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Immigration management in Spain

A case study of the immigration management politics at the
national Spanish and European Union levels

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Abstract

The last decade many African emigrants have tried to enter the European Union and Spain and the Spanish government and the EU have developed different measures to stop this immigration. The aim of this thesis is to discuss and analyze the immigration management measures taken by Spain and the EU to see how well these function, and if they have any consequences for the immigrants. Different theories on migration and migration management are used together with empirical material such as studies about Spain and the EU.

The migration management measures are divided into preventive and controlling measures. Preventive measures aim at addressing the root causes of emigration whereas the controlling measures aim at curbing immigration flows through control and coercion. The study shows that both preventive and controlling management measures are used.

The preventive measures have an uncertain outcome, and a large part of the controlling measures such as reinforced border control and outsourcing of measures to third countries have adverse effect such as promoting breaches of human rights and human smuggling.

Key words: Spain, EU, immigration, asylum, borders

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1 Introduction

1.1 An immigration crisis – Pateras, fences & ladders

On the 14th of March 2006, more than 300 irregular immigrants - travelling from the coast of Africa in eight ‘Pateras’ (small wooden boats) - arrived at the coasts of the Canary Islands (El Día 2006a). This was the largest number to have arrived within the time span of one day only, since the irregular immigration by boats from Africa began some ten years ago. The 300 immigrants arriving on the 14th together with arrivals during the previous days added up to a total of almost 750 persons arriving to the islands during a time span of only a four days - a situation that the speaker of the Canary government, Miguel Becerra, labelled as a national emergency (El País 2006a).

Despite the measures taken by the Spanish government after the arrival of the 300 irregular immigrants on the 14th of March, such as an urgent cooperation plan with Mauritania and reinforced border control, the immigration record could be broken. Two months later – on the 18th of May – a new record was set with the arrival almost 650 immigrants in one single day (El día 2006b). While the large number of immigrants arriving during these two peaks in deed was exceptional – the phenomenon in itself is not.

Following the media coverage of irregular immigration in the newspaper El Día from Tenerife during winter and spring 2006, two things become clear. Firstly; boats have been arriving to the Canary Islands in a steady stream during this period, and secondly; there has been a great interest for questions concerning irregular immigration – articles about immigration were published almost daily.

The situation in the Spanish enclaves Ceuta and Melilla in Morocco is similar to that on the Canary Islands - African immigrants have made desperate attempts to enter the enclaves. These attempts have been counteracted with reinforced border control - the borders to the enclaves have been surrounded by double high fences, and equipped with a modern surveillance system. Nonetheless, many emigrants still try to enter the enclaves - raising self made wooden ladders against the fences and trying to climb over (European Commission 2005).

According to estimations circulating in Spanish media in spring 2006, there were up to half a million emigrants in Mauritania waiting for a chance to embark on a boat to the Canary Island – an estimation that has caused concern in Spain (El País 2006b).

The interest for irregular immigration to Spain - and irregular immigration and human smuggling in general - has been large in most states of the European Union

(EU), and the cooperation on immigration issues has increased. Most notable of these collaborations is the Schengen agreement, which opens the borders between the EU countries and intensifies the control of the external borders of the union. Other measures to tighten the control of immigration from non- EU countries have been taken too - a development that has led some observers to talk about the creation of a 'Fortress Europe' (Castles – Miller 2003 p106, 111). It can be discussed if this is an appropriate way to describe the politics of the EU, but at least it is possible to see that it has become harder for citizens from third-countries to get admittance to live and work within the EU.

Irregular immigration is seen as a great problem in Europe and different political immigration management strategies and measures have been developed and adopted to curb the phenomenon. Besides affecting the flows of irregular immigration to Europe - these measures and strategies also affect the lives of individual emigrants and asylum seekers.

1.2 Aim

I will analyse the immigration management policy used in Spain. My aim is to evaluate the measures taken to manage irregular immigration and entry by third country citizens coming from Africa. I will evaluate and discuss how effective these are and what consequences the measures have for the immigrants.

1.3 Context and demarcations

Spain is a member of the European Union and as such the country both affects and is affected by the unions politics. It is impossible to talk about Spain without talking about the EU - since the EU consists of its member states and Spain is a part of the EU. The immigration management policy used in Spain consists of national as well as EU parts. When I analyze the Spanish immigration management policy I have too look at the EU context too. I will treat Spain as a part of the EU but separate the national policy from the EU policy.

The focus of the study will be on the politics on the state level - and especially those concerning immigration from or through the African countries. I consider the immigration from Africa to be particularly interesting for two reasons. Firstly, it receives great political attention, and secondly, many African immigrants come from countries with great poverty and have a high motivation to enter Europe – so high that some even are willing to risk their lives getting there.

2 Methodology

2.1 Ontological and Epistemological standpoint

My ontological view is that the natural world exists independently of the individual, as opposed to the social world that is socially constructed. The distinction between the social and the natural world is not always self-evident, and some phenomena fall on the border between them. The social world consists of ideas, ideologies, discourses and other things that have no real material existence, whereas the natural world consists of material things like buildings or trees (see Finnemore – Sikkink 2001). This distinction is not unproblematic, and some things are hard to fit into one of the categories. Humans belong to this ambiguous group, and it can be discussed whether they should be seen as socially constructed or belonging to the natural world. The question is where the socially constructed part of the human ends and where the physical entity begins (see Marsch – Furlong 2002 p 18). In a political science study, some phenomenon will belong to the natural world while others will belong to the social world – and some will be in between.

Political discussions and ideas are part of the social world, as are the main part of the theoretical discussions about them. Physical border controls, fences and people entering a country on the other hand belong to the natural world. But as ideas or concepts - borders, immigrants or countries - are socially constructed. In order to count illegal entries to a country, to draw national borders - or borders between different groups of people, categories are necessary to divide between the legal and the illegal or between us and them. These categories – which correspond to ideas about reality - are used to categorize reality, and at the same time reinforce or promote a certain perception of reality

Since individuals are not independent of structures around them such as culture, politics and ideas, it seems hard to explain human behaviour with a strictly rational and individualistic approach. Ideas and culture influence human behaviour, and therefore should influence migration as much as physical situations. Epistemologically, my view concerning the social world is interpretive rather than positivist, and I consider claims for an objective truth on complex phenomena in the social world to be problematic (see discussion in Marsh – Furlong 2002).

2.2 Considerations on method and theories

I will analyze the immigration management politics of Spain and the EU using different theories and material from empirical studies. Firstly I will map out the measures that the Spanish government and the EU are taking to control immigration and illegal entry. And secondly I will analyze these measures with different theories and empirical material, to evaluate how effective they are and what side effects they have.

Since a large part of my study is based on theories and theoretical reasoning, it is relevant with a short discussion about the theories, and what knowledge can be gained about the world through analyzing empirical material with them. The theories I use are to a large extent inspired by economical and rational-choice theory (something implicitly rather than explicitly stated by many theoreticians presenting them). I have chosen them since they constitute the mainstream in immigration theories.

Since issues of immigration and immigration politics are very complex and contain a multitude of factors, it seems vain to come with claims for an ultimate truth about exact causal relationships on these issues. With the help of different theoretical tools different aspects of a complex reality can be shown.

I will use different theories and explanation models in the analysis – putting these against each other in an attempt to evaluate which ones are better suited to explain the case. The goal of the study is to explain and analyze a certain case rather than to probe different theories, and therefore should be seen as theory consuming (see Esaiasson *et al.* 2004 p 40-41)

2.3 Material

My material on Spain and Spanish immigration management politics consist of secondary material such as newspaper articles, scientific publications and research, statistics and some primary material from the Spanish government. Information about EU immigration politics will consists of primary material such as official documents and secondary material such as academic articles and articles form newspapers. The lack of statistics on irregular immigrants entering a country makes it harder to evaluate how immigration politics and border control affect the number of illegal immigrants entering the country. The lack of statistics is a consequence of the problems surrounding measuring illegal entry - As Georges Tapinos points out - clandestine immigration by definition eludes statistical coverage (ibid 2000 p 2). Studying reports on irregular immigration still makes it possible to draw some conclusions about the relation between a policy and its affect in illegal entry.

All texts are in some way influenced by the perception of the world of their authors - the articles I use for my study as well as this thesis. A text can be written

with the aim of portraying reality in a certain way - but even if it is not - it will still be influenced by certain assumptions about the world and reality. Articles from newspapers or information from political organizations can be suspected to be less 'objective' than academic text. I therefore try to use more than one source for information that is of importance – all in order to keep the information in the study as 'objective' as possible.

2.4 Definitions of terms

I will use some different terms that need a short introduction. The following pairs of terms have the same meaning - but both are used alternating for semantic reasons. The terms *illegal* and *irregular* will be used for immigrants that enter or live in a country without the states permission. *Sending-* or *emigration-* countries are countries that produce emigrants. *Receiving-* or *immigration-* countries are countries that receive immigrants. The term *clandestine* describes people that enter or live hidden in a country. *Third-country residents/citizens* referees to citizens from non EU-states. This term - which makes a somewhat odd division of the world into three categories - is relevant in the context of my study since EU citizens and third-country citizens have different legal rights within the European union. *Asylum seekers* are all those that try to seek asylum in a country – if refuges or not. And *Refugees* are persons that are coerced to leave their homes.

3 Migration & management

3.1 Migration

Migration is a phenomenon that takes place in all countries and parts of the world. Some people move short distances while others move far away or even leave the country where they were born or live. But migration does not only have a spatial dimension - it has an important temporal dimension as well. It is not only the distance that people move that varies between different migrants, but the time they stay in a certain place too. Some people move for a short while, for example to take a seasonal work at another place, but have the intention of returning home as soon as they can again. Others move with the intention of staying away for many years or even to resettle in a new place or country. However, international migration is limited and most people are sedentary (Hollifield 2000 p 138). People do move, but the major part of all migration occurs locally or regionally within countries (Malmberg 1997 p 21). It has been estimated that half of the work-related emigration in the world consists of people moving from poorer to richer countries within the developing world (Martin – Taylor 2001 p 97).

In this chapter I will discuss different reasons for emigration and what measures a state can take to manage immigration. Since my study deals with the immigration policies of Spain and the European Union, my discussion will mainly concern questions relevant for this geopolitical area - a demarcation that obviously excludes the major part of the migration worldwide. Thus, my discussion will focus on international migration from poor developing countries to the rich industrialized world.

3.2 Reasons for emigration and migration dynamics

There are many different reasons why people want, choose or have to emigrate. Emigration can be anything from a fully voluntary act of free will to more or less forced and necessary for survival. Some people emigrate for personal reasons that have little or nothing to do with the financial and political system in the country where they live - but most migrants probably have reasons that are closely connected to these. People generally seem to be reluctant to leave the

country where they have grown up or live if they do not have to, and emigration often is motivated by social, political or economic factors.

Migration pressure is a well-established term in migration theories, and is used to describe the percentage or number of inhabitants of a country's population that want to emigrate (Martin & Taylor 2001 s 103). Emigration pressure usually is seen to be influenced by different socioeconomic factors.

The conditions motivating emigration can be divided into internal and external factors. Internal factors are the conditions inside the emigration country and external factors are those in the immigration country.

3.2.1 Internal factors

Internal factors that promote emigration can be found in a country's financial, political or social situation.

Social reasons are factors such as lack of political, social and religious freedoms. Emigration is often caused by the absence of these kinds of social and political rights and many people flee from undemocratic regimes or persecution for religious or political beliefs. These emigrants are usually labelled as refugees - but distinguishing between refugees and financially motivated emigrants can be difficult as will be discussed later (Castles & Millers 2003 p 109).

Financial or material reasons are factors such as poverty, lack of infrastructure and work. *Supply-push* is another term from economic theory that is very influential in migration theories. A supply-push is supposed to exist in a country when unemployment is high – generally when the workforce greatly exceeds the amount of available jobs on the labour market – and or when wages are very low. These factors are believed to motivate or 'push' people to emigrate to a country with a better economy. Many developing countries have traditionally had a high percentage of the population occupied in agriculture, and as agricultural practices are modernised the demand for labour in agriculture has decreased. In many cases, the workplaces lost from the modernisation of agriculture have not been replaced by new workplaces in other industries fast enough to avoid raising unemployment (Martin & Taylor p 100-101).

The argument that the financial situation in a country can cause emigration is not uncontested though. It has been argued that the financial situation in a country might create local internal migration as well as emigration, and that the majority of the people in the poor countries often lack the necessary resources to emigrate. Financial considerations are not the only ones that determine whether people move or not. Culture and identity are equally important, and it seems that most people are so rooted in their societies and cultures that they would prefer to stay even if they could emigrate. Moreover, studies show that countries with the same financial situation not always have the same emigration rate (Malmberg 1997 p 21-22) - a fact implying that other factors than financial considerations influence if people emigrate or not.

3.2.2 External factors

External factors are factors outside the sending country that in some way promote emigration from the sending country. The external factors usually seen as most important in migration theory are *demand-pull* and *networks*, which are considered to be the main factors in the receiving countries to promote immigration.

Demand-pull is a concept influenced by economic theory. A demand-pull exists when the need for labour exceeds a country's domestic workforce, and foreign workers therefore are admitted or even actively recruited. According to estimations made by economically oriented migration theorists the difference between the wage-level in two countries has to be up to 4 - 5 times in order to motivate emigration (Martin – Taylor 2001 p 96).

It was common with workforce immigration in northern Europe during the 1960:s -70:s and -80:s (Hammar 1990 p 18-19). These immigrants were usually seen as temporary guest workers, and were expected to leave again once the need for foreign labour decreased. Contrary to this expectation, many guest workers choose to settle in their new countries instead of going back to where they came from. A period of settlement and family reunion began, and the guest workers turned into permanent residents (Castles, Davidson 2000 p 56). Once a larger group of foreigners have come to a new country – for example to satisfy a demand labour - and have settled there, networks arise.

Networks can be seen as the spine or backbone of immigration. Family or friends who already live in a country can help new immigrants from their home countries to emigrate - for example by financing the trip, tipping about new work opportunities and providing a place to live. It is argued that networks are one of the main reasons for emigration, since they provide people with information about work possibilities and make the emigration easier or even possible (Martin – Taylor 2001 p 102). This means that once a group of immigrants have settled in a country they become a factor promoting new immigration.

As stated before, the majority of people seem to be reluctant to emigrate and leave their families and culture if they don't have to. If this assumption is true, it could be assumed that many emigrants would choose not to leave their homes if the conditions in their home countries were good enough. Networks might play a crucial role in this aspect too, since moving to a new country or culture might become easier and more attractive if there already are a group of persons from the own country or culture living there.

3.3 The state and immigration management

A state wishing to control or limit immigration and illegal entry to its territory can choose between many different measures and strategies. Depending on the reason for emigration in the sending country - if it is unemployment or low wages, political or religious persecution, natural disasters or just the search for a better

future – different measures might be better suited for addressing it. The reasons for emigration and migration dynamics are a very complex issue though, and it is not always self-evident what strategy is the best one to choose. A states choice of measures can be influenced by many different considerations.

Long-term economical considerations are rare as the impact on the economy by immigration is difficult to assess due to the complexity of the issue. States therefore usually motivate the choice of migration management policy with short-term economic considerations or other political considerations that have nothing to do with economy (Tapinos 2000 p 30).

Strategies and measures for immigration management can be based on two different logics. One approach is to control immigration through coercion. The other is to focus on preventing emigration - for example through aid and collaboration with the sending countries. States usually use measures from both strategies or mix them, and it is not always possible to make a clear-cut distinction between two approaches. In the lack of better terms I will call these two approaches to immigration management, the *controlling* and the *preventive* approach.

The logic underlying the controlling approach is that it is better to focus on measures aiming at stopping and controlling immigration flows. This is usually done by coercion and includes classical physical and political measures such as rigorous border controls and visa policies, together with repatriation agreements with sending countries. This logic also supports the method to put political pressure on sending and transit countries to make them comply with a certain policy.

The logic underlying the preventive approach is that it is better to locate the reasons for emigration and addressing these than only to try to stop immigration flows (Brochmann 1999b p 305). This approach contains measures such as collaborations with the sending countries, encouragement of development, democracy and free trade and giving financial aid. This logic can be found in many economical theories, which postulate that underdevelopment leads to emigration - and that financial development therefore leads to a reduction of emigration (Hermele 1997 p 141). According to the preventive logic, measures should aim at improving the situation in the sending countries, and thus eliminating the factors that make people emigrate in the first place. Economic theorists like Philip Martin and Robert Taylor therefore stress that states have to continue to invest in poor sending countries, give them aid and encourage free trade - as this is seen as the only long-term solution to decreased emigration. They admit that this method is time craving, but stress that is the only one that works in the long run (2001 p 95).

As people can enter a country in many different ways - as tourists, temporary workers, refugees or clandestine – different measures and regulations are needed to control the entry of these different groups. States have the sovereign freedom to decide whom they want to let into their territory. But there is an exception to this – states having signed the 1951 refugee convention have to accept refugees. This means that states have to make a clear distinction between refugees and other immigrants in their immigration politics.

The difference between refugees and other migrants is that refugees don't move of free will, but because they have no other choice. Migrants on the other hand are supposed to have a higher degree of free choice – they are not coerced to move. This distinction is not always crystal clear though, and sometimes it can be difficult to draw the line between these two groups.

When analysing a states immigration management strategy, it is helpful to make an analytical division between *internal* and *external* control measures. Internal control measures consists of political measures taken inside the country whereas external consist of measures aiming at controlling immigration at the borders or even in the sending countries.

3.3.1 External measures

Border control is a traditional external control measure aiming at stopping people from entering the states territory at its borders. Border control consists both of surveillance of the physical borders by police and military, and custom control at border crossings and air- and seaports. Both visa and asylum politics are connected to border control.

A state can label other countries as 'safe countries' - something that enables it to stop asylum seekers coming from these countries at the borders. This is possible since asylum seekers coming from a 'safe country' can be automatically dismissed as having unfounded cases – and the state does not have to admit them into their territory for an asylum trial. Similar measures are the creation of "international airport zones" (Gowlland-Debbas 2001 p 220), creating 'safe havens' in conflict-ridden areas, and the requirement that asylum seekers apply for asylum at consulates in their home countries (Koser p 2001 p 60-61)

Visa demands fill a similar function - people coming from third-countries need visas to enter the EU area, and can be stopped at the border if they don't. Visa policy can have an effect in the sending countries too - some people do not even try to get to the EU because they have not obtained a visa (Brochmann 1999b 306-307). States use non-state actors in controlling the inflow off immigrants too, as for example with carrier sanctions that put fines on airlines for admitting people without papers.

It has been argued that border controls and entry restrictions have limited affect on irregular immigration (Castles –Miller 2003 p118). A study conducted in the United States shows that the chances for an illegal immigrant to be caught trying to cross the border was approximately 30%. This conversely means that the chance of success was 70%. Many immigrants that get caught trying to cross the border one time might succeed on a second attempt (Tapinos 2000 p 32).

A problem with border control is that it only limits the entry of people but has no affect on the length of time that someone stays in the country. Once inside the country people can stay longer then they are allowed to – for example by overstaying a tourist-visa or a temporary work permit. Rigorous border control thus is has a limited effect (ibid 2000 p 15).

Externalized control measures are control measures that are taken in the sending countries. These can consist of different measures such as information campaigns in the emigration countries that aim at discouraging emigrants by informing about the difficulties attached to getting into and living inside the receiving country, regulations on human smuggling and trafficking, cooperation with or pressure on third-countries to stop emigration and increase emigration control in these and bilateral repatriation agreements.

Preventive measures have become more common in state policies and in the theories and discussions about immigration management. Since preventive measures aim at addressing the ‘root causes’ of emigration and refugee flows they look quite different from the measures in the control approach. What usually is understood as preventive measures are financial aid, investment and promotion of trade policies. These all aim at improving the situation in the sending country and strengthen the infrastructure and markets – all in order to eliminate the reason for emigration (Castles – Miller 2003 p 119). Preventive measures usually aim at improving the social and political situation in the countries. This improvement is often believed to come as a result of an improved economic situation.

There are different opinions on the relation between development and emigration. Critics of the preventive approach claim that financial development in the south has not decrease the level of emigration – but rather that it has increased it (Malmberg 1997 p 21-22). One explanation for this phenomenon is given by the theory of the ‘migration hump’. According to this theory, financial development in poor countries through investments and aid will increase emigration initially. Unemployment will rise temporarily due to modernization of industry and agriculture - but decreases again after some years, once the country adjusts to the new situation and new jobs are created and wages and living conditions improve. According to this theory investment and aid is necessary, but they can increase emigration in the short run.

3.3.2 Internal measures

Internal measures aim at managing immigration inside the states territory. The use of internal measures therefore presupposes that there already are irregular immigrants inside the country. Internal measures have a complementary function to external ones. For example, internal measures complement border controls by safeguarding that people entering legally – for example with tourist or student visas or temporary work permits - don’t ‘overstay’ these. The broad category of internal measures includes visa-politics, ID cards, work- and residence-permits and sanctions on employers for hiring irregular immigrants (Brochmann 1999a 12-13). These different measures and regulations aim at making illegal residency or work difficult.

Regularization programs (also called amnesties or normalization programs) are another way for a state to get control over the immigration situation in the country. They fill the functions of making illegal immigrants visible and getting them integrated in the social and economic system. Through the use of

regularization programs states get an overview over the irregular immigration situation in the country. They can get to know how many the irregular immigrants are, what groups they consist of and how the networks look and function (OECD secretariat 2000 p 57). Regularization programs have positive economic effects for that the state in that it receives taxes from people otherwise working illegally in the hidden economy. They can be seen as a response to failed immigration management policies. The regularization programs are controversial in that they make immigration policy more random and that it is supposed that repeated amnesties might attract new illegal immigrants coming in hope of a new regularization program (Brochmann 1999b 316).

As suggested earlier, internal measures can be seen either as a compliment to external measures, or as a method of immigration management in its own right. If internal measures are seen as a complement to external measures, their main function is to complement the external measures where these fail. On the other hand - it can be argued that internal measures are an immigration management method that is equal to the external measures. Rigorous internal control measures, such as regulations of employment and fines for hiring workforce irregularly, could be an equally effective policy as external measures such as border control.

The use of internal measures instead of external ones would correspond to the line of thought found in liberal theories depicting a border free world as an ideal. A representative for this school is the theoretician Joseph Carens, who advocates the equal right to free movement for all people. Carens argues that the state does not have the right to treat one group of people different from another. According to this view, immigrants – as long as they follow the laws and behave peacefully and decently - should have the same rights to free movement and residency as the citizens of a country (Carens 1995 p 238-239, 245).

4 Immigration management in Spain

4.1 Background & immigration situation in Spain

4.1.1 Spain - from emigration to immigration

Spain has long been an emigration country and the second half of the twentieth century witnessed many hundred thousand Spaniards emigrate to Latin America and Western Europe. This pattern has changed however, and since the beginning of the 1990:s Spain has turned into an immigration country (Alscher 2003) – or some believe, a transit country for immigrants that want to move on to other countries in the European Union (European Commission 2005).

The change from emigration to immigration country is clearly visible in the steadily raising number of foreign citizens resident in Spain. The foreign population has risen from 0.4% in 1975 (Alscher 2005) to almost 9% in 2005 (El País 2005). These figures are based on official statistics and therefore do not include those living unregistered in the country. However, it is possible to register in the local municipality to get access to education and health care even without a residence or work permit – a circumstance that should make the official statistics fairly reliable. Still it is possible that the amount of foreigners living in the country is higher than indicated by the statistics.

Statistics from the beginning of 2005 showed that the foreign residents living in Spain mainly come from Latin America, Europe and Africa. There were more than 1.4 million Latin Americans, 1.3 millions Europeans and 700 000 Africans. The biggest national groups within the foreign population consisted of 511 000 Moroccans and 498 000 Ecuadorians (INE 2006). These figures show that the group of immigrants from Africa by no means is the largest – it is only half the size of the Latin America and the European groups. Even so - the immigration from Africa receive the largest political attention in Spain and in the rest of the EU. These figures naturally only show the result of immigration patterns up until now and say nothing about present or future immigration patterns.

4.1.2 Factors promoting immigration to Spain

It is believed that different factors inside and outside of a country can affect the level of immigration it receives. There are different factors in Spain as well as in the emigration countries that can promote emigration to Spain.

Several internal factors in Spain constitute pull-factors. Firstly - there is large demand for unskilled workforce - especially in the agricultural and service sectors and in the building industry. It is generally believed that Spaniards do not want to take unskilled jobs such as employment in agriculture and that immigrant workers therefore are needed (see Mendoza 1999 p 175). The opinion has even been brought forth that immigrant workforce is necessary for the survival of Spanish agriculture (Carella – Pace 2001 p 70). A counterargument against this line of reasoning is that it is the practice of using irregular immigrant workforce that creates the problem, since this is seen to result in wage dumps and a worsening of working conditions – factors making the sector unattractive for national employees. In this view therefore it is the use of illegal workforce that creates a dependency on it (Miller 2001 p 330)

Secondly – A large informal economy has developed in Spain that is considered to be one of the biggest in the EU (Arango - Jachimowicz 2005). The informal economy offers irregular employment for irregular immigrants. For many irregular immigrants, an irregular employment is the only way of getting a job in Spain. In addition to the adverse effects for the state such as lost tax incomes and lack of control, informal employment has adverse effects for the individual employees too. It is held that the informal economy usually has worse working-conditions and lower wages than equivalent jobs in the official economy (Castles – Miller 2003 p 181). Moreover, the employees in the informal economy do not get full access too social and financial work-related benefits (Tapinos p 24).

Thirdly - and perhaps most importantly - there are well-developed networks of immigrants in Spain and smugglers and traffickers in Africa that contribute to directing the flows of immigrants to Spain. Since there is a lot of money to be made in human smuggling many smugglers actively seek or recruit emigrants in many African countries. During spring 2006 the human smugglers in Mauritania demanded from 400 - 1400 euro for a seat in a boat heading for the Canary Islands (Gebauer 2006).

Except for these factors – Spain has been criticized for having a generally badly managed and poorly financed bureaucratic administration for immigration management (Arango –Jachimowicz 2005).

Spain is one of the European countries closest to Africa - the enclaves Ceuta and Melilla lie on the African continent, the coasts of the Canary Islands and Andalusia are close to the coast of Africa and Spain and Morocco are separated only by a thin stretch of water at Gibraltar. The geographical proximity to the Africa continent makes Spain a natural goal for African immigrants trying to get to Europe.

Factors promoting emigration can be found in the sending countries as well and there are several push-factors in the African context that could promote

emigration to Spain and Europe. The population in Africa has been growing rapidly the last century - rising from 221 millions in 1950 to the present level of 800 millions. Many Africans live in poverty, and the economic growth has not matched the growth of the population – factors taken to indicate an increasing migration pressure in the future (European Commission 2005). Moroccans constitute the largest group of African immigrants in Spain, which makes it interesting to take a closer look at the situation in Morocco. As in most African countries unemployment and poverty are major problems. The unemployment rate in Morocco is very high, even though it has decreased during the last years and now is ‘only’ 14%. Poverty is high too, with 25% of the population on the countryside and 14% in the urban areas living underneath the line of poverty. Agriculture is an important part of the Moroccan economy and still occupies around 40 % of the working population (The World Bank 2006). Looking at the African context in large Morocco still is one of the countries with least poverty and other social problems.

4.2 The Spanish strategy for managing illegal immigration

Antonio Camacho, the Spanish Secretary of State for security, has said that Spain will follow a policy of strict control of illegal immigration and at the same time be supportive of immigrants that arrive legal (Bailey 2005). In this section I am going to map out and discuss the main measures used in the Spanish immigration management policy.

4.2.1 Internal measures

The most salient of the Spanish internal management measures are the five regularization programs - or amnesties - carried out since 1986. Regularization programs fill the function of making irregular immigrants visible and incorporating them into society. The Spanish regularization programs have aimed both at new irregular immigrants, and immigrants that have had work or residency -permits before but failed to renew them (Aragon - Jachimowicz 2005). Critics of regularization programs claim that illegal immigrants can be drawn to a country that uses these programs frequently, in the hope of getting there in time for a new regularization (see Tapinos 2000 p 15). Since Spain has used regularization programs quite frequently it could be supposed that irregular immigrants might come to Spain in the hope being able to take advantage of a regularization program.

This criticism was voiced in Spain in connection with the large regularization program in 2005. The spokesman for the oppositional Popular Party - Gustavo de Arisguide – expressed the opinion that the regularization program is an easy way

for irregular immigrants into the EU, and that these might be tempted to come to Spain from all over Europe to be regularized (Spain offers 2005). This concern seems to be at least partially founded; The Spanish police apprehended hundreds of irregular immigrants at the border to France, which stated that they wanted to enter Spain for the regularization program. The socialist government defended the program and the secretary of state of immigration argued that Spain needs the foreign workforce, and that it gains from the regularization because it will give increased tax incomes (Adler 2005).

Another measure used is the Labour Quota system, which allows the state to admit foreign workforce in a controlled manner in order to fill national shortages of workforce. The Quota lays down the number of immigrants that are allowed to enter the country as well as which sectors and regions they are allowed to work in. Initially the quota system was open for irregular immigrants already inside the country, but this changed in 2002 when the regulations for the quota system were restricted. Workers are now hired directly from the country of origin, and only from countries with which bilateral agreements have been signed (Pérez 2003). The quota system can be seen as a response to the demand for foreign workforce that sometimes arise in certain areas - a demand which otherwise could have turned into a demand-pull factor promoting new irregular immigration.

It is very difficult for a third country citizen to get a work permit in Spain in another way than through the quota system or regularization. Normal a third country citizen resident outside of the EU applying for a job in Spain, has to be proven to be that only one that can take the job in the region – i.e. that there are no local unemployed Spaniards, EU residents or legally resident third-country citizens that could take the job in stead (Mendoza 1999 p 169).

Controlling and regulating the work market is another way to hinder irregular employment and managing immigration. Hiring irregular workforce is seen as a serious offence and high fines can be given to employers that are caught using illegal employees. The employment contract is considered to be invalid if the employee has not gotten a work-permit. The employee still has the right for the wages he has worked for – a rule aiming at preventing employers from abusing irregular workforce. There are no sanctions on irregular workers - but a person without a residency permit can be forced to leave the country (Robin – Barros 2000 84-89).

4.2.2 External measures

The Spanish government has been reinforcing the control of the borders toward the south during the last ten years. This can be seen most clearly in the enclaves of Melilla and Ceuta, the Canary Islands and the southern costs of the peninsula. Ceuta and Melilla were surrounded by double high fences in the mid nineties and equipped with a high-tech surveillance system some years later. The surveillance system has been installed along large parts of the coasts of the mainland and the Canary Islands too. The constructions of fences around the enclaves and the

border control systems have to a large extent been financed with money from the EU (Alscher 2005).

The Spanish government decided to reinforce the surveillance of its coasts and the ocean area to Africa even further in May 2006. The surveillance is to be done by boat as well as by airplanes and through the use of a satellite system. There are even plans to use airplanes to observe the area of Senegal. The Spanish vice-president Fernández de la Vega emphasized that the goal of the surveillance is to be able to get information in time to prevent and dissuade emigration (La Moncloa 2006c).

Spain has signed repatriation agreements with Morocco and other African states such as Ghana, Mali, Nigeria, Alger and Guinea-Bissau (El país 2006b). Repatriation agreements lay down that the third countries have to take back either only nationals or in some cases all emigrants that have come through their country. Spain has been criticized by the United Nations for sending people back to Morocco, because it is believed that there might have been refugees with valid asylum claims amongst these (Alscher 2005)

As a response to the large number of irregular immigrants arriving to the Canary Islands during 2005 and 2006, Spain initiated an “urgent” cooperation plan with Mauritania in March 2006. The plan consists of cooperation between the countries as well as Spanish financial and technical support for Mauritania in the area of immigration control. An old repatriation agreement has been reactivated, in which Mauritania has accepted to take back both nationals and other immigrants (La Moncloa 2006a).

Spain collaborates with Morocco in the ‘Atlantis’ project that has as goal to improve the collaboration between the two countries in the area of immigration control. One of the measures laid down in the plan is to create common surveillance patrols to guard the coast areas from which African immigrants set out for Spain (ibid.).

In May 2006 a new plan for the Spanish relationship with Africa was approved, which aims at improving the diplomatic relations with African countries through the strengthening of already existing diplomatic relations and the creation of new embassies. The goal is to increase the cooperation with the African countries to encourage development and to be able to negotiate new repatriation agreements (El País 2006c). Spain has also increased the financial aid given to countries in North Africa during the last years. The aid for 2006 is 80 millions Euro which is more than the double of the amount in 2004 (ibid.)

The use of visa regulations is another internal way to manage immigration, but the Spanish visa regulations are influenced by the European Union and therefore not a strictly national.

4.3 Spain in the European Union context

4.3.1 Toward a common policy on immigration?

Immigration and asylum issues were a part of the EU's intergovernmental 'second pillar' until 1997 when they were moved to the supranational 'first pillar' through the treaty of Amsterdam (Tallberg 2005 p 78). This turned politics on immigration, visa and asylum into an issue for the supranational part of the EU cooperation, and gave the European commission the task of proposing new politics and to negotiate with third-countries (Boswell 2003 p 627).

Attempts have been made to create a common EU policy for immigration - but these still are in their cradle and so far no comprehensive legally binding common policy has emerged (Lindstrøm 2005 p 598). Some laws and regulations have been created, but the main part of the policy documents still consists of 'soft laws' such as guidelines and action plans. One explanation for the slow development of a common policy - brought forth by the commission - is that immigration politics still are seen as the domain of the sovereignty state, and therefore have to be treated with special sensibility and developed slowly (European Commission web 2006d).

Terry Givens and Adam Luedtke have done a study on the harmonization of European Union immigration politics. They explain the slow development of a harmonized EU policy in this area with a conflict between two different groups in the political landscape of the EU. The first group - consisting of the EU institutions and some of the member states - are striving to create a harmonized common EU policy. The other group - consisting of some other member states - is unwilling to support this development and therefore work against it (Givens – Luedtke 2004 p 146). The unwillingness of some of the states to partake in the development of a common policy on immigration might have to do with the fact that this would interfere with the sovereignty area of the state. Another explanation could be that these states have political interests going against the common line of the commission and the other states and are hesitant to support the collaboration for this reason.

Illegal immigration was one of the main topics on the EU summit in Seville in 2002. Even though all countries could agree on the fact that something had to be done against illegal immigration there were different opinions about what should be done. The English Prime Minister Tony Blair proposed a hard line against third-countries unwilling to cooperate with the EU on immigration issues. These countries – for example Morocco, China and Alger - were labeled as uncooperative because that they were seen not to do enough to stop the exit of emigrants heading for Europe, or because they were reluctant to admit emigrants sent back. The hard line proposed by Blair that included the use of sanctions was supported by Spain and Italy. But it found no support in the commission and some other of the other member states, which disapproved of the use of sanctions. As a

result a compromise emerged that abstained from sanctions, but emphasized that all suitable measures to prevent illegal immigration should be used within the EU foreign policy. The aim is that all future EU agreements with third countries should include agreements on cooperation on immigration control and repatriation (Alscher 2002). Even though an accord could eventually be reached on the summit in Seville, the disagreements between some of the member states on certain issues indicates that there are tensions within the common policy line of the EU.

4.3.2 Action plans, strategies and political goals

A common policy on immigration issues can primarily be found in different communications from the commission and action plans and programs. Communications, action plans and programs should be seen as 'soft law' since they contain political goals and guidelines for the continued political work rather than legal measures. Even if the plans, communications and programs do not contain specific legislation they still have an impact on the politics of the member states. There is a political pressure on the states to follow the common policy line of the EU (Tallberg 2004 p 43). The political goals expressed in these soft laws can of course also lay a foundation for the creation future legislations and political measures.

In 2001 the commission proposed a common policy on illegal immigration in a communication that emphasizes the importance of immigration politics and the cooperation with third-countries. Illegal immigration should be addressed with a threefold strategy. Firstly, root causes should be addressed through aid, development programs and promotion of human rights. Secondly, immigration issues should be included in the foreign policy and political dialogue with third-countries, and thirdly, help should be given to third-countries to control immigration flows (European Commission 2001).

In 2002 the council of ministers developed an action plan for the combat of illegal immigration and trafficking of human beings, which proposes both internal and external measures. The plan identifies the main areas where measures are seen as necessary. Among these are the areas of visa politics, border control and information exchange and repatriation agreements. It is emphasized that measures to control the flows of illegal immigrants should be taken as close to the 'source' as possible, and that it is seen as positive to take measures in the sending and transit countries (European Commission web 2006a).

In 2003 a program was developed for financial and technical help for third-countries in the area of immigration and asylum. The purpose of the plan is to help third-countries financially so that these can control or stop migration flows. Even though the communication from the commission in 2001 promoted a holistic view and addressing root causes for migration, the 2003 program focuses on stopping migrant flows rather than addressing the problems causing them. One example of this is that mainly countries agreeing on repatriation agreements should receive more financial support from the EU, and a large part of the money

set aside for the program will be used for the measures taken in the repatriation agreement with Afghanistan (European Commission web 2006c).

In 2002 the council of ministers proposed a special Repatriation program, which contains suggestions for internal measures for the repatriation of third country citizens living illegally in the EU. The plan emphasizes the importance of ensuring that third-country citizens staying illegal in the Union are made to leave. It is seen as preferable if these can be persuaded to leave the EU voluntarily - but if not, the return should be forced. The return of illegal residents is considered to be important since active or passive acceptance of illegal residency in the union is seen to undermine its immigration policy. It is feared that passive allowance of illegal residency might attract new illegal immigrants, and a real threat of deportation therefore is seen as a necessary part of the immigration policy (European Commission web 2006b). The Spanish policy to use regularization programs does not fit well with the idea of discouraging illegal residency through hard repatriation or deportation measures – since regularizations can be interpreted as a passive approval of illegal entry. Not unsurprisingly Spain has received heavy criticism from other European states for the use of amnesties (Adler 2005).

The European commission proposed a strategy for Africa in the end of 2005. The new strategy contains a framework for the European cooperation with Africa. One of the proposals in the strategy is to increase the financial aid to Africa. The European Union already is the largest aid giver to Africa, which currently receives 60% of its aid from the EU. This European aid shall be increased by 20 billions of euro a year if the strategy turns into action. The president of the European commission, José Manuel Barroso, has pointed out that increasing the aid for Africa is not only a matter of good will, but a necessity to counteract the roots of poverty (Bianchi 2005) – something that surely has to do with the emigration that the poverty is believed to cause.

4.3.3 Legislation and cooperation

Even if the largest part of the common EU policy on immigration management still consists of political goals and guidelines - there exist some common legal measures too.

The Schengen agreement began as an intergovernmental cooperation between five European states in 1985 but rapidly expanded as more states signed it. The 1997 Amsterdam treaty incorporated the Schengen cooperation into the framework of the EU - The Schengen acquis (body of law) was created and became a part of the EU:s legal system, and from 2001 all new states entering the Union have to follow it.

The measures laid down in the Schengen acquis mainly concern regulations for entry and border control of the Schengen area. Internal border control within the area shall be abolished and replaced with reinforced control of the outer borders, and the administrations of border control and the rules for visa and short-term entries shall be harmonized. The acquis also defines the role carrier

companies should have in the combat of illegal entry, establishes new rules for asylum applications and introduces the Schengen Information System (Der Schengen 2005). Spain changed its visa politics in connection with entering the Schengen cooperation, and citizens from the Maghreb region now need visa to enter Spain (Alscher 2005 p10).

Alongside the Schengen agreement there are other legal documents too. These include directives laying down the minimum standards for the reception of asylum seekers and the rules for family reunions for third-country citizens that have gotten asylum or residency permits in the union. The Dublin II convention has contributed to the common regulations of asylum procedures by laying down the rules for asylum trials and what country is responsible for asylum seekers. The convention also lays down that the asylum seeker can apply for asylum in one country only (Lindstrøm 2005 p 599).

In addition to the creation of common legislation, there has been extensive cooperation both between member states and between member states or the EU and third-countries. Spain leads on of these - the multilateral EU financed collaboration "Project Seahorse" - which has the goal of promoting the collaboration between sending, transit and receiving countries, and to establish an efficient preventive policy against illegal immigration, human trafficking and smuggling. The project is focused on controlling the sea routes used by migrants from Africa and Cap Verde towards the Canary Islands (la Moncloa 2006b).

The EU cooperates with the third-countries in the Mediterranean area through the EuroMed forum. The tenth EuroMed conference - held in Barcelona in 2005 - concluded that more financial support to and agreements with African states are needed to come to terms with the problem of illegal immigration to the EU. A five years plan was laid down which emphasized the need for democratization and development in the 'south', for a decrease of the financial gap between the north and the south and for the strengthening of the legal measures taken against illegal immigration to the EU. To be able reach these goals the EU has promised to support the neighboring North African states in the Mediterranean area with 15 milliards euro during the following five years. The measures prescribed by the EuroMed action plan contain preventive as well as externalized control measures. The preventive measures consist of investment, aid and the development of infrastructure in the African countries, and the external measures consist of strengthening the border and emigration control. The Palestinian head of state was the only head of state from the Mediterranean third-countries who attended the conference - something that attracted criticism from the Spanish president. Critics have not only come from the European side and the Algerian head of state expressed strong criticism on the EU policy toward Mediterranean third-country states. His criticism addressed what he considered to be an uneven relationship between the EU and the African third countries (Whörle 2005).

The EU cooperates with individual third states too as in the case of the financial support given to Mauritania in 2006. As a result of the increasing immigration flows from Mauritania to the Canary Island, Mauritania was given financial support of 2 million euro to reinforce the control of its costal borders (Gebauer 2006). The European Unions investment in Mauritanian border control

is an example of how the Union externalizes its immigration control politics to a third country.

The common immigration management policy in the European Union thus includes internal as well external control measures. The internal dimension consists of classical immigration control measures such as border control and visa policies. The external dimension consists of preventive as well externalized control measures with a focus on the later.

4.3.4 Affects on immigrants and asylum seekers

A large part of the European Unions immigration management measures consist of controlling policies. A criticism brought forth to this approach is that it has adverse affects on asylum seekers - a critic I will discuss in this section.

The Schengen agreement - even if not originally created for this purpose – has contributed to the development of what some critics call a European fortress. The reinforced control of the borders to third-countries and the restriction of visa politics, have made legal entry for third-country citizens increasingly difficult. Critics have claimed that the politics of immigration and asylum in the European Union - often in the form of non-binding instruments and intergovernmental cooperation - tend to be characterized by the outcome of the “lowest common denominator” that means that the lowest standard often becomes the norm in the common policy (see Lindstrøm 2005 p 589).

Because legal entry has become very difficult for third-country citizens many immigrants try to apply for asylum as a way to get into the EU - even if they do not have valid reasons for asylum according to the 1951 refugee convention. It has been estimated that 80-95% of the asylum seekers coming to the EU are rejected since they are considered to be economic migrants rather than real refugees. Moreover, there has been a tendency to use a very restrictive interpretation of the 1951 refugee convention that has made it harder for an asylum seeker to get asylum in the EU (Gowlland-Debbas 2001 p 215,219).

It can be problematic to make a distinction between refugees and economically motivated migrants since it sometimes is unclear what category a person belongs to - and it can be argued that some of those who are not classified as refugees should have been. The decisions to leave ones home country to seek asylum in another country often is based on many different complex factors that often overlap and intertwine (Lindstrøm 2005 p 594). People leave their homes because of poverty, hunger or social insecurity - factors often amplified in areas that are affected by war or other forms of social unrest. But people fleeing from areas of war - or areas that have been destroyed by wars - are not considered to be refugees (Castles & Miller 2003 p 103). Looking at the issue of asylum seeking and refugees, it should be remembered that many people that are classified as ‘economical migrants’ come from very dire conditions.

The EU has created what has been called a ‘buffer zone’ around its area through the externalization of its immigration politics. This has been done through the negotiating of repatriation agreements with third-countries, by investing

money in border control and refugee reception centers in them and by labeling some countries as 'safe countries'. The 'buffer zone' around the EU fills the function of protecting the member states from immigration and asylum flows. The creation of a buffer zone and other forms of 'outsourcing' of immigration and asylum politics to third-countries has had adverse effects for many refugees. Many asylum seekers never get through the 'buffer zone' - and as a result of the Dublin II convention - the ones that do only get to apply for asylum in one member state. Asylum seeker coming from countries labeled as safe - or countries that have repatriation agreements - usually are sent back without an asylum trial in the EU. Asylum seekers thus are sent back to countries that might have very dubious asylum procedures (Lindstrøm 2005 p 593). The European Council on Refugees and Exiles has done an evaluation of the Dublin II convention. They show that there are great differences in the ways that asylum seekers are treated in different member states and that some states even use methods that denies asylum seekers the access to asylum trials altogether (ECRE 2006 p 24). The rule that an asylum seeker only gets to apply for asylum in one EU state further reduces the chance to get asylum - an asylum seeker that happens to apply in the 'wrong' state might not get an asylum trial at all.

An example of the 'outsourcing' policy is that the asylum seekers have been sent back from the European Union to Morocco and that the EU has encouraged Morocco to keep a "rigorous visa policy" for immigrants from West African countries (Lindstrøm 2005 p 596). The collaboration with Morocco and the encouragement of a rigid Moroccan visa policy is problematic from a human rights perspective - since Morocco is one of the countries that are known to have been using dubious asylum and immigration policies. In the end of 2005 the Moroccan government mass deported immigrants and asylum seekers - some of which had been sent back from the EU. Of these, some hundreds were abandoned without water in the west Saharan desert - close to the Mauritanian border but far from any populated area. Luckily this was discovered and the UN could send rescue forces to search for the people that had been placed in the desert (Alscher 2005).

General critics against the immigration politics of the EU have come from Amnesty International and other human rights organizations. In an open letter addressed to the UK presidency in 2005 Amnesty claimed that there was a crisis in the European refugee system. They further questioned the EU practice of shifting the responsibility for asylum seekers to third-countries, which according to Amnesty often have poor asylum protection as well as little resources to take care of refugees. The letter also addresses the problem of breaches against international human rights obligations by European Union states (Amnesty 2005).

5 Conclusions

The aim of this study was to discuss and evaluate the Spanish and EU strategies for managing irregular immigration by third country citizens from Africa. Today Spain's immigration policy is partially conflated with the EU:s but still contain areas that belong to the national policy. Attempts are made to create a common EU policy, but there still seems to be diverging ideas about how this common policy should be shaped - as could be seen in the discussions on the summit in Seville and in the criticism Spain received for using a large regularization program in 2005.

To be able to evaluate the partly common political strategies of Spain and the EU, these have to be broken down into separate measure – since different measures work in different ways and have different effects. A good way to start is to divide the immigration management measures into the preventing and controlling approach.

Preventive measures are manly found in aid programs, and Spain as well as the EU already give financial aid to African countries. Spain has increased the aid amount during the last years and the EU has planes to increase it. The increase of the financial aid to Africa has to be seen as a response to the growing number of immigrants coming to Europe during the last years. The question is if aid and investment can decrease the emigration from Africa. According to some economic theorists financial development does decrease emigration, even though it takes some time and presupposes the opening of the economy for free trade. Up until now however, the EU has been reluctant to allow free trade with African countries and has used tariffs and trade regulations. Unless the EU admits free trade, it is doubtful that the financial aid can stop emigration. There are great social problems as well as economical ones in Africa, and it can be questioned if all problems can be solve by aid or free trade as some of the problems can be argued to be of a political nature rather than a financial.

The main part of the measures taken by Spain and EU belong to the controlling approach. The controlling approach might seem as the better solution for European states, as it gives results faster and is more tangible. However, there are many different measures under this heading, which have different effects and outcomes.

The external measures, which consist of reinforced border control and an outsourcing of immigration control measures to third countries, constitute a large part of the measures taken by the EU and Spain. These seem to be quite effective in the Spanish context – perhaps because there is a belt of water between Spain and the south that facilitates border control. However, the external measures have adverse effects for immigrants, and are connected with high financial costs.

Moreover, many sectors in need for unskilled immigrant workforce in Spain hire seasonally or in short term contracts. By reinforcing border control and entry regulations for third country citizens, it gets harder for these to work seasonally in Spain. Once an immigrant has managed to get into the EU and find a job there, he or she can be expected to be reluctant to leave again if entering the country again is too difficult. This way, reinforcing border control and rules for entry can promote irregular stay in the country.

Another effect of the restrictive rules for entry is that many third country citizens try to apply for asylum to get into the EU. The political response to this has been to make asylum regulations even more restrictive. A more restrictive asylum policy – such as the Dublin II convention – can have the effect that immigrants use smugglers to get into Europe. The outsourcing of immigration control to third countries such as Morocco and Mauritania has had adverse effects for asylum seekers and refugees too, since many of these countries have had very dubious asylum policies. It can be argued that Europe is pushing away its responsibility for refugees by outsourcing its immigration management policies.

Internal measures are used too, but are not always well implemented and could be developed and improved to be more efficient. It can be argued that well implemented employer sanctions and other internal measures could be a good alternative to reinforced external control. A well-controlled internal work market without a hidden economy would probably attract less irregular immigrants than the current situation with a large informal economy and networks of smugglers. The policy of the European Union is far from being in line with the liberal idea of open borders.

Because migration and immigration management policies are complex issues they are hard to evaluate and predict the outcomes of. One thing that seems to be quite clear is that there is a causal relation between the externalization of policies and reinforced border control on one hand, and human smuggling, illegal entry and breaches of human rights on the other. The controlling approach seems to work quite well to stop illegal entry from Africa in Spain even though it also promotes illegal entry and smuggling. The question that has to be asked however is if it is justifiable for the EU and its member states to use an immigration control policy that results in breaches of human rights and possibly promotes human smuggling.

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