

## **The Politics of Immigration, Employment, and Amnesty in Spain<sup>1</sup>**

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### **Abstract**

Spurred by a decade of remarkable economic growth between 1995 and 2005, Spain rapidly emerged as Europe's most important immigrant destination: the number of non-Spanish citizens resident in Spain mushroomed from five hundred thousand in 1995 to over three and a half million by 2005. With the government lacking the bureaucratic infrastructure to handle massive immigration, the vast bulk of immigrants arrived without authorization. Successive Spanish governments responded by periodically undertaking large-scale immigrant legalizations or regularizations.<sup>2</sup> Granting irregular migrants amnesty rewards an illegal activity, but is usually justified as a way to “wipe the slate clean” so that future immigration will be better managed and controlled. The Spanish example demonstrates that this is a false hope: migrants granted temporary work and residence permits generally overstayed their authorization periods while new irregular migrants continued to arrive. The case of Spain reflects similar dynamics at work in Italy, Portugal, and Greece.

## **Introduction**

Regulating migration has emerged as a key government task, and states must weigh economic forces encouraging increased migration against security and political forces favoring greater closure (Hollifield 2004). Maintaining this balancing act is particularly difficult in states experiencing sharp increases in immigration. But political opposition to immigration does not everywhere grow linearly with increasing immigration. Spain has rapidly become Europe's most important immigrant destination. But there has been relatively little political pressure to reduce immigration, despite explosive growth in migration, the vast bulk of which occurs without authorization. The repeated granting of immigrant amnesties is doubly puzzling given the rise of xenophobic or anti-immigrant parties in other European states, coupled with an increased emphasis on security throughout the region. Rather than moving to restrict migration, successive Spanish governments have responded to the growing influx of irregular migrants by granting one amnesty after another. In 2005, Spain carried out the largest amnesty program to date. Over one million people—almost seven hundred thousand workers from Ecuador, Romania, Morocco, and elsewhere, along with four hundred thousand of their family members—applied in the three months between 7 February and 7 May 2005 to regularize their immigration status in Spain. To qualify, they needed proof of residency in Spain since at least 7 August 2004, a work contract of at least six months' duration, and no criminal record. The new socialist administration of Prime Minister Zapatero justified the amnesty in terms of managing migration and bringing above ground the underground economy, which in turn would ensure that workers would pay taxes and benefit from legal protections. The government pursued the amnesty despite heightened security

concerns following the terrorist bombings in Madrid (Chari 2004). The amnesty also demonstrated how membership in the European Union (EU) continues to have only limited effects on national immigration policies. Since the abolition of border controls within Europe, scholars had long anticipated that EU member states would move to harmonize their immigration policies (Philip 1994). But the new Spanish government ignored appeals from other EU member states in its decision to grant amnesty. This raised the ire of other EU member states, which claimed that Spain was harming efforts to develop a more robust common European policy concerning irregular immigration. Similarly, the European Commission grumbled that Spain's move contravened the common EU return policy for irregular residents.

Amnesties by their nature reward individuals who have engaged in an illegal action or activity. They thus represent an admission of defeat for governments, whose other attempts to control the activity failed. It may be easier for a new government to propose an amnesty—blaming the failure to manage the situation on the previous government's blunders. Amnesty can then be justified as a means of “wiping the slate clean” so that, henceforth, immigration and the underground economy will be better managed and controlled. The Spanish example demonstrates the systematic failure of such hopes. States may expect migrants who are regularized to continue to work in the formal rather than underground economy, and to leave when their permission to work or stay expires. In reality, however, many migrants sink back into irregularity upon the expiration of their permits. The Spanish case also provides an example of a state choosing amnesty because it does not possess the administrative infrastructure and bureaucratic capacity to maintain a more active or stringent immigration policy

(Cornelius 2004) – helping to explain why there are so many irregular migrants in Spain in the first place. Paradoxically, the fact that Spain has a problem with irregular migration is also evidence of success: although it now faces difficulties adapting to large-scale immigration, immigration to Spain arose as a result of stunning economic growth and a reversal of long-term historical trends of emigration rather than immigration.

### **Spain's emergence as immigration destination**

Spain was traditionally a country of emigration rather than one of immigration. Between 1846 and 1932 some five million Spaniards emigrated, primarily to Latin America (Arango and Martin 2005). In the aftermath of the civil war, hundreds of thousands of Spanish citizens fled the Franco dictatorship. Many left to work in the more vibrant economies of northwestern Europe. When Spain – together with Portugal – joined the European Community in 1986, the existing member states restricted the free movement of Spanish workers with provisions similar to the transition arrangements instituted with the 2004 enlargement for workers from central and eastern European countries. The phase-in was sparked by fears in the existing member states that free movement of workers would cause massive emigration from Spain as Spanish workers sought employment elsewhere in Europe. In fact, Spain's accession marked a demographic turning point: immigration started to outpace emigration. At first, workers returning to Spain from northwestern Europe accounted for much of the immigration. But Spain's entry into the Community also solidified its place as a popular retirement destination for northern Europeans. Between 1990 and 2005, the number of citizens of other EU15 states officially resident in Spain increased over eightfold, from sixty thousand to almost half a

million, or 1.1 per cent of the total Spanish population.<sup>3</sup> Even more striking, however, is the jump in the number of Spanish residents who are not citizens of EU15 states: from just over fifty thousand in 1990 to almost three million in 2005. Non-EU15 foreigners comprised almost seven per cent of the total Spanish population in 2005, meaning that approximately one out of every twelve Spanish residents in 2005 was a non-Spanish citizen, compared with only one out of every three hundred fifty residents fifteen years earlier. These numbers include neither dual citizens or others who naturalized to become Spanish citizens nor irregular migrants or others who failed to officially register their residence. Northern Africa was supplanted as the chief source of immigrants: most of the recent newcomers were Spanish-speaking immigrants from Latin America. Ecuador displaced Morocco in 2003 as the single most important country of origin. Other immigrants arrived from Eastern Europe: by 2004, Romania was the fourth most important country of origin after Ecuador, Morocco, and Colombia. Argentina, Bulgaria, Peru, and Ukraine were other important sources (compiled from Eurostat).

### **Work for everyone**

Abundant employment opportunities fueled both the demand for and the supply of immigrants. Between 1995 and 2005, the Spanish workforce grew to twenty-one million people from just over sixteen million—a staggering thirty per cent increase. Spain's total population grew less than twelve percent during this time, and over two-thirds of the increase (3.23 million out of 4.51 million) was attributable to foreigners (primarily non-EU15 citizens) moving to Spain.

Table 1: Spain. Population (000s) by citizenship and work status, 1995

	Spanish		Other EU15		Non-EU15		Total	
Employed	12391	32.2%	39	37.9%	<b>64</b>	<b>42.4%</b>	12495	32.3%
Unemployed	3632	9.4%	10	9.7%	<b>22</b>	<b>14.6%</b>	3664	9.5%
Inactive	22445	58.3%	55	53.4%	<b>65</b>	<b>43.0%</b>	22564	58.3%
Total	38468	100%	103	100%	<b>151</b>	<b>100%</b>	38723	100%

Compiled from Eurostat Labor Force Survey, second quarter 1995. Due to rounding, not all percentages add to 100.

Labor market participation increased for Spanish citizens, EU15 citizens, and especially the new non-EU15 foreigners. Between 1995 and 2005, the proportion of Spanish citizens in the workforce increased from 41.7 per cent to 46.7 per cent. In other words, while in 1995 fully 58.3 per cent of Spanish citizens were neither employed nor seeking employment, a decade later that proportion had shrunk five points to 53.3 per cent. But the labor market participation of non-Spanish citizens was even more striking. By 2005, over seven out of every ten non-EU15 residents were employed or seeking employment, as were just over half of EU15 residents.

Table 2: Spain. Population (000s) by citizenship and work status, 2000

	Spanish		Other EU15		Non-EU15		Total	
Employed	15200	38.9%	135	44.6%	<b>347</b>	<b>56.3%</b>	15682	39.2%
Unemployed	2377	6.1%	15	5.0%	<b>76</b>	<b>12.3%</b>	2468	6.2%
Inactive	21495	55.0%	153	50.5%	<b>193</b>	<b>31.3%</b>	21842	54.6%
Total	39072	100%	303	100%	<b>616</b>	<b>100%</b>	39992	100%

Compiled from Eurostat Labor Force Survey, third quarter 2000. Due to rounding, not all percentages add to 100.

Even as the number of economically active individuals rose significantly, unemployment fell dramatically: in 1995, almost two and a half million residents, fully 9.5 per cent of all Spanish residents (and 22.7 per cent of the economically active) were unemployed. By 2005, the proportion had dropped to 4.1 per cent of Spanish residents (and only 8.4 per cent of the economically active), with Spanish citizens continuing to do better than either EU15 residents or non-EU15 foreigners.

Table 3: Spain. Population (000s) by citizenship and work status, 2005

	Spanish		Other EU15		<b>Non-EU15</b>		Total	
Employed	17046	42.9%	230	46.6%	<b>1915</b>	<b>64.0%</b>	19191	44.4%
Unemployed	1523	3.8%	21	4.3%	<b>221</b>	<b>7.4%</b>	1765	4.1%
Inactive	21172	53.3%	243	49.2%	<b>858</b>	<b>28.7%</b>	22273	51.5%
Total	39741	100%	494	100%	<b>2994</b>	<b>100%</b>	43229	100%

Compiled from Eurostat Labor Force Survey, third quarter 2005. Due to rounding, not all percentages add to 100.

Some immigrants came legally, but most did not. The strait of Gibraltar has become one of the deadliest crossings in the world, as each year hundreds of would-be migrants drown attempting to reach the Spanish shore from Morocco. Similarly, the Canary Islands are a destination for would-be migrants departing from Morocco or, since Morocco has increased surveillance, Mauritania. In fall 2005, after the end of the largest amnesty program to date (discussed below), hundreds of would-be immigrants from sub-Saharan Africa attempted to storm the fences separating Morocco and the Spanish enclaves of Ceuta and Melilla. After similar mass attempts to storm the border, Spain built a second razor wire fence around Ceuta in 2001, reducing the number of migrants getting through from around 10,000 per year to about 1,500 (BBC news, 29 September 2005). For those who do arrive safely on the mainland, it is usually not difficult to find work. Indeed, Spain has experienced significant economic growth in a number of sectors in which migrants can readily work, such as construction. The housing boom, particularly along the coast, has of course itself been fueled by immigration. Given plentiful work, it is perhaps not surprising that Spain has become the top destination for immigration into Europe. But the Spanish government's immigration policy has not yet adapted to the rapid changes of the past few years. One measure of this is the fact that immigration and emigration continue to be handled within the Ministry of Labor. In a way perhaps

analogous to Germany's longstanding fiction of guestworkers—that immigrants would arrive, work for awhile, and then leave—Spain's immigration policy also remains geared to the notion that migrants are workers who will leave, even though many never have and likely never will. Furthermore, given the limited legal means of immigrating to Spain, migrants often choose to enter or stay in violation of the law. Over the past few years, Spain has become, in the words of the Secretary of the Spanish Police union, “a paradise for illegal migrants” (El Mundo, 7 May 2005: 16).

### **Amnesty and irregular migration**

Irregular migration is a function of the opportunities for regular migration. The distinction between authorized and unauthorized immigration is murky and constantly being transformed as states change their immigration policies. Some states provide few opportunities for legal immigration, while others are more open. Some states provide easier access to residence rights than to employment rights, or the reverse. This allows for all kinds of typologies concerning whether a person is an illegal resident, an illegal worker, both, or neither. Because modern states have long imposed restrictions on migration, irregular migration is a long-standing phenomenon. New is the scope and scale of irregular migrations, which appear to be constantly increasing (Jandl 2004). This should not be surprising. In a world where goods, capital, services, and information move ever more freely, increased mobility of people should be expected. Despite significant efforts on the part of states to secure their borders, all borders remain porous. This allows individual migrants – and, increasingly, migrant smugglers – to exploit weaknesses in borders. Amnesties may temporarily succeed at “wiping the slate clean,” but they rarely



address the root causes of migration. Analysis of the world's largest amnesty, the United States' 1986 Immigration Reform and Control Act, which granted amnesty to nearly 2.7 million irregular immigrants, suggests that the amnesty program did not change long-term patterns of irregular immigration (Donato et al. 1992; Orrenius and Zavodny 2003). Similarly, stricter border enforcement generally does not reduce the number of migrants, although migrants may find it more difficult to cross the border. Enforcement increases the cost of crossing the border illegally, thereby encouraging irregular immigrants to stay longer to recoup the cost of entry. The result is that irregular immigrants are less likely to return to their home countries, causing an increase in the resident stock of irregular immigrants (Massey 2005). The budget devoted to US border control rose twenty-fold in two decades but the estimated number of unauthorized foreigners rose from 3 million to 9 million despite several regularization programs (Martin 2003: 7). Since states cannot control their borders, they all face the choice between ignoring the underground economy or attempting to control it.

Spain – like Italy, Portugal, and Greece – stepped up its migration control efforts largely as a result of the desire to meet European norms and fulfill requirements for joining the Schengen system, which removed border controls on travel between Schengen states.<sup>4</sup> In the words of the European Council, free movement within the territory of the Schengen States is “a freedom which as a counterpart requires not only the strengthening of the common external borders and the administration of third country nationals, but also enhanced co-operation between law enforcement authorities of Schengen states” (European Council 2003: 32). Spain was characterized by poor administration of its third country nationals, and thus needed to change its administration of immigrants—as well as

the legislative framework for immigration—in order to meet the requirements. Other southern European states also held amnesties: Italy had five between 1987 and 2002; Portugal held three major amnesties, in 1992-1993, 1996, and 2001-2003; and Greece held two major amnesties, in 1998 and 2000-2001.<sup>5</sup> This spate of large-scale regularization campaigns prompted the European Commission to argue that “regularisations should not be regarded as a way of managing migration flows. [...They should] be avoided or confined to very exceptional situations” (Commission of the European Communities 2004). In Spain, however, regularizations became the norm rather than the exception. Immigrant amnesties also arose in the context of partisan differences, which explains why amnesties often occur following a change in government.

### **Managing irregular migration**

Spain’s first regularization program dates from the Foreigners’ Law of 1985, which provided amnesty for foreigners without proper authorization if they or their employers requested regularization and provided necessary documents.<sup>6</sup> Applicants were required to have an employment contract and to have been present in Spain before 24 July 1985, when the regularization period started. Although the regularization period lasted until 31 March 1986 (it was initially scheduled to run only three months, but was extended due to poor response), only 43,815 foreigners applied—less than half and perhaps as few as one quarter of all irregular migrants in Spain at the time—of whom 38,191 were regularized. Most numerous were citizens of Morocco (18.1 per cent of all applications), Portugal (8.8 per cent), Senegal (8.2 per cent), Argentina (6.6 per cent), the United Kingdom (5.7 per

cent), and the Philippines (4 per cent) (Gortázar 2000). The regularization was slow and badly managed, and the Spanish authorities lacked the infrastructure to properly handle the applications they did receive. Furthermore, it was difficult for those who did regularize to renew their visas, so that many of those who had been regularized reverted to unauthorized status after their permits expired (Gortázar 2000).

In 1991, the government held another regularization program, for workers who had resided in Spain since before 15 May 1991 and asylum seekers whose applications had been rejected or were under review. It ran from 10 June to 10 December. Out of the 135,393 requests for regularization, only 128,068 cases were considered – partially as a result of applicants' incomplete documentation and partially as a result of bureaucratic bungling – and 109,135 were accepted (Gortázar 2000; Levinson 2005: 48). Although the 1991 regularization improved somewhat on the bureaucratic bungling of the 1985-86 program, it did not succeed in registering all irregular migrants in Spain. Indeed, more and more workers kept arriving to take jobs in a range of temporary sectors. Starting in 1993, the government introduced annual labor quotas to attempt to manage this migration. In the first year of the quota system, only 5,220 workers were approved to fill the 20,600 available positions, but this was due to the limited application time and poor publicity. In 1994, when the government again made available 20,600 slots, it ended by approving 25,604 applications—more than the allotment but far less than the number of applications. In 1995, the government provided 25,000 slots, including 17,000 reserved for the overflow from 1994. In that year, the authorities approved 19,953 out of 37,206 applicants (Gortázar 2000). Many of those whose applications were refused moved to or stayed in Spain anyway. At the same time, just as during the 1985-86 regularization

program, many of those who had been regularized in the 1991 program reverted to unauthorized status when their visas expired.

In the legislative elections of 3 March 1996, the conservative Partido Popular narrowly defeated the Socialists, who had governed for the past fourteen years: the Partido Popular won 38.8 per cent of the votes and 156 seats in the 350-seat Cortes, compared to 37.6 per cent of the votes and 141 seats for the Socialists. Faced with the growing number of irregular migrants, the new government introduced yet another amnesty between 23 April and 23 August 1996, targeted at immigrants who had fallen into irregular status by not renewing their documents from the previous regularization procedures. To be eligible, applicants needed to prove that they had been employed (without a permit) since 1 January 1996, have a working or residence permit issued after May 1986 (regardless of current employment status), or be a family member of an applicant. The amnesty regularized 21,300 foreigners (13,800 workers or former workers and 7500 family members) out of approximately 25,000 applications (Levinson 2005: 48).

In 2000, there was yet another amnesty. The new Foreigners' Law provided for the regularization of foreigners who had been in Spain before 1 June 1999 and who applied at some time for a residence or work permit, as well as anyone who actually received such a permit.<sup>7</sup> The new law was passed in January, against the wishes of the Partido Popular government of President José María Aznar, which did not have a parliamentary majority. Aznar was particularly concerned with Article 29.3, which allowed for permanent regularization for anyone able to prove two years' uninterrupted residence in Spain. On 30 January 2000, some 10,000 Spaniards in the agricultural city of

El Ejido, in Andalusia, demonstrated against Moroccan workers following the killing of a 26-year-old local woman by a mentally disturbed Moroccan. Anti-immigrant violence injured 80 people in El Ejido between 5-8 February 2000 and led to the arrests of 55 Spaniards (Zapata 2004).

The Partido Popular again emerged victorious in the parliamentary elections of 12 March 2000, winning 44.5 per cent of the votes and 183 out of the 350 seats in the Cortes. The Socialists won 34.1 per cent of the votes and 125 seats, while the pro-immigrant United Left halved its share of the vote (to 5.5 per cent, from 10.5 per cent in 1996) and dropped to 8 seats, compared to the 21 it had won in 1996. The strengthened Partido Popular administration adopted a somewhat harsher policy, and only 153,463 out of 247,598 applications for the 2000 regularization were approved, mostly to citizens of Morocco, Ecuador, Colombia, and China (Levinson 2005: 48). In December, the government changed the Foreigners' Law, against the wishes of all the other parties.<sup>8</sup> It removed the article that would have allowed automatic regularization after two years' residence and generally "toughened up" the immigration system (Silveira 2002).

Despite these legal reforms, explicitly aimed at discouraging immigration, immigrants kept arriving in record numbers. The new laws not only failed to prevent the entry of immigrants but were also "one of the main factors in the generation of 'undocumented' labour supply," since immigrants needed an employment contract to enter Spain legally for work (Zapata-Barrero 2003: 30). To attempt to register those who had entered the country without a work contract and were hence working illegally, the government held another amnesty during June and July 2001, targeted at those who had been in Spain since 23 January 2001 and were employed or were family members of a

foreign worker or Spanish citizen. Approximately 350,000 applications were filed, and 221,083 permits were issued to citizens from Ecuador, Colombia, Morocco, Romania, and elsewhere. There was also a special amnesty in 2001 for citizens of Ecuador (Geronimi 2004; Geronimi et al. 2004). Immigration continued to vex the rest of the Partido Popular administration, as the number of irregular migrants rose unabated.

The Seville European Council of June 2002, which marked the end of Spain's six-month presidency of the EU, focused largely on controlling terrorism and irregular migration. The European governments congratulated themselves with developing a "comprehensive plan to combat illegal immigration [that represents] an effective means of bringing about proper management of migration flows and combating illegal immigration" (presidency conclusions, point 30). Observers characterized the Spanish proposals for combatting irregular immigration as "poorly prepared" (Barbé 2002). This lack of preparation reflect the fact that, while Spain had long looked to the EU for multilateral support for its objectives, it found that bilateral relationships remained fundamental on major issues such as northward migration (Gillespie 2002).

### **The 2005 Amnesty**

Spain's parliamentary elections of 14 March 2004—a mere three days after the bombing of several train stations in Madrid, which killed 191 and wounded 1500 others—resulted in a somewhat unexpected return to power for the Socialists (Chari 2004). Under the leadership of José Luis Rodríguez Zapatero, the Socialists won 164 seats to the Partido Popular's 148. Although the elections occurred in the shadow of the bombing, the resulted reflected not a swing from the Partido Popular to the Socialists but rather strategic voting by left-wing and other minority party supporters who voted Socialist in

order to remove the Partido Popular from power (Torcal and Rico 2004). The new Socialist government quickly moved to defuse tensions between indigenous Spaniards and immigrants from northern Africa and elsewhere. A major part of this effort was the largest amnesty program to date, discussed in the introduction above. To counter disapproval from other European states, Minister of Labor Jesús Caldera affirmed that Spain was spending considerable resources on monitoring its southern borders, and criticized Germany, Austria, and Italy for properly guarding their borders (El Mundo, 9 May 2005: 20). Caldera was referring to the many Romanian immigrants living without authorization in Spain, who had entered the Schengen zone by way of these countries. Spain's amnesty had received criticism from France, the UK, Italy, and Germany, criticism which the government moved to blunt by pointing out that border control was a problem for other states as well (Financial Times, 4 February 2005: 18).

At the end of the amnesty period in May 2005, Minister Caldera announced that the program would legalize over four fifths of the estimated 800,000 irregular migrants (Cinco días, 10 May 2005: 47). By contrast, the conservative opposition Partido Popular claimed that only about 20,000 of these 800,000 people were actually employed. It called on the government to construct "a real immigration policy like all European countries have" (El País, 7 May 2005: 21). The Minister responsible for immigration in the previous Partido Popular government described the amnesty as a "massive" and "chaotic" display of the new government's "open door policy" (El Mundo, 10 May 2005: 17). Emphasizing that it had been agreed in consultation with businesses, labor unions, immigrants' associations, and all political parties except the Partido Popular, Minister Caldera heralded the amnesty as "one of the greatest processes of exposing the hidden

economy in Europe in the last forty or fifty years” (Agence France Presse 7 May 2005). He boasted that no other OECD country had ever exposed so many workers in the underground economy in such a short period: “they said it would be impossible to get more than 400,000” (El Mundo 10 May 2005: 17). United Left unsuccessfully petitioned the government to extend the amnesty for a further ninety days (El País, 7 May 2005: 21). Minister Caldera explained that those who had chosen not to legalize themselves would be repatriated, and claimed that the government had already repatriated 120,000 illegal migrants in the Socialists’ first year in office (El País, 7 May 2005: 21).

After the amnesty, Minister Caldera congratulated Spanish businesses for being honest and registering their employees. At the same time, the Secretary of State for Immigration warned businesses to no longer employ unauthorized immigrants because the government would conduct 500,000 workplace inspections before the end of 2005 to ensure that no one employed irregular migrants (Agence France Presse 7 May 2005; El Mundo 8 May 2005: 1). The president of the Labor Inspectors’ Union promptly claimed that this was “materially impossible,” since there were not nearly enough inspectors to carry out so many inspections (El Mundo 8 May 2005: 1). The government reacted by promising to hire new inspectors, so that 1700 would be available to check for irregular migrants (El Mundo 9 May 2005: 20). But the inspectors complained that, even with the new hires, they would have to double their workload to meet the new productivity targets (El Mundo 10 May 2005: 17). In response, the government increased the inspectors’ salaries by 8.7 million euros, spent 18 million euros on a new computer system, and doubled the budget devoted to inspections to 3.3 million euros from 1.75 million euros in 2004 (El País, 13 May 2005: 28).



Hiring new labor inspectors will do more to expose unregistered work. According to Minister Caldera, the amnesty “provides an ‘x-ray’ of the economic map of Spain. Knowing the number of regularization requests and the numbers of employed foreign citizens in each province, we know in which provinces and in which economics sectors businesses better behavior. And that will provide an excellent guide to fighting fraud” (El País 11 May 2005: 26). This ‘x-ray’ works only because irregular migrants have a strong incentive to register with local authorities: if they are registered, they benefit from free medical care. Caldera estimated that bringing the migrants into Social Security would add €1.5 billion in Social Security contributions in the first year (El Mundo 9 May 2005: 20). In contrast to the earlier regularizations conducted under the Partido Popular government, he claimed that his government’s program would oblige migrants to enter the Social Security system as part of their regularization. This would “save” the Spanish Social Security system by guaranteeing that there would be enough money for pensions (El Mundo 10 May 2005: 17).

In its editorial, the conservative daily *El Mundo* warned that while the amnesty may have solved one problem, it created a much larger one. The amnesty would immediately increase social security contributions and aid economic growth. Urged on by the regularization, however, there would soon be “new migratory avalanches that could bring problems of integration and delinquency” (El Mundo 8 May 2005: 5). The political debate in Spain—between the amnesty’s proponents, who believe it not only makes good economic sense but also reflects a concern for justice, and conservative opponents of the amnesty, whose views this editorial exemplifies—remains polarized. Despite one regularization after another, immigration to Spain has ceaselessly increased. Spain may

therefore constitute the paradigmatic example of the perverse effects of amnesty (Recaño and Domingo 2005: 21).

At the end of December 2005, the government announced that 572,961 out of the 691,655 applications for regularization had been approved, while a further 115,178 had been rejected and 3516 were still under consideration. Of those approved, 548,720 workers had already been registered with Social Security. Employers were given one month from the date their employees received the approval notice to register them with Social Security, explaining part of the 24,241 difference. The majority (almost fifty six per cent) of those approved and registered were men, and most were young: eighteen per cent were between sixteen and twenty four years old, sixty one percent were between twenty five and thirty nine years old, and the remaining twenty-one percent were between forty and sixty-five years old. Ecuador, Romania, Morocco, Colombia, and Bolivia accounted for the bulk of those approved and registered (Spain. Ministry of Employment and Social Affairs 2005). One estimate placed the Social Security contributions of the newly registered workers at approximately 120 million euros per month, meaning that the government's earlier estimate of 1.5 billion euros annually in new contributions was accurate (El País, 26 December 2005: 21).

## **Conclusion**

Starting in the mid-1990s, Spain rapidly emerged as Europe's key immigrant destination: the number of non-Spanish citizens resident in Spain mushroomed from just over one hundred thousand in 1990 to five hundred thousand in 1995 to over three and a half million by 2005. This development transformed Spanish immigration politics, as Latin America and eastern Europe became more important sources of immigrants than Africa.

Since Spain lacked the administrative or legal infrastructure to allow regular immigration, most migrants arrived without proper authorization to obtain residence or employment. Given large-scale irregular immigration, successive Spanish governments opted to register workers in an attempt to incorporate them into the formal economy rather than ignoring them by letting them remain in the underground economy. The economic demand for new workers, coupled with the irregularity of the migrants responding to that demand, resulted in labor market rationales for amnesty similar to the rationales operating in other southern European states such as Italy, Portugal, and Greece, which also held large-scale amnesties. Granting amnesty provided immediate economic benefits to state coffers, but did nothing dissuade new migrants from entering Spain.

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<sup>1</sup> I thank Rogers Smith and Leah Haus for comments on an early draft of this article, and Sylvia Zareva for research assistance.

<sup>222</sup> Terminology varies. European authors tend to refer to regularization (of irregular migrants) while North American authors often use legalization (of illegal migrants). Some also use the term normalization, or refer to migrants as undocumented. In this article I generally use the term irregular because migrants themselves are not illegal, simply their actions. Nor are most irregular migrants undocumented, strictly speaking: while they usually possess identity documents, they simply lack proper authorization for their residence or employment. Consequently, I also prefer the terms amnesty or regularization over the term legalization.

<sup>3</sup> “EU15” refers to the fifteen EU member states before the 2004 enlargement: besides Spain, these are Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Sweden, and the United Kingdom. Two out of every five EU15 citizens officially resident in Spain are British citizens, another one in four are German, with Italians and French citizens representing the next largest contingents.

<sup>4</sup> Because of its efforts, Spain became one of the states in which Schengen was first fully implemented in 1995, alongside Belgium, France, Germany, Luxembourg, the Netherlands, and Portugal (Maas 2005). It took longer for Italy and Austria (implementation in 1998) and Greece (implementation in 2001) to convince the other member states that they met the border control requirements.

<sup>5</sup> For more on these regularization programs, see Willem Maas, “Explaining Amnesty,” presented at the annual conference of the American Political Science Association, Washington DC, September 2005.

<sup>6</sup> Ley Orgánica 7/1985, de 1 de julio, sobre derechos y libertades de los extranjeros en España (Law on the rights and freedoms of foreigners in Spain), commonly known as the Ley de Extranjería.

<sup>7</sup> Ley Orgánica 4/2000 de 11 de enero sobre derechos y deberes de los extranjeros en España y su integración social.

<sup>8</sup> Ley Orgánica 8/2000, de 22 de diciembre, de reforma de la Ley Orgánica 4/2000. United Left’s condemnation of these changes is available at [www.extranjeria.info/publico/area\\_recursos/loex/opinion/izquierda\\_unida.PDF](http://www.extranjeria.info/publico/area_recursos/loex/opinion/izquierda_unida.PDF)

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