



#### Actors Interviewed:

- Civil society: NGOs, trade unions, migrants' organizations: 11
- Media: 5
- Governmental representatives: 3

## 1. DESCRIPTION OF WORK AND TARGET GROUP

#### Policy Brief:

*Spanish Clandestino research team states that there are slightly more men than women amongst the irregular migrant population, but gender distribution is very uneven when looked at by continent of origin. Thus, women are the biggest group among non-EU Europeans (mainly Romanians till 2007) and among Americans (almost all of them Latin-Americans), while men dominate among Africans (mainly Moroccans) and Asians (mainly Chinese). Irregular immigrants mainly work in domestic service, construction, hospitality (hotels, restaurants and bars) and agriculture. All of these are "niches" of hidden economy, which in Spain has been evaluated as providing at least one fifth of the GDP.*

According to the majority of the interviewees, undocumented migrants are both men and women. Five respondents answered that the majority are men, five other interviewees noted that the numbers are equal (50% men and 50% women) and two said that the majority of undocumented migrants their organisations assist are women. An NGO representative pointed out that gender composition varies in relation to period examined and flows.

A policy maker from the Ministry of Labour and Social Affairs stated that the majority of undocumented migrants are men (approximately 54%), while women represent 46%. According to one journalist, undocumented migrants are mainly men. An NGO representative estimated that the bulk of irregular migrants that the NGO Caritas provides assistance to are men (between 70 and 85%), although the number of women is increasing. An interviewee from an NGO said that usually undocumented migrants are men between 20

and 35 years old. Two journalists agreed that men represent the majority of undocumented migrants in Spain.

A respondent said that both genders have an equal share in the overall percentage of undocumented migration, and are mostly between 20 – 45 years old. Another one shared the same view on gender composition but placed undocumented migrants in the 20 – 35 age groups. Two additional NGO representatives also estimated that their organizations assist 50% men and 50% women. One interviewee from an NGO and a journalist pointed to 50% men and 50% women based on their respective professional experiences.

Another NGO representative stated that the majority of undocumented migrants her NGO assists are women (80%) who mainly work in the domestic sector. An interviewee said that 60% of undocumented migrants looking for support from his NGO are mostly women.

\***Terminology** (CLANDESTINO). The majority used the terms “irregular” or “undocumented” (irregular o sin papeles). One interviewee stated that the term “clandestine” has a political connotation; another respondent remarked the difference between “irregular” and “undocumented” within the framework of the Spanish legal system. According to an NGO, irregular migrants are people who do not have a visa to enter, stay or work; they might have entered the country with regular documents, but stay longer than the documents allow. Irregular immigrants may have lost their residence and/or work permit, either because they cannot renew it or they have lost it for some other reason. Therefore, their administrative situation is not considered as regular in the country. Undocumented migrants are regarded instead stateless persons who do not have any official documents; neither an ID card, passport nor a residence and/or work permit.

## 2. ESTIMATES, DATA, ASSESSMENT OF SIZE AND COMPOSITION OF THE IRREGULAR MIGRANTS' POPULATION

### Policy Brief:

#### *“Pathways into Irregular Status*

- *Most of the irregular migrant population of Spain consists of migrants that enter legally in the country, as tourists or students, and lapse into irregular status. The scarcity of internal controls has allowed irregular immigrants to stay and work*
- *Another pathway into irregular status regards stay permit holder migrants that fail to renew their legal status due to the lack of a labour contract, as most of them work in sectors with high levels of informality, instability and seasonality (tourism, agriculture, construction and domestic work)*
- *Irregular frontier crossing was important as a pathway into irregular status in the 1990s, when a good part of Moroccans arrived illegally by boat. However after the deploying of the SIVE (Sistema Integrado de Vigilancia Exterior), (...) and the beginning of effective collaboration with Morocco regarding the return of its irregular migrants, Moroccan irregular migration to Spain almost stopped”. (p. 3)*

### Pathways into irregularity

NGOs in Spain have a wide range and variety of activities to support undocumented migrants and help them become part of the society. NGOs offer undocumented migrants

general assistance, and both legal and labour advice. Many NGOs try to assist undocumented migrants by providing education courses and housing as well as helping them to find employment. NGOs also seek to raise public awareness through campaigns, lobbying, information sessions and practical trainings.

The majority of the interviewees felt that visa overstay is the most common pathway into irregularity. According to one NGO, visa overstaying is perceived as the first pathway into irregularity in terms of significance, and only a 5 to 10% regards migrants who enter the country irregularly. An official from the government stated the most common pathway into irregularity is to overstay after the expiration of a visa. Irregular entry was acknowledged as another yet minor pathway by some respondents.

Another respondent identified the most common pathway in overstaying a visa, but noted that irregular entry is the pathway into irregularity that attracts most media attention. It was also said that due to the economic crisis and the difficulty in renewing work permits, many migrants are becoming undocumented. One NGO agreed that because of the economic crisis many migrants are unable to renew their residence and/or work permit and are at risk of lapsing into irregularity. An additional NGO representative highlighted that many undocumented migrants often fall back into irregularity due to the loss of a residence and/or work permit; they might also not renew it or lose it for other reasons such as family breakdown. One interviewee stated that the most common pathways were the denial of refugee status and the expiration of a visa, while underlining that Africans and Asians mainly enter the country irregularly.

Four respondents perceived irregular entry as the main pathway (two journalists and two NGOs). Many NGOs felt that this was the second most important pathway into irregularity.

### **Flows of Undocumented Migrants Coming to Spain**

Eight interviewees felt that the total yearly number of irregular migrants is increasing; five considered that is decreasing and seven thought it is steady. Respondents who perceived it as either increasing or decreasing argued that it is currently stabilising due to the economic crisis. One NGO linked the economic crisis and the increase of irregular migrants to the difficulty in renewing work permits. A regional authority official agreed that the number of undocumented migrants is increasing due to the economic crisis and the fact that migrants are losing their jobs. One amongst the journalists interviewed found the number of irregular migrants increasing, and also highlighted their poor working conditions; "irregular migration is a modern form of slavery", he said.

A policy maker from the Ministry of Labour and Social Affairs as well as one journalist attributed the decrease in irregular migration flows to the economic crisis.

Two other journalists and two NGO representatives argued that the flows of irregular migration are instead steady due to the economic crisis.

### **Numbers of Undocumented Migrants Receiving Assistance from Organizations**

It is often difficult to provide clear figures regarding the number of undocumented migrants receiving assistance by the organisations interviewed. However, according to an NGO representative, based in Seville, 70% of people receiving assistance by this NGO are undocumented migrants; among them, 60% are women. Another respondent from an NGO

in Madrid said that 50% is the percentage of undocumented migrants it deals with. Moreover, two further NGOs mostly provide assistance to migrants who are undocumented but they could not estimate their number.

One interviewee said that the number of irregular migrants receiving services from her NGO is increasing. She noted that the housing market is not a good indicator that would reflect the trend of irregular migration since it strictly relies on the economic market and, consequently the number of people looking for shelter remains steady. Another respondent said that the number of undocumented migrants that her organization assists is increasing, although it could soon stabilise due to the economic crisis. Two representatives from different NGOs pointed out that the number of undocumented migrants receiving services from their association is increasing.

To two NGOs, the number of undocumented migrants is currently steady if not decreasing. Yet, one more NGO had a similar trend: the number of undocumented migrants receiving assistance is steady and it slowly starts to decrease.

#### **Policy Brief:**

*"We have estimated that there were 354,000 irregular migrants present in Spain in early 2008. This is a substantial decrease from estimates pointing up to 1,232,000 irregular immigrants at the beginning of 2005". (p. 2)*

#### **Figures and Percentages of Undocumented Migrants Living in a Given Geographical Area (Andalusia)**



Estimates on the total population of this target group, in the working region of the actors involved, are also hard to make if not impossible. Only two NGOs were able to give an estimate.

- From one NGO based in Seville, the total population of undocumented migrants living in Andalusia (the region of its work) is 15%. This equals to approximately 100,000 undocumented migrants in Andalusia. (The data sources of this estimate were not specified).
- An NGO representative quoted data provided by "El Padrón", and argued that there are 300,000 undocumented migrants living in Madrid.

## Estimates of Undocumented Migrants in Spain

Although many respondents emphasized the difficulty of estimating the number of irregular migrants in Spain, some interviewees did provide an estimate about the total number of undocumented migrants.

- One journalist and director of a TV programme estimated the total population of undocumented migrants in Spain to be around 1,000,000 and possibly higher.
- An NGO representative said that the number of irregular migrants is 1,000,000, although there is no consensus on this figure from stakeholders.
- An interviewee from Andalusia estimated that there are 700,000 to 800,000 undocumented migrants living in Spain, 15% of which (approximately 100,000 undocumented migrants) are situated in Andalusia.

### **Policy Brief:**

*"Spain is the only European country that allows and fosters the register of irregular immigrants. It does so by offering the latter, in exchange of their registration to the Padrón, the right to free medical care and public education on the same basis as Spaniards or regular immigrants. (...) Nevertheless, (...) the Padrón includes many immigrants that have left the country or have never lived there while there always is a percentage that does not register". (p. 2)*

## Assessment Regarding Estimates and Views on their Reliability

Most of the interviewees believed that reliable data constitute a necessary basis to draft appropriate legislation in the field, as well as a crucial element in order to raise public awareness and monitor the implementation of new policies. Figures could be an essential tool in strengthening the protection of human rights, making citizens aware of, and politicians committed to this sensible issue, and acknowledging the current situation regarding migration. Basic social rights could be provided to undocumented migrants through trustworthy numbers and through targeted social policies.

However, one interviewee stated that clear estimates will never be provided by the government. According to a member of an NGO based in Andalusia, the Spanish government would hardly release statistics on irregular migration. While one respondent argued that figures could be exploited by politicians for political consensus, another made it clear that data are not perceived as an important tool by the government. All the journalists interviewed strongly supported the idea of having reliable data; statistics will indeed contribute towards the valorization of new policies' implementation. A journalist pointed out that statistics could be helpful to citizens and beneficial to the State. Some interviewees amongst the NGOs underlined that numbers could make undocumented migrants more visible. And that since it is necessary to focus on social inclusion figures are required.

To one NGO, having clear estimates and data sources might be exploited by politicians. According to an NGO representative, the Spanish government has already clear-cut estimates that could be released if necessary. Reliable statistics might be useful in order to

know the reality on the ground. They could also be an important reference in order to design and then implement new policies in the field.

Many NGOs and the journalists emphasized the importance of data to understand the current Spanish reality. Two NGOs, a journalist, a governmental authority from the Ministry of Labour and Social Affairs and a member of a governmental body made this point. Another NGO representative said that reliable data could be useful for accessing health care and education system. Two journalists stated that having clear estimates regarding irregular migrants could help them enter the educational system. They also added that without data, undocumented migrants will not be fully integrated in the Spanish society.

One respondent from an NGO said that estimates on undocumented migrants will not be useful, at least as regards the field of work he is involved in. The projects his NGO carries out aim to assist people regardless of any number or figure.

A member of civil society and a governmental authority identified "El Padrón" as a trustworthy source although it was said that it does not count all the undocumented migrants residing in Spain. Another interviewee said that data released by the "INE", the National Institute of Statistics, the registrations at the municipalities and the residence permits could be used in counting the number of irregular migrants.

### 3. DISCUSSION AND POLICY IMPLICATIONS

#### Policy Brief:

*"Regularisations, whether 'extraordinary' or 'continuous', have been the main way out of irregularity". (p. 4)*

*"The requirement of visa has already proved to be an effective measure to reduce the arrival of false tourists and it should be extended to all new countries from which statistical evidence indicates high inflows, like Paraguay". (p. 4)*

*"Measures should be adopted to avoid the local registration of immigrants without a suitable dwelling in the Padrón. The initiatives of some Local Councils in this direction should be generalised. Padrón. The present practice of many Local Councils which allow registration without any proof of real residence in the municipality should come to an end. It is necessary to unify the administrative local practices in this field so as to improve the accuracy of the Padrón". (p. 4)*

#### **State Policy Responses and their Implementation on the Ground. Examples of State Beneficial Policies Employed**

Most interviewees stated that there are two beneficial state policies implemented on the ground for undocumented migrants; these are free access to healthcare and education provided to all migrants regardless of their legal status. In Spain, undocumented and irregular migrants are considered as if they were documented and regular; in fact they have full access to the health care and educational system. The majority amongst the respondents did not make any distinction between documented and undocumented migrants. However, an NGO representative highlighted the fact that implementing these policies in practice remains difficult.

A significant number of respondents agreed that the financial crisis worsens the situation of undocumented migrants and that migration is currently at stake. Irregular migrants remain, nevertheless, an important workforce supply upon which the Spanish economy relies, and especially the construction sector, tourism, agriculture and the domestic work industry.

Moreover, some interviewees amongst the NGOs considered that the rise in conservative policies in the European Union has not only made undocumented migrants more vulnerable and marginalized but also limited the range of governmental responses before irregular migration. Despite criticisms to the government made by the majority of the respondents, some of them are convinced that Spain has not changed substantially its immigration policy towards protecting undocumented migrants. According to one interviewee, there is incoherence between the reality and the political discourse while another respondent felt that the current government is leading a much more open migration policy than any other political party. The authorities interviewed affirmed that the Spanish model still remains advantageous in terms of helping irregular migrants to regularize their status through registering at the city hall (a system called "empadronamiento"). A journalist called migration 'a modern form of slavery' instead; he also pointed out the contradictions of the immigration policy: not only undocumented migrants are exploited by their employers, who fully benefit from their work, but also remain unprotected hence marginalized and vulnerable. A representative of an NGO stated that the respect of fundamental rights only refers to wealthy migrants, the poor facing instead abuse.

Another respondent strongly pointed to the benefits coming from the regularization process since it could help immigrants to integrate into society. Other interviewees mentioned the legislative tool, so-called, "Arraigo" (which relies on the free access to justice to everyone on the principle of non discrimination for both regular and irregular workers) as a means of regularizing undocumented migrants.

Photo: 'Freedom Would Give Me 1000 Different Shapes', Street Art in Madrid

