issuing residence permits valid for only one year, the renewal of which depended on being in regular employment. Residence permits are now issued for a three-year period. Various foreign residents thus became illegal immigrants when their employers decided to terminate their offiicial employment contract to thus avoid paying social security contributions. Regularizations are granted only to those who previously held work and residence permits or only a residence permit, or are close family members of legally residing third country nationals. The authorties expect to regularize the situation of some 50,000 "illegal immigrants". Human rights associations have tried to push for an extension of the deadline but their appeals were rejected. Unfortunately, many clandestine immigrants who have been living in Spain for various years have been unable to fulfil the conditions for regularization since they were never employed legally.

Another move towards acquiring more rights to migrants took place on 12 April 1996. On that day, the Ombudsman (Defensor del Pueblo), F. Alvarez de Miranda filed a complaint with the Constitutional Court against law 1/1996 on free legal assistance. In Spain, the Ombudsman has three months to file a complaint with the Constitutional Court as commencing from the date of publication in the Official Gazette (BOE) of a law.

The provision which is being challenged is Article 2 which stipulates that free legal aid shall be provided to, among others, "Spanish nationals, nationals of other EU Member States, and foreigners who reside legally in Spain if they prove not to have sufficient means to take legal action". Mr Alvarez de Miranda declared that this provision is

---

[43]During my fieldtrip to Spain March/April 1996 I found that there was a general consensus between almost all my interviewees that the police department is by far the most xenophobic and racist institution in Spain.

unconstitutional and that free legal aid should be given to all foreigners without sufficient financial means, including those who are residing illegally in Spain. One has to remember that the Spanish legislation is particularly unfair to those immigrants who have at one time worked legally and paid taxes in Spain but who subsequently find themselves unemployed: the law stipulates that they lose their resident's status, and so must leave the country[44].

There are quite evident contradictions in the immigration controls in Spain. Spain gets EU funding for agricultural development, however the Spaniards don't want to work so much in agriculture, hence, without the presence of migrants, the Spanish agricultural sector would not survive. The same thing can be said about construction work - most Spaniards are avoiding these hard manual jobs. Spain suffers from draught because of lack of rain and most middle class families where both men and wife work don't have time for domestic chores, thus the domestic services sector will continue to absorb migrant workers. Not to mention of course, that Spain is ageing because of the very low birth rate in the country. So, albeit officially, Spain states it is being strict about the entry of migrants onto its territory, Spain does need migrants.

Regional and Local Initiatives to Integrate Immigrants in Italy and Spain

Situation in Italy

Regional Policies

The CENSIS[45] (1990) study examined regional legislation on immigration and the extent to which these measures were actually put into pracatice, revealing a gap between the planned norm and the concrete initiatives undertaken. Apart from general lack of preparedness, the delays may be attributed mainly to the slowness of administrative procedures. A regional council for Immigration Problems (with the participation of some co-opted or elected immigrant representatives) has been set up in almost all of the regions, but this body only appears to work in a third of the regions. Its responsibilities as far as legislation regarding immigrants is concerned cover cultural and educational initiatives, social welfare initiatives (economic assistance, reception centres, domestic help, accomodation), health care, and initiatives encouraging the formation of associations "for" and "of" non-EU immigrants.

Hence, the regions fall into three main groups as far as the extent to which they have managed to activate concrete policies is concerned: Lombardy, Umbria, Piedmont, Liguria, Emilia Romagna and Tuscany demonstrate a high degree of sensitivity as far as planned norms and concrete initiatives are concerned. In Abruzzo, Marches Sicily, Latium, Veneto, Campania, Friuli, Venezia Giulia and the Province of Trento sufficient attention is paid to the problem. In Apulia, Calabria, Basilicata, Sardinia, Molise the

---

[44]The IOE group (1990) - "Spain's Illegal Immigrants" in Contemporary European Affairs, 1990, no. 3, pp. 127-133.

[45]CENSIS Centro Studi Investimenti Sociali (Centre for Social Investments Studies)

Valle d'Aosta and the Province of Bolzano, on the other hand have benn less successful in putting these policies into practice.

Local Authority Policies

The first initiatives regarding immigrants were launched in the early eighties in some of the larger cities of Central and Norther Italy. Public measures have not been so successful in the South of Italy, and social forces and the voluntary sector have acted in a climate of general indifference.

There is an absence of any commitment on the part of the public institutions.

Some examples local-level initiatives:

The city of **Brescia in Northern Italy**, who have not only organized their own structures, but also co-ordinated the activities of other bodies. In 1989 an *ad hoc* local service was created in Brescia: the Reception and Orientation Office for non-EU foreigners, and it at once assumed an important role in orientating immigrants in the use of the public service. The Office keeps a register of users, as well as helping them find work and accomodation. Initiatives in this field have included the restoration of old buildings, a convention with hotels, and the formation of housing co-operatives. There has also been an increase in the number of immigrants' associations, for which the local authorities act as co-ordinators. The industrial sector has organized an occupational training course for metal-workers[46]

Another example is the **Turin** area where unions and business have both been active in the sector of work and occupational training. Local authorities have played an important part in job finding, placing many immigrants in some of their building projects or in other areas of public interest. There have been some interesting initiatives in the area of education: apart from reading and writing courses and school integration and middle school certificate projects, there is also a multicultural training course for teachers on the agenda. The meeting of social needs such as accomodation has been less successful in this area.

Private Initiatives

The LABOS[47] (1990) survey examined 30 private initiatives regarding immigrants. The basic objective of these intiatives was to identify the various kinds of needs expressed by the immigrants. In the different experiences examined there emerges a wide range of pressing needs in the various sectors of the group constituted by third country immigrants.

---

[46]Treves, C. et al (1989) - Sindacato dei diritti e società multietnica, Rome. Ediesse, p. 47 - 49
[47]Laboratorio per le Politiche Sociale (Laboratory for Social Policies).

Situation in Spain

In Spain, one does not find so well-pronounced regional policies as on does in Italy because, as one can see from the above figures, the numbers of immigrants are not very high and if the numbers increase dramatically, that usually occurs during the summer period, for a short time, and the immigrants return back to their country of origin.

However, in Cataluña, because the Catalans are demanding the rest of Spain to be open-minded and to recognize them as an autonomous entity having their own language, in their turn they have to put into practice their own politics and show an open-mind also on their part. One way they went about showing this is by the "Integration Plan", enacted by the *Generalitat of Cataluña*[48] in collaboration with the trade union CITE and other local organizations which based in Barcelona and neighbouring towns.

Some organizations (almost all voluntary) question highly the contradictorial French method of assimilation because expecting the migrant to renounce almost completely to his/her previous identity could cause serious conflicts and a sense of insecurity within the individual himself/herself especially if they have not achieved a full extension of citizenship rights from the host country. . These organizations are trying to help the migrants to integrate themselves in Spain but also are holding evening classes of Arabic and Arabic culture for, for example, North Africans, so that the children of Maghrebi migrants will always feel they have the choice of returning to their country of origin if they choose to, thus the migrant will feel less the pressure of having to succeed and give up his/her previous roots.

Some of the more well-known organizations who are doing this kind of voluntary work can be found all over Spain, but they are situated especially in Barcelona, Baleares, Canarias, Malaga, Andalucia and Madrid, because that is where 76% of the migrants reside. Barcelona and Madrid account for 74% of the legal migrants resident in these regions), are Comissiones Obreras (a trade union which helps migrants through it's specialized branched - CITE), SOS Racisme, CIDOB with their branch Bayt el-Taqhifa, Associacion de Solidaridad con los Trabajadores Immigrantes (ASTI), CARITAS, Jama Kafo, Collectivo IOE, Direcion General de Migracion.

These organizations organize tours of Bareclona and neighbouring localities, hold classes in vocational training to help the migrants achieve qualifications which are recognized by Spanish employees as unfortunately, most of the qualifications that, for example, some Maghrebi hold when they come over from North Africa, are not easily recognized as being equivalent to Spanish ones[49]. They also give with respect to employment to migrants. As a consequence of lack of recognizable qualifications,

---

[48]see the "*Pla Interdepartmental d'Immigració*" a publication by the Generalitat de Cataluña. Depertament of Social Welfare

[49]With respect to iberoamericans, the problem of recognition of qualifications does not exist because due to bilateral agreements existing between Spain and the lation American countries about education standards. even though some emplyers did claim that hadn't there been these bilateral agreements. the iberoamericans' would also have been rated as of a lower standard to the Spanish ones.

most migrants end up in construction work, agricultural sectors, domestic services and as factory workers (especially the textile industry). Some Moroccan women in Madrid and Andalucia tend to work a lot as tourist guides.

Conclusion

Individual European countries' migratory policies have featured restrictive and coercive elements in recent years. In the light of this, the basic need for coordination above all has often been felt. Yet, neither the EU nor any other international organization have so far managed to make effective progress in this direction. The attempt to standardize the practices of European countries does not seem to have overcome problems caused by viewing the issue of immigration in purely conjunctural or local terms. In fact, in spite of the same economic crisis, the same social problems and - what seems to be the most important - the same targets (more or less agreed upon), each country still seems to be reacting in its own way: even when a comparison of the solutions adopted (especially restrictive ones) could lead one to think that there might be room for a European agreement on migratory policies.

What can be seen quite clearly from the situation in South Europe is the extent to which immigration of workers from poor countries can be described as "a direct response to specific demands for cheap labour articulated by employers and their representatives in the political and administrative process; or whether the migration process is essentially supply-driven by factors of poverty and demography".[50] It is still unclear to what extent competition exists between immigrants and national workers. Intiatives to integrate legalized immigrants and decisions with respect to the extent that migrants can achieve citizens' rights are still at very early stages. Even in the areas where migrants have secured certain tights, the gap is still very wide migrants' rights and what is truly done to help them benefit from these rights.

There are various disequilibria prevailing between the Northern and Southern banks of the Mediterranean which will continue to persist for the time being. Too strict immigration policies will only help fuel an increase in clandestine entries. The main problem is how to target aid to create employment and thus reduce emigration. Of course, this is not an overnight process.
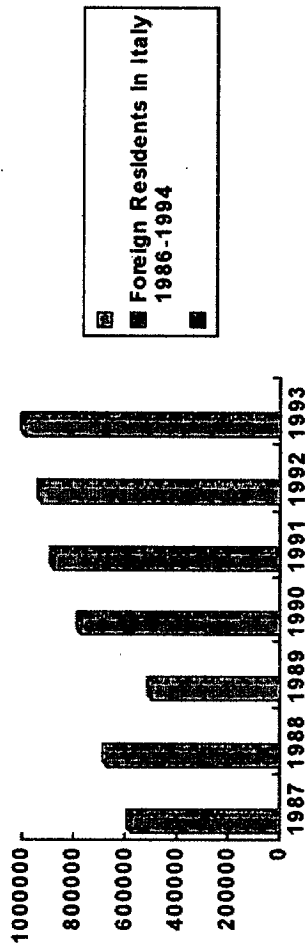
Each country's profile as a country of immigration has distinctive characteristics - in fact, as can be observed from statistics and evolving policies and attitudes, the situation in Italy differs in some aspects from that Spain, which in turn, disproves the notion that the situation in the South European states is homogenous. There is a wide range of differences between the different EU Member States which experienced migration

---

[50]King, R. and Konjhodzic. I. (1995) - "Labour. Employment and Migration in Southern Europe". Paper prepared for a conference on Problems of Labour and Employment in Southern Europe and the Maghreb: European and US Policy Options, Lisbon, 27-28 April 1995, p.74.
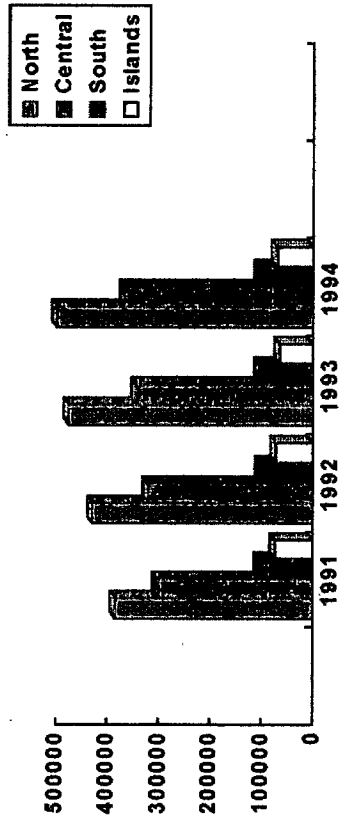
from third countries and this resulted in a variation of responses, hence it is quite difficult to find a common ground for a connective EU policy. However, as stated earlier, one cannot avoid dealing with this issue at least to some extent at EU level because borders are so permeable which makes countries very easily affected by the predicament of new forms of immigration.

APPENDIX

MIGRANTS IN ITALY

Foreign Residents In Italy 1986-1994

1000000
800000
600000
400000
200000
0

1987 1988 1989 1990 1991 1992 1993

■ North
■ Central
■ South
□ Islands

500000
400000
300000
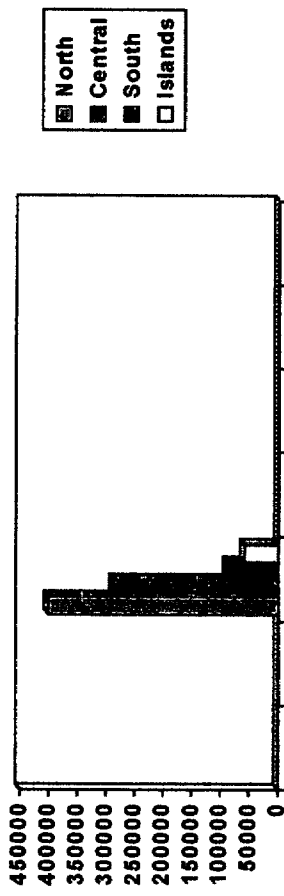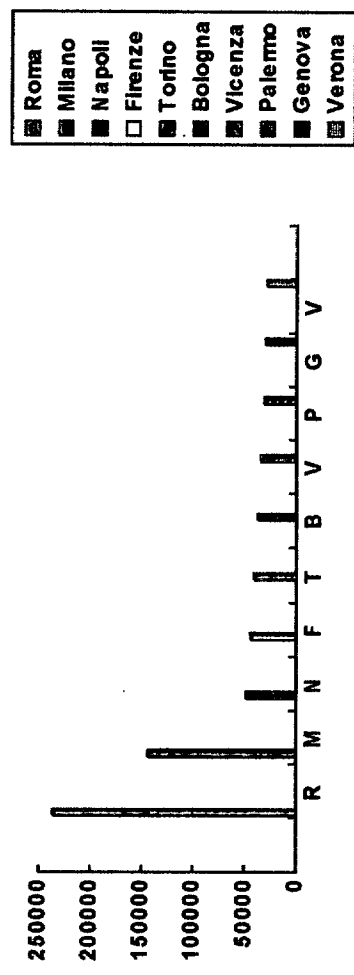200000
100000
0

1991   1992   1993   1994

¹

Regional distribution of the permits of residence requested and granted to foreigners (EU Nationals and third country nationals).²

---

¹Data which I collected from Caritas (Rome) during my fieldwork in Italy, summer 1995.
²ibid.

Legend: North, Central, South, Islands

Total number of third country nationals resident in the different regions of Italy by 31.12.1993.[3]

Legend: Roma, Milano, Napoli, Firenze, Torino, Bologna, Vicenza, Palermo, Genova, Verona

R M N F T B V P G V

The ten provinces mostly chosen by third country immigrants.[4]

---

[3]ibid.
[4]Data which I collected from ISTAT, Rome (the National Statistics Institute which is an annex to the Ministry of the Interior) during my fieldtrip to Italy, summer, 1995.
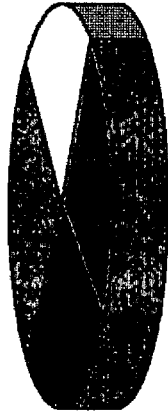
Variation in absolute number of immigrants from North Africa between 1990 - 1993[5]

Legend:
- No.of North Africans as a % of total no. of foreigners
- Percentage annual increases
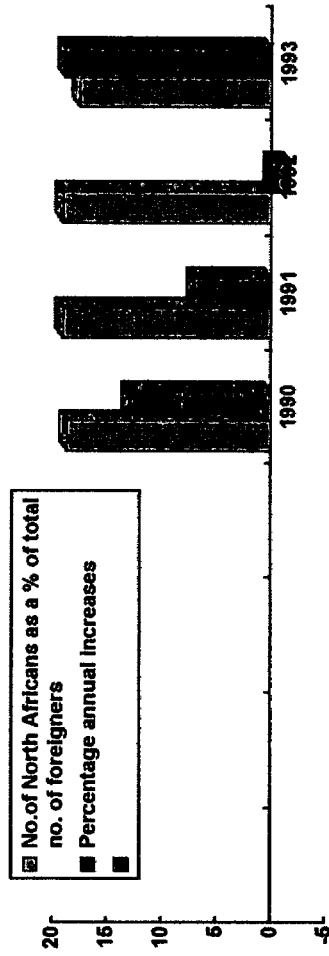
1990
1991
1992
1993

Variation in percentage number of immigrants from North Africa with respective representation of percentage of annual increases between 1990-1993.[6]

[5] ibid. North Africans in this case would include also Libyans and Egyptians, more specific figures will be given later on in this chapter.
[6] ibid.

Total number of Moroccans, Algerians, and Tunisians and total number of females of these three countries respectively, legally present in Italy at the end of the year 1994.[7]
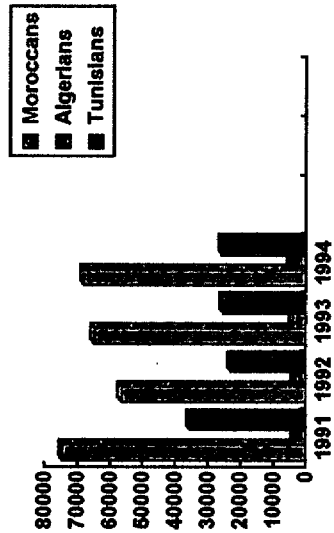
Absolute numbers of Moroccans, Algerians and Tunisians, respectively, asking for permits of residence in Italy during the years 1991, 1992, 1993, 1994.[8]

[7]Data which I collected from ISTAT, Rome (the National Statistics Institute which is an annex to the Ministry of the Interior) during my fieldtrip to Italy, summer, 1995.
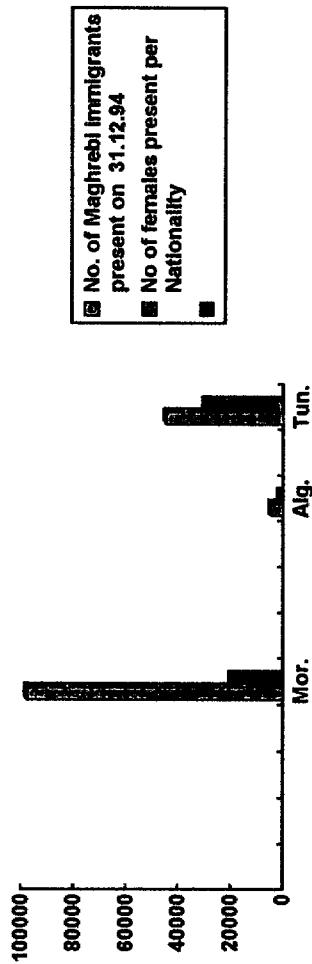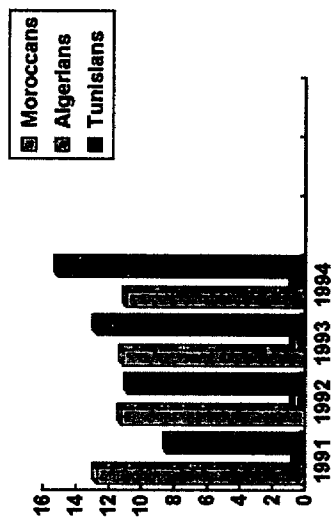
Number of Moroccans, Algerians and Tunisians, respectively, as a percentage of the total number third country nationals asking for permits of residence in Italy during the years 1991, 1992, 1993, 1994.[9]

[8]ibid.
[9]ibid.

Legend:
- Family reunion
- Study
- Political Asylum
- Awaiting Asylum
- Awaiting emigration
- Religious Motives
- Elective Residents
- Tourism
- Awaiting Adoption
- Awaiting Custody
- Health Reasons
- Judicial Motives and Detention
- Not Specified
- Various Motives

Y-axis: 0, 2, 4, 6, 8, 10, 12, 14

X-axis: 1990, 1991, 1992

This figure and the next three to follow depict the main reasons why third country nationals, like Maghrebi nationals, had applied to Italy for residence permits. 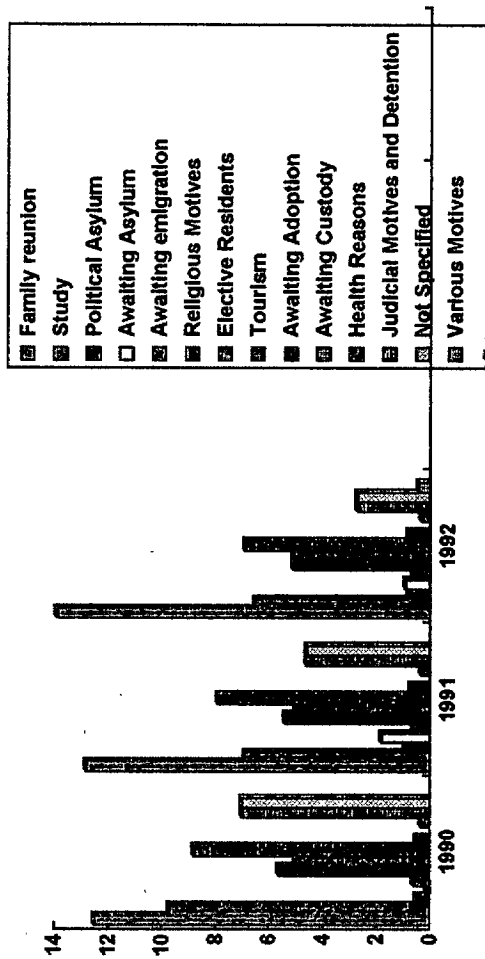The figures also show the relevant percentages of applicants in each sector. These four figures are divided into two groups. The above figure and the next one to come depict the number of applicants for residence permits in Italy who do not claim an interest in the Italian labour market, whereas the latter two depict the numbers whose residence permits will be related to work reasons. For clarity's sake I've put the data in four figures as opposed to two; each set of two is divided in a) data showing percentage number of applicant applying for residence permit per motive during the years 1990, 1991 and 1992, b) data showing percentage number of applicants applying for residence permit per motive during the year 1993 and the difference in percentages between the years 1992 and 1993.[10]

---

[10]Data which I collected from Caritas (Rome) during my fieldwork in Italy, summer 1995.

Family reunion
Study
Political Asylum
Awaiting Asylum
Awaiting emigration
Religious Motives
Elective Residents
Tourism
Awaiting Adoption
Awaiting Custody
Health Reasons
Judicial Motives and Detention
Not Specified
Various Motives

diff % 1993/92

1993

120
100
80
60
40
20
0
-20
-40
-60

Employed
Pending Employment
Unemployed
Marines waiting to embark
Total to take up employment
Self-employed
Job Pending
Total self-employed
Total with job motive

1992
1991
1990

60
50
40
30
20
10
0

Legend:
- Employed
- Pending Employment
- Unemployed
- Marines waiting to embark
- Total to take up employment
- Self-employed
- Job Pending
- Total self-employed
- Total with job motive

(Chart: y-axis 60, 50, 40, 30, 20, 10, 0, -10, -20; labels "1993", "diff job 1993/92")

Table 1 Opinions on the number of foreigners living in Italy (percentages)

Opinion	Survey		
	1987-1988	1991	
		18-65	18-49
Too many	49.7	74.5	71.3

Neither too many nor few	35.7	19.1	22.0
Not many	1.7	1.1	1.4
Don't know	12.8	5.4	5.3
Total	100.0	100.0	100.0

Source: Bonifazi (1992)[11]

[11]Bonifazi, C. (1992) - "Italian Attitudes and Opinions Towards Foreign Migrants and Migration Policies" in Studi Emigrazione, no. 105, p.21-42

Table 2 Evaluation of the number of foreigners living in Italy (percentages)

	Evaluation	Survey		
	1987-1988		1991	
		18-65	18-49	
Low (a)	13.6	9.8	9.9	
Medium (b)	18.8	15.3	15.8	
High (c)	17.6	19.7	20.5	
Very high (d)	13.7	20.9	21.4	
Dont know	36.2	34.3	32.4	
Total	100.0	100.0	100.0	

Note: (a) 1987-88: under 750,000; 1991: under 700,000;
    (b) 1987-88: 750,000-1,500,000; 1991: 700,000-1,500,000;
    (c) 1,500,000-3,000,000;
    (d) over 3,000,000.
Source: Bonifazi (1992)[12]

---

[12]Bonifazi, C. (1992) - ibid., p.21-42

MIGRANTS IN SPAIN

ANNUAL NON-EU IMMIGRATION IN SPAIN 1988-1994

	1988	1989	1990	1991	1992	1993	1994
GENERAL TOTAL	9 650	14 417	13 730	10 553	18 219	15 361	18 551
MALES	4 977	7 637	7 059	6 100	10 722	8 359	9 940
FEMALES	4 673	6 780	6 671	4 453	7 497	7 002	8 611
AGE GROUPS							
0-15	1 760	2 724	2 793	1 560	2 437	2 161	2 401
16-24	1 231	1 953	1 757	1 719	2 860	2 099	2 404
25-64	6 121	8 974	8 507	6 786	12 314	10 576	12 881
25-34	2 617	3 983	4 028	3 551	6 872	5 816	6 839
35-44	1 659	2 425	2 310	1 745	3 173	2 857	3 425
45-54	1 071	1 487	1 257	917	1 436	1 151	1 579

55-64	538	766	673	488	608	525	865
MARITAL STATUS							
SINGLE	4 409	6 572	6 355	-	-	-	-
MARRIED	4 529	6 992	6 625	-	-	-	-
WIDOWED	246	303	253	-	-	-	-
DIVORCED AND SEPERATED	466	550	497	-	-	-	-
LEVEL OF EDUCATION							
ILLITERATE	134	198	150	121	378	1 044	1 518
PRIMARY EDUCATION ONLY	3 909	6 365	5 943	5 209	8 886	6 233	6 751

SECONDARY EDUCATION	3 023	4 188	3 900	1 611	3 323	2 664	3 633
BACHELOR'S DEGREE OR EQUIVALENT	1 522	2 018	2 128	2 918	4 523	4 607	6 340
NON-CLASSIFIABLE	1 062	1 648	1 609	694	1 109	813	309

Source: The data for the years 1988 - 1993 was obtained by Directorate General on Migration Statistics for <u>Migraciones 93</u>. The data for 1994 was obtained by the same body for INE.

TABULAR REPRESENTATION OF ABSOLUTE NUMBERS OF THIRD COUNTRY IMMIGRANTS FROM MAGHREB RESIDING ON SPANISH

TERRITORY AND THEIR REGIONAL DISTRIBUTION IN 1994

	ALGERIANS	MOROCCANS	TUNISIANS	TOTAL AFRICANS
ANDALUCIA	327	9 647	53	11 431
ARAGÓN	257	851	21	1 873
ASTURIAS	14	131	6	319
BALEARES	138	1 480	7	2 001
CANARIAS	32	2 402	13	3 333
CANTABRIA	10	63	4	144
CASTLLA-LA MANCHA	83	1 570	62	1 793
CASTILLA Y LEON	37	737	7	1 878

CATALUÑA	511	20 431	96	24 783
COMUNIDAD VALENCIANA	961	3 700	46	5 794
EXTREMADURA	16	1 836	-	1 917
GALICIA	34	615	1	1 123
MADRID	322	11 098	105	14 321
MURCIA	322	2 978	5	3 239
NAVARRA	78	256	1	475
BASQUE REGION	47	1 250	10	1 577
LA RIOJA	66	364	1	457
CUETA	2	406	-	417
MELILLA	1	652	-	670
NO CONSTANT LOCATION	104	3 472	15	5 062
TOTAL	3 201	63 939	394	82 607

Source: Directorate General of the police department in the Ministry of Interior, data compiled by Directorate General on Migration Statistics.

GRAPHICAL REPRESENTATION OF ABSOLUTE NUMBERS OF THIRD COUNTRY IMMIGRANTS FROM MAGHREB RESIDING ON SPANISH
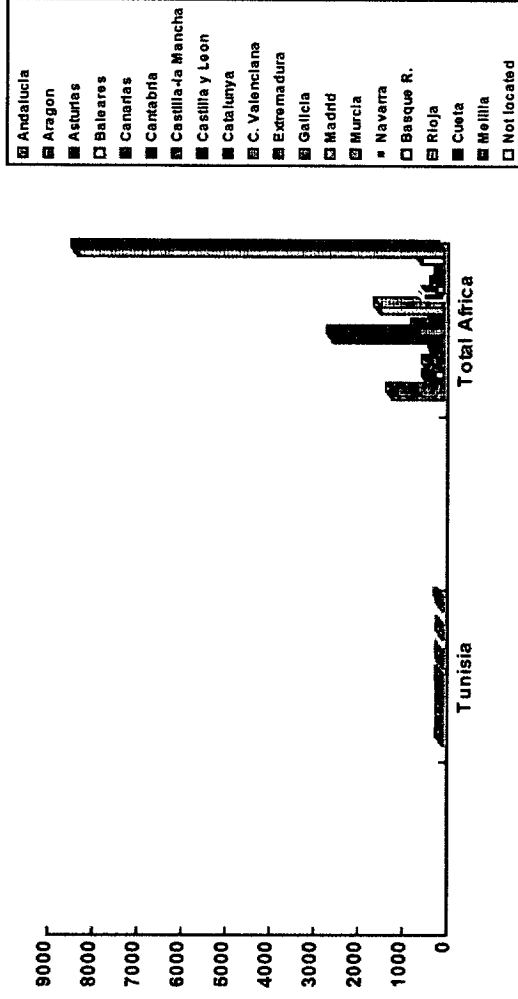
TERRITORY AND THEIR REGIONAL DISTRIBUTION IN 1994 (X10)
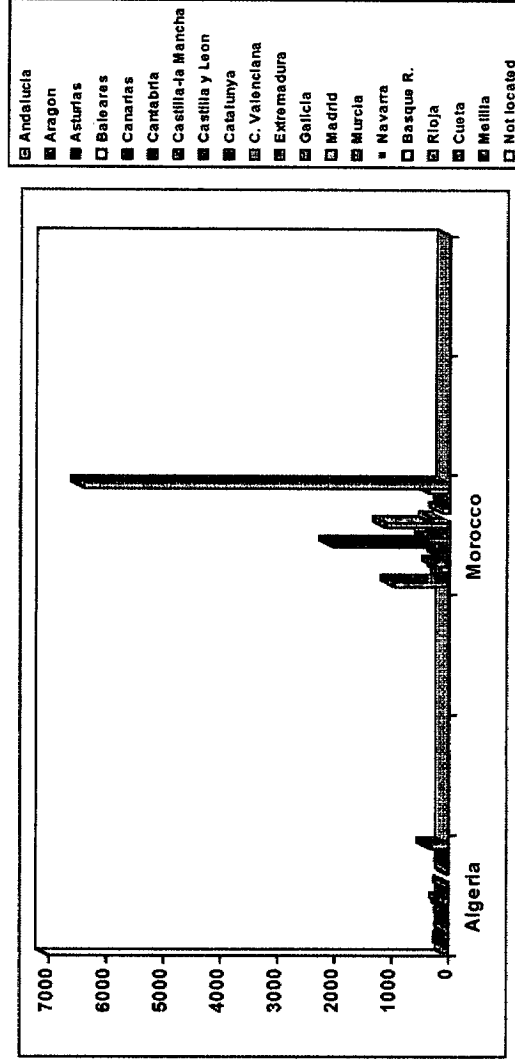
Source: Directorate General of the police department in the Ministry of Justice and Interior, data compiled by Directorate General on Migration Statistics.

ABSOLUTE NUMBERS OF MAGHREBI NATIONALS WORKING LEGALLY IN SPAIN -

THEIR COUNTRY OF ORIGIN, GENDER, FINANCIAL DEPENDENCY ON OTHER FAMILY MEMBERS AND EMPLOYMENT SECTOR

| COUNTRY OF ORIGIN	1989	1990	1991	1992	1993	1994	GENDER 1994		FINANCIAL DEPEN-DENCY 1994		EMPLOYMENT SECTOR 1994				OTH-ER 1994
							F.	M.	O.	S.	A.	I.	C.	S.	
ALGERIA	159	245	1937	2877	2086	1863	101	1762	1776	87	499	243	135	517	469
MOROCCO	6712	8844	41095	52501	42193	43729	6723	37006	38027	5702	10140	3676	7272	16316	6325
TUNISIA	64	81	212	237	153	154	29	125	132	22	9	13	13	99	20
TOTAL	6935	9170	43244	55615	44432	45746	6853	38893	39935	5811	10648	3932	7420	16932	6814

F: FEMALE M: MALE O: DEPENDENT ON OTHERS (POSSIBLY FAMILY)

S: SELF-DEPENDENT A: AGRICULTURAL SECTOR I: INDUSTRIAL SECTOR

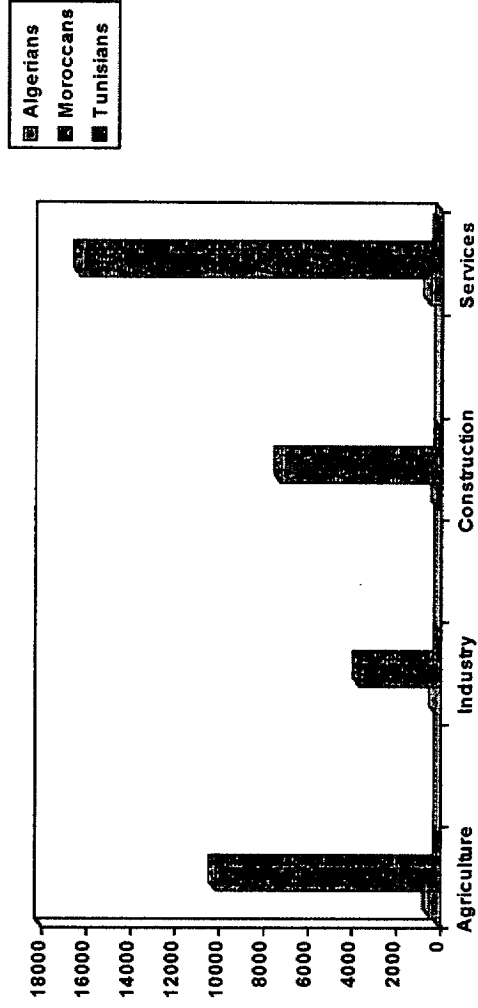C: CONSTRUCTION WORK S: SERVICES (DOMESTIC SERVICES)

Source: Data compiled by Directorate General on Migration Statistics for Ministry of Labour and Social Security.

MAGHREBI NATIONALS RESIDING LEGALLY ON SPANISH TERRITORY 1989-1994
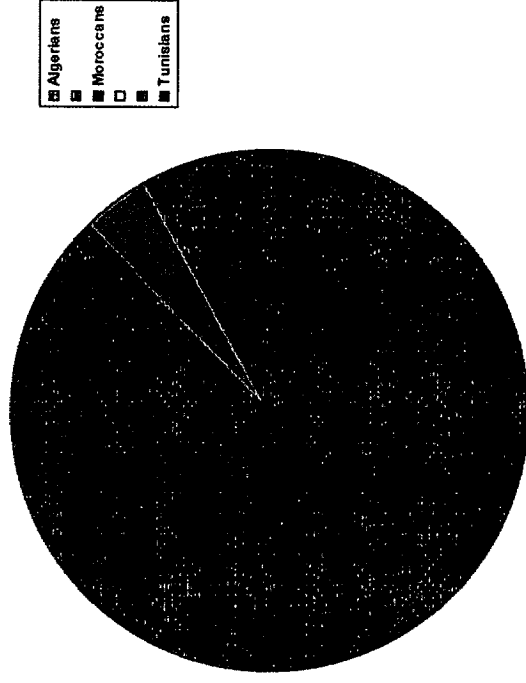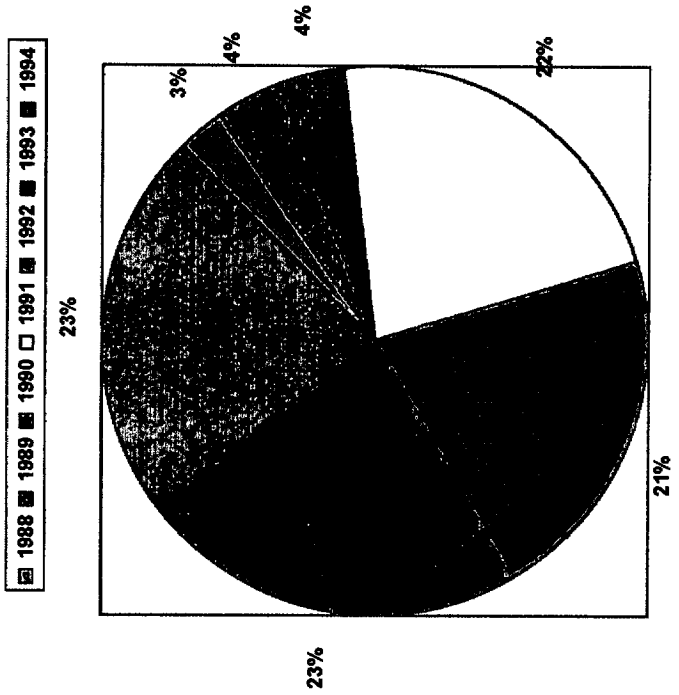

Source: Ministry of Justice and Interior

DISTRIBUTION OF MAGHREBI IN EMPLOYMENT SECTOR IN 1994

Source: Data compiled by Directorate General on Migration Statistics for Ministry of Labour and Social Security.

PERCENTAGE OF TOTAL WORK PERMITS ISSUED TO MAGHREB NATIONALS

RESIDING IN SPAIN 1988-1994

Legend: ▨ 1988 ▨ 1989 ▨ 1990 □ 1991 ▨ 1992 ▨ 1993 ▨ 1994

Source: Data compiled by Directorate General on Migration Statistics for Ministry of Labour and Social Security.

WORK PERMITS ISSUED TO MAGHREB NATIONALS RESIDING IN SPAIN 1992-1994

COUNTRY OF ORIGIN	1992	1993	1994
TOTAL FOR MAGH-REB REGION	38 848	41 800	41 322
ALGERIA	2 058	2 144	1 822
MOROCCO	36 602	39 656	39 366
TUNISIA	188	138	134

Source: Data compiled by Directorate General on Migration Statistics for Ministry of Labour and Social Security.

THE TOTAL QUOTA ACCORDING TO *CUPO*[13] 1993 WAS FOR 20 600

CUPO 1993 : DISTRIBUTION ACCORDING TO GEOGRAPHICAL REGION

GEOGRAPHIC REGION	*CUPO* 1993	APPROVED WORK PERMITS	PERCENTAGE OF TOTAL APPEALS (%)
MADRID	2 900	2 073	71.5
CATALUÑA	4 800	2 426	50.5
ANDALUCIA	2 200	29	1.3
C. VALENCIANA	1 200	19	1.6
MURCIA	2 500	1	-
CANARIAS	800	350	43.8
BALEARES	1 000	254	25.4
OTHERS	5 200	68	1.3
TOTAL	20 600	5 220	25.2

[13]The word *Cupo* in Spanish means quota, that is, the *numerus clausus*, which *is* revised annually, for the third country nationals *who* would like to regularize their position in Spain and get legal work permits and/or are applying to enter, reside and work in Spain. The numbers stipulated annually determine how many third country nationals will be given the work permits they apply for. Their success in achieving their regular work permits depends heavily on their nationality and the type of job sector they intend to work in as this latter factor dictates the number of vacancies present and hence work permits per job issued per sector. For the benefit of the reader, in the next parts of the chpater, where I shall be referring to this term more frequently during the analysis of these figures, I shall the word "quota" instead of "Cupo"; however, one has to be aware of the meaning of this spanish term as various authors do tend to use it in the original form.
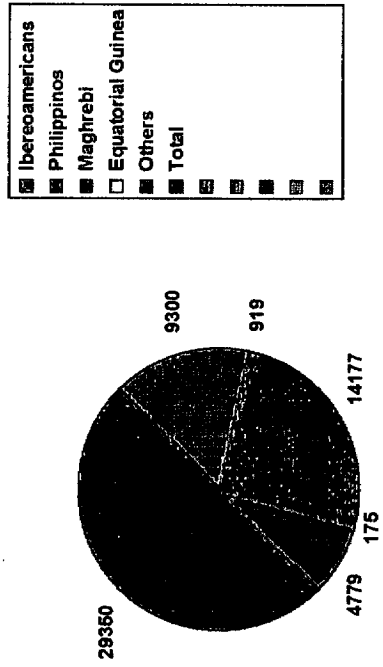
Source: Data compiled by Directorate General on Migration Statistics for Ministry of Labour and Social Security.
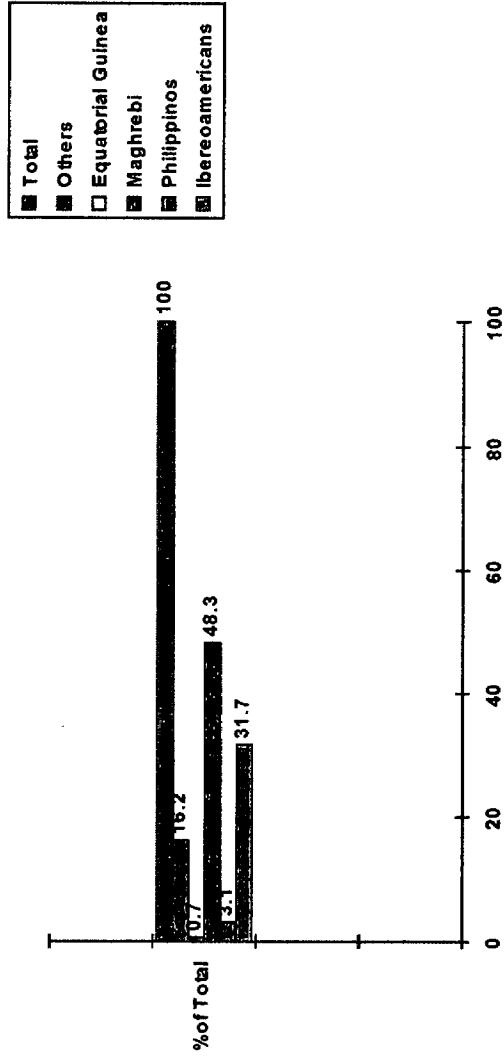
CUPO 1993: DISTRIBUTION ACCORDING TO LABOUR MARKET
(EMPLOYMENT) SECTOR

GEOGRAPHIC REGION	AGRICUL-TURE	CONSTR-UCTION	DOMESTIC SERVICES	OTHER SERVICES	TOTAL
MADRID	7	-	2 066	-	2 073
CATALUÑA	129	-	2 192	105	2 426
ANDALUCIA	-	-	14	15	29
C. VALENCIANA	-	-	6	13	19
MURCIA	1	-	-	-	1
CANARIAS	-	-	10	340	350
BALEARES	-	-	13	241	254
OTHERS	23	-	45	-	68
TOTAL	160	-	4 346	714	5 220
% of TOTAL	3.1	-	83.2	13.7	100.0

Source: Data compiled by Directorate General on Migration Statistics for Ministry of Labour and Social Security.

THE TOTAL QUOTA ACCORDING TO *CUPO* 1994 WAS FOR 29 349

CUPO 1994

Legend:
- Ibereoamericans
- Philippinos
- Maghrebi
- Equatorial Guinea
- Others
- Total

29360

9300

919

14177

175

4779

Legend: Total, Others, Equatorial Guinea, Maghrebi, Philippinos, Ibereoamericans

Bar chart values: 100, 48.3, 31.7, 16.2, 0.7, 5.1 (% of Total)

Source: Data compiled by Directorate General on Migration Statistics for Ministry of Labour and Social Security.

CUPO 1994: DISTRIBUTION ACCORDING TO LABOUR MARKET
(EMPLOYMENT) SECTOR

GEOGRAPHIC REGION	AGRICUL -TURE	CONSTR- UCTION	DOMESTI C SERVICES	OTHER SERVICES	TOTAL
MADRID	261	601	8 902	1 334	11 098

CATALUÑA	1 351	927	5 112	1 502	8 892
ANDALUCIA	2 878	33	700	505	4 116
C. VALENCIANA	946	121	688	871	2 626
MURCIA	4 804	213	116	191	5 324
CANARIAS	51	34	177	609	871
BALEARES	103	28	156	84	371
ARAGON	708	98	178	261	1 245
ASTURIAS	3	0	34	16	53
CANTABRIA	7	0	28	5	40
CASTILLA-LA MANCHA	354	61	199	261	875
CASTILLA-LEON	64	17	127	66	274
EXTREMADURA	483	24	27	48	582
GALICIA	6	6	48	81	141
NAVARRA	103	22	83	68	276
BASQUE REGION	24	8	131	33	196
LA RIOJA	173	48	38	38	297
OTHERS	1 925	284	893	877	3 979
TOTAL	**12 319**	**2 241**	**16 774**	**5 973**	**37 277**

Source: Data compiled by Directorate General on Migration Statistics for Ministry of Labour and Social Security.

CUPO 1994: REQUESTS PRESENTED IN THE MAIN PROVINCES FOR REGULAR RESIDENCE AND WORK PERMITS ACCORDING TO NATIONALITY
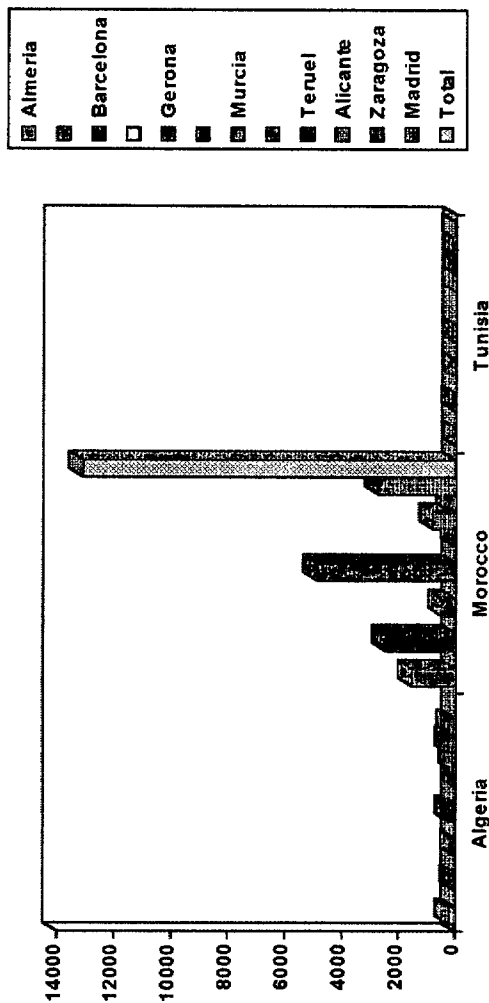
MAGHREBI NATIONALS ACHIEVING REGULARIZATION THROUGH *CUPO* 1994

COUNTRY OF ORIGIN	ABSOLUTE NUMBERS	PERCENTAGE
ALGERIA	1 048	3.6
MOROCCO	13 106	44.6
TUNISIA	6	0.02

Source: Data compiled by Directorate General on Migration Statistics for Ministry of Labour and Social Security.

Note to reader: These figures have been obtained from an annual publication on Migration issued by Ministry of Social Security in Spain, Isabel Vázquez Feijóo (editor), 1995. When reproducing the data in the above tables and graphs, some of the tables have been edited to thus make them more specific to the purpose of this thesis. This information was obtained, and its analysis complimented by interviews, during my fieldtrip in Spain in March/April 1996.