

Evolution of Spanish immigration policies and their impact on North African migration to Spain

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ABSTRACT

Over the last two decades, Spain has turned from a sending country of migrants into a net receiver of immigrants. This shift can be traced to an important transformation of its economic structure and its incorporation into the European Economic Community. Up to the mid-1990s, immigration policy was determined by objectives defined at the European level. In the absence of a national stand, "Europeanization" of immigration policies represented carte blanche acceptance of EU policy objectives, resulting in a highly restrictive policy unsuited to Spain's early migratory processes. Over time, a growing conflict between external policy directions and needs perceived at the national level (e.g., large numbers of undocumented immigrants; demand for unskilled labor; foreign policy interests in sending regions, particularly North Africa) resulted in the development of a more sophisticated set of policies that, while trying to comply with EU requirements, increased the autonomy of Spanish authorities. Among the new foreign residents, North Africans constitute one of the most important visible and politically sensitive groups. Being the first potential candidates to migrate to Spain, they have been particularly affected by restrictive border control policies and constitute the most distrusted and disliked group among the foreign communities settled in Spain. The fight against their discriminatory treatment constitutes a critical issue of justice, not only in the present, but also in the future, if the second generation of North Africans born and raised in Spain is to be fully incorporated into this society.

Introduction

As in all southern member states of the European Union (EU), immigration has become an issue in the Spanish political agenda only in recent years. Over the last two decades, Spain, a traditional sending country, has turned into a net receiver of immigrants. In the context of large economic, social and political transformations, the direction of

migratory flows has reversed itself and, together with considerable numbers of returned migrants, a growing number of foreigners have settled in Spain.

The response of Spanish authorities was initially determined by goals and objectives defined at the European level. Thus, during the late 1980s and early 1990s, the Spanish policy agenda on immigration experienced a clear process of “Europeanization”. The result was restrictive legislation unsuited to the nature and scope of the migratory processes affecting Spain. In time, a growing conflict between the externally induced restrictive policy directions and the situation at the national level (demand for unskilled labor, growing quantities of undocumented migrants, foreign policy and economic interests in potential sending regions) resulted in higher salience of immigration within the Spanish social and political agenda, and in the gradual deployment of a more comprehensive set of policies.

Among the immigrant communities, North Africans constituted one of the most important visible and politically sensitive groups. Being the first potential candidates to migrate to Spain, they have been particularly affected by the restrictive border control policies implemented by Spanish authorities. According to available empirical evidence, they also constitute the most distrusted and disliked group among the foreign communities settled in Spain. The reasons for that animosity go beyond fashionable discourses emphasizing the supposed antagonism between civilizations, and find their roots in deeply embedded images that depict the “Moor” as the personification of the feared “other”, a necessary figure for the development of common identities (first Christian, then Spanish, more recently European) and to set the foundations of the Polity.

In considering the impact of changing immigration patterns and policies, I begin by briefly contextualizing the position of Spain within the world migration system, taking into consideration the relatively rapid change experienced by the country in this respect. I then review the evolution of Spanish immigration policies, framing them within the general context defined by EU membership. Finally, I turn to North African migration in Spain, focusing on policies towards the migratory flows from this region, as well as the challenges that the presence of these communities pose to Spanish society.

The changing position of Spain in the world migration system

In the 1980s, the countries of southern Europe, heretofore net exporters of labor, progressively became countries of immigration, due to the cessation of outgoing flows and the arrival of growing numbers of migrants from less developed countries. In the Spanish case, the closure of Western European economies to further labor migration after the 1973 oil shock marked the end of the cycle of mass emigration. Taking

advantage of offers by some European countries, more than 300,000 Spanish nationals returned to Spain between 1974 and 1977.¹

During the 1980s, the Spanish economy faced a series of important reforms (tertiarization, crisis of labor-intensive activities, deregulation) linked to the country's incorporation into the European Economic Community (EEC) in 1986, which radically opened it to international markets. Despite high unemployment rates derived from those reforms, the Spanish economy gradually generated jobs both at the top and at the very bottom of the occupational scale, opportunities that were partly enjoyed by foreigners.

At the upper end of the social and occupational scale, the opening to foreign capital implied the arrival of highly qualified professionals to occupy managerial positions. Together with them, north European pensioners in search of milder winters at an affordable price helped increase the number of foreigners living in Spain. The size of these privileged groups multiplied more than fivefold between 1975 and 2003 (see Table 1). Generally speaking, however, foreigners from developed countries (most of them nationals of other EU member states) were not an issue in terms of Spanish public opinion.²

At the other end of the scale, a series of labor market niches composed of low-skilled, poorly paid jobs not readily accepted by Spanish nationals were occupied by immigrants from developing countries. The scope of this type of economic migration increased from less than 50,000 in 1975 to more than two million at the end of 2003. Coming from all continents, these groups settled in the two largest cities (Madrid and Barcelona), as well as in the most economically dynamic areas along the Mediterranean coast (Valencia, Murcia and Andalucía).

The total figures of foreign residents in Spain remained relatively modest during the 1980s and 1990s (especially if compared to other European countries), but their considerable growth makes this process particularly interesting. While in 1998 the foreign population represented 1.8% of the Spanish population, by the end of 2003 foreigners constituted 6.2% of the Census.³ Table 1 clearly illustrates the changes in the composition of the foreign population in recent years. In addition to the rapid increase in the number of foreign residents, two factors deserve particular attention: the growth rates for Latin American and Eastern European residents compared to foreigners from Africa, and the considerable discrepancies between the data on legal residents (provided

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- 1 Despite the magnitude of these return flows, more than two million Spanish nationals were still living abroad at the end of the 1990s.
 - 2 There are a few notable exceptions, like the fears of a German "takeover" of Majorca, the main island of the Balearic Community, where large communities from that country have settled or spend part of the year.
 - 3 The relatively rapid annual growth in the number of foreign residents in the late 1990s (17.5% between 1998 and 1999) accelerated after 2000, with average annual increases in excess of 40% (INE, 2004).

by the Ministry of Interior) and that on residency (independent of administrative and legal status, generated by the Census), particularly for the period 2002-2003.

Table 1. Foreign residents in Spain

Year	Total	EU	Rest of Europe	North America	Latin America	Africa	Asia
1975	165,289	92,917	9,785	12,361	35,781	3,232	9,393
1980	182,045	106,738	11,634	12,363	34,338	4,067	11,419
1985	241,971	142,346	15,780	15,406	38,671	8,529	19,451
1990 ^a	407,647			21,186	59,372	25,854	29,116
1995	499,773	235,858	19,844	19,992	88,940	95,718	38,352
1997	609,800	260,600	28,500	21,000	106,000	142,800	49,100
1999	801,339	312,203	41,353	17,138	149,571	213,012	66,340
2001 ^b	1,109,060	331,352	81,170	15,020	282,778	304,109	91,552
2002	1,324,001	362,858	107,574	15,774	364,569	366,518	104,665
2003	1,647,011	406,199	154,001	16,163	514,484	432,662	121,455
2002 ^c	1,977,944	489,813	212,132	22,103	730,459	423,045	98,942
2003 ^c	2,664,168	587,949	348,585	25,963	1,047,564	522,682	128,952

Sources: Ministerio del Interior, 2002; INE, 2004.

a Europeans were not included this year because of changes in the assessment system.

b From this year onwards, data for the EU includes all those coming from the European Economic Area (EEA).

c Data from the Census including all those registered (regardless of their legal status).

The number of Latin American migrants living in Spain multiplied tenfold between 1997 and 2003, and that of Eastern Europeans more than twelvefold, while the number of immigrants from the African continent over the same period increased “only” 3.6 times. These differences in the growth rate of immigrant communities were largely the result of border control policies implemented by Spanish authorities. Thus, after 2000, Moroccans, traditionally the most numerous group among the foreigners from developing countries, became second in the ranking of immigrant communities (14.2% of the total foreign population). This change in the relative position of North Africans was fundamentally the consequence of a massive arrival of immigrants from Latin America (notably from Ecuador, which became the largest community, representing 14.6% of the foreign population, but also from Colombia and Argentina) and Eastern Europe (Romania and Bulgaria).

A second consequence of those changing migratory trends has been the feminization of the migrant population; Latin Americans show a more balanced gender profile (with even a slightly feminized population in some groups) than Moroccans (67.4% of that community are men). The different migration patterns of those groups (Latin Americans

tend to arrive in families, while North Africans conform to the traditional pattern of male primary migration followed by family reunion), as well as the characteristics of Spanish labor markets (who is offered what kind of jobs), strongly condition the gender composition of migrant communities.

In September 2003, the number of foreigners affiliated with the Spanish Social Security system was just below one million people (about 5.7% of the total affiliated work force). This figure does not take into consideration the important role of foreigners in the informal economy (key in specific areas of activity where informal contracts and unregulated work constitute the norm). A more precise depiction of the labor market situation is provided by the Census, which shows that in 2001, foreigners represented more than 8.4% of the work force in the agricultural sector, nearly 7% of the construction labor force, and more than 3% of industrial workers. In specific sectors, such as domestic service (more than 26%) and the catering industry (more than 10%), foreigners constitute a significant share of the work force.

As we can see in Table 2, the segmentation of labor markets by origin of migrants is quite strong, with Latin Americans over-represented in the service sector (where Africans have a much lower presence) and Africans particularly present in the agriculture and construction sectors. This segmentation is the consequence of a complex combination of factors, including the differential skills and qualifications (academic and linguistic) of the migrants; the prejudices, stereotypes and expectations of the receiving society in relation to each group; and the differential availability of jobs by virtue of one's physical presence on Spanish territory (even if, or actually preferably, as undocumented migrants).

Table 2. Percentage of participation in economic sectors by origin

	Agriculture	Industry	Construction	Services
All foreigners	11.4	12.1	17.2	59.2
Non EU Europeans	14.1	13.3	23.1	49.4
Africans	23.8	15.0	24.0	37.1
Latin Americans	8.6	10.0	16.0	65.4
Asians	5.5	11.5	12.0	71.0

Source: INE, 2004.

Referring back to the discrepancy between data on legal foreign residents and the figures provided by the Census, particular attention should be paid to the impact of the policies developed by Spanish administrations on undocumented migrants. Without trying to place all responsibility for the development of such a large quantity of undocumented migrants on the shoulders of Spanish authorities (for part of that process may have been resulted from the incapability of state agencies to enforce the strict

policies of border control formally in place), we should also consider the possibility that, during recent years, Spanish authorities may have tried to combine compliance with strict border control policies for some groups with a relatively more lax attitude in relation to other groups, in order to cater to the needs of certain sectors of the economy.

Evolution of Spanish migration policies

The gradual development of a common European market, with the dilution of internal boundaries and the creation of a common external border, forced national policy makers to harmonize their immigration policies (Brochman, 1996). The Amsterdam Treaty, applied in May 1999, clearly went beyond recognition of the free movement of member states' workers granted in the EEC founding Treaties, and of the intergovernmental coordination promoted by the Maastricht Treaty, and aimed at the creation of an area of freedom, security and justice through the gradual transfer of responsibilities for asylum, admission and residence of third-country nationals to EU institutions. The Schengen plan (up to then an intergovernmental agreement) was incorporated into the EU legal framework, and EU institutions were attributed responsibilities in the fight against discrimination based on racial, ethnic or religious grounds. The conclusions of the 1999 Tampere summit recognized the EU obligation to pursue a more vigorous incorporation policy, while encouraging member states to simplify their nationalization procedures.

During the 1980s, European objectives of tightening external border controls were readily accepted by Spanish administrations, for they did not challenge existing policy models, seriously damage articulated interests, nor openly question other policy areas. In a clear example of "direct Europeanization" (Radaelli, 1997), domestic policies were adapted to explicit European requirements.

In the domain of integration policies, the lack of clear guidelines or pressures emanating from the supranational level implied that Spanish authorities had more room for maneuvering. Nevertheless, the lack of a Spanish "philosophy of integration" (Favell, 1998) implied that authorities looked abroad for inspiration. The EU Commission proposals for the coordination of integration policies (European Commission, 1994, 1997) were used as a basic reference policy framework, although the timing for their implementation was conditioned by domestic considerations. This area of policy became an example of "indirect Europeanization", with Spanish policy makers conceiving a domestic issue within a European frame of reference, and adapting their policies to that framework even if no specific compulsion to do so existed.

Spain as guardian of the EU's southern border

Before 1985, Spanish legislation characterized immigration issues as matters of “public order” and did not establish any clear regulation for the settlement of foreign nationals. In July 1985, the government passed the first law aimed at regulating immigration to Spain. Presented as an urgent bill, the proceedings were considerably shortened in order to facilitate its passing before the formal incorporation of Spain into the European Communities on January 1, 1986. The low profile of migration in the Spanish political agenda suggested that the law was approved practically without amendment and by virtual unanimity.

This piece of legislation had a highly restrictive character and in many respects fell short of what a comprehensive immigration regulation should be. One of its main limitations was the rigid character of the system of work and residence permits it established (no permanent permits and extreme complexity of renewal procedures). This law did not provide for basic immigrant social rights, like family reunion or access to social protection plans. The strong emphasis on border control explicitly responded to the responsibility that Spain assumed as gatekeeper of the EEC's southern border.

The development of that legislation was supposed to be matched with an increase in resources allocated to police the borders, but progress in that direction was considerably slower. The complex nature of relations with Morocco and the close historical connections with Latin America forced Spanish authorities to adopt a gradual stand on the implementation of effective policies of border closure (Pérez, 1999). It was only in May 1991 that the Spanish government reintroduced the visa requirement for North African countries, coinciding with the expiration of the agreements with Morocco and Tunisia and the incorporation of Spain into the Schengen agreement. That change in visa policy resulted in reinforcement of border controls, specially in Ceuta and Melilla (the only land borders between the EU and Morocco). In the following years Spanish authorities invested considerable resources in trying to build an effective system of border control around those two enclaves,⁴ as well as along the hundreds of kilometers of coast in the Iberian Peninsula and in the Canary Islands.

In more recent times, and only after the arrival of large numbers of economic migrants from this region, Spanish authorities also introduced visa requirements for citizens from various Latin American countries. Here again, EU membership was crucial, for it worked both as a pushing factor for the introduction of that measure (aimed at limiting

4 Those systems included the construction of a road around the perimeter of the two enclaves, the installation of double barbed-wired fences 3.2 meters high, as well as ditches, turrets, thermal sensors and infra-red cameras to support the patrols of the *Guardia Civil* (Civil Guard). At the end of 1998, the army was called in to patrol the border in cooperation with the *Guardia Civil*.

the number of migrants overstaying their tourist visas) and as a way of diluting blame (attributing responsibility to Brussels for a measure that was strongly criticized both in Spain and in the Americas,⁵ particularly by Colombia and Ecuador).

After the introduction of visas for North Africans, the number of people refused entrance at the borders or sent back to their country of origin increased significantly. The *pateras* (small, fragile boats) arriving at Spanish shores and the flow of undocumented migrants gained considerable media and political attention. For Spanish authorities, the responsibility of exercising strict border control directly derived from the compromise reached with its European partners. This idea was reflected in numerous requests for co-financing of the policing efforts,⁶ demands that were met by EU funds allocated to strengthen the borders of Ceuta and Melilla and by the development of various initiatives of cooperation in the policing of the *Estrecho*.⁷

A more comprehensive migration policy

As the 1990s progressed, it became increasingly clear that immigrants were not only using Spain as a transit platform to move to other European countries. The demand for unskilled labor was not disappearing; primary migrants were bringing their relatives despite restrictive legislation; and Spanish authorities had to recognize migration as a structural phenomenon. The novelty of the presence of these populations, their high territorial concentration, the growing attention provided by the media, together with the activities of some uncoordinated but locally powerful xenophobic entrepreneurs, contributed to the salience of immigration in the public agenda. This highlighted the need for a higher degree of involvement by public authorities to facilitate the incorporation of immigrant populations, and to try to mitigate the development of

5 This change in visa policy with respect to Latin America was particularly difficult to justify and implement, due to the historical connections that link Spain to those countries, to the perception of a historical debt towards those countries for the role they played as receivers of Spanish emigrants up to the 1950s, and because of the increasing economic interests of Spanish firms in the markets of that area.

6 Public statements by Spanish officials in this direction have been quite common in recent years (for some examples, see *El País*, September 4, 1996; January 16, 1998; August 9, 1998; November 14, 1999; and October 21, 2003).

7 The Straits of Gibraltar are increasingly policed to prevent the arrival of *pateras*, aided by a surveillance system including radar, infra-red cameras, planes and boats. Deployment of the SIVE (*Sistema Integral de Vigilancia del Estrecho*), as the project is known, will cost more than 150 million Euros, which will be mainly financed with EU funds. Moreover, the navies of various European countries (Italy, Great Britain, France and Spain) have been developing closer ties in patrolling the Mediterranean Sea to prevent unwanted migration.

xenophobic feelings within the Spanish population. Despite the lack of a clear “policy paradigm” framing the development of an incorporation policy, strategies such as the regularization of undocumented immigrants, the development of special agreements with sending countries in an effort to regulate the arrival of seasonal workers, and the extension of basic social rights to all immigrants responded to the logic of reaching a more balanced migration policy.

Regularization processes

The first – and probably the most ambitious – measures taken by Spanish authorities to facilitate the incorporation of immigrants into Spanish society was the development of initiatives to bring to the surface undocumented migration. Regularizing the legal and administrative situation of undocumented migrants grants them access to the basic rights deriving from the condition of resident, therefore facilitating their access to markets (labor, housing, banking) and public services (social security, education, health, personal social services). Between 1985 and 2000 (the period of validity of the 1985 law), three regularization processes were implemented in Spain (1986, 1991 and 1996). In addition, Spanish authorities established a quota system to issue a set number of work permits per year to fill those jobs not accepted by nationals. These permits were supposed to be distributed through Spanish consulates and embassies, but in practice the system functioned as a mechanism for regularizing undocumented immigrants already in Spain. Since 1993, 20,000 to 40,000 work permits have been issued annually to undocumented immigrants already present in Spanish territory. These processes, which were criticized by the EU Council (as they were assumed to provide incentives for further illegal immigration; Hailbronner, 1995),⁸ were obviously inadequate mechanisms for regulating and controlling the inflows of immigrants, but they helped provide the unskilled labor needed by certain sectors of the Spanish economy and helped bring part of the informal economic sector to the surface (Baldwin-Edwards and Arango, 1999).

Starting in March 1998, and continuing for nearly two years, a Parliamentary Commission debated a new bill aimed at replacing the 1985 law with more comprehensive legislation. That bill was negotiated in a consensual manner by all parties, although in the last stages of its debate the government of the conservative Partido Popular (PP) strongly opposed several aspects of it, particularly those parts

8 The European Parliament took a more positive stand towards this kind of process, and in April 1997 advised all member states to regularize the legal status of undocumented immigrants with some period of residence in the host country (Ministerio de Asuntos Sociales, 1998).

referring to regularization of undocumented immigrants. Its relatively weak situation in Parliament (depending on the support of the Catalan and Basque nationalist parties) resulted in acceptance of the bill as it was initially drafted. The new legislation (known as 4/2000) established a regularization process aimed at granting a fresh start by regularizing all those immigrants who could prove residency in Spain prior to June 1, 1999. This regularization process started in March 2000, and by October 2001 it had already legalized 164,000 (out of 250,000) applicants.

The 4/2000 law established a mechanism for automatic regularization of those undocumented immigrants able to prove more than two years of residence in Spain. It also created a mechanism, based on the concept of *arraigo* (literally, “rooting”), for regularizing those migrants who could prove to be sufficiently incorporated into Spanish society (by having family in the country or producing a job offer) and who had arrived before January 23, 2001. The PP argued that these decisions were contrary to the spirit of the Tampere EU summit (celebrated just a few weeks before), and, during the campaign for the March 2000 general elections, it campaigned for the introduction of restrictive clauses to the new immigration law. After winning those elections, the new conservative government toughened the conditions for automatic regularization by residence and *arraigo*. Nevertheless, by June 2002, some 184,000 work and residence permits had been granted (out of a total of more than 350,000 applications, many of these overlapping with the regularization of 2000-2001 previously mentioned). The system of quotas was maintained in the 8/2000 law, so that about 30,000 work permits were issued in 2002, and an additional 10,000 in 2003, to potential migrants and to undocumented migrants already in Spain.

Beyond the growing politicization of immigration issues in the Spanish political arena, and the reticent attitude of the EU towards the implementation of legalization programs as a way of handling illegal immigration, Spanish policy makers have periodically used this type of mechanism to answer demands perceived within Spanish society. At present, nearly one million undocumented migrants are estimated to live in Spain, so the Socialist government, in place since March 2004, initiated a new regularization process in February 2005 aimed at providing work permits to those who can produce a work contract and who can prove residency in Spain for the six months prior to the beginning of the process.

Bilateral agreements for the import of labor

The signing of bilateral agreements with sending countries was a response to a combination of demographic, economic and political conditions, as well as to the interests of Spanish authorities in increasing control over the inflows of migrants. The publication of a report by the population division of the UN, pointing at the aging and decline of the Spanish (and European) population, served as the starting point for a

debate over the consequences of having one of the lowest fertility rates on the planet.⁹ According to UN projections, in 2050, Spain will have the oldest population in the world, and it will need some 12 million immigrants to keep the current ratio of four workers for every retired person.¹⁰ Although UN experts recognized that the levels of migration predicted by that report would be socially and politically unthinkable in Europe, they stressed the importance of those demographic trends and pointed out that substitution migration will be a reality in Western Europe in the near future (*El País*, January 7, 2000).

The complex set of reasons that brought Spain to that situation (e.g., unemployment and job precariousness, rising social expectations, underdevelopment of personal social services, booming real state prices) is unlikely to change drastically in the foreseeable future, so the existent demand for unskilled labor in certain sectors is quite likely to continue. For many years, employers in various sectors of the Spanish economy have found undocumented immigrants to be a cheap and flexible supply of labor with no additional costs (Social Security contributions, redundancy payments, or paid holidays). Public authorities have not implemented a more strict policy of labor market control out of a tolerant attitude towards an informal economy often made up of small companies struggling to survive and increasingly exposed to international competition (in the fields of textiles, footwear, agriculture). Moreover, families that could not afford to buy services in the regular labor markets (cleaning, caring for dependent relatives) and who did not receive much support from the underdeveloped welfare system also benefitted from the tolerant stand of Spanish authorities when hiring undocumented immigrant women for those purposes.

An economic model based on exploitation of undocumented immigrants cannot last permanently, and social actors have gradually started to become aware of the negative consequences of maintaining such a system (shanty towns, increasing marginalization, crime, as well as growing xenophobic feelings and racism against the immigrant population). Recently, employers have started to accept the convenience of regulating migratory inflows and establishing mechanisms to improve the precarious conditions in which the undocumented immigrants live.

In October 1999, the Spanish government announced the signing of an agreement with Morocco regulating temporary migration to Spain.¹¹ According to that agreement (broadly defined, although initially planned for the agriculture sector), those jobs not

9 In 1998, Spain had the lowest fertility rate in the world, with only 1.07 children per woman. Since the beginning of the 1990s, Spain has ranked at the bottom of countries in terms of fertility rates, together with Italy and Hong Kong (*El País*, December 22, 1999).

10 The same report estimated that, by 2025, 159 million immigrants will be necessary to maintain the current levels of social protection that characterize European welfare states.

11 Similar agreements were later signed with Ecuador, Colombia, Romania, the Dominican Republic, Poland and other countries.

covered by Spanish, Communitarian, or regularized foreign workers already present in Spain would be offered to potential immigrants from Morocco. The Spanish authorities offered to grant a temporary work permit (for a maximum of nine months a year), health insurance and public subsidies to cover transportation and accommodation costs. Employers would be responsible for the working and living conditions of the temporary migrants, who would be expected to return to their country of origin at the end of their contract.

The expansion of rights

Recognition of the limitations of the 1985 law forced Spanish policy makers to consider the convenience of developing policies to facilitate the integration of migrants. In December 1994, in response to the growing political mobilization of the Left and to the demands of third-sector organizations working with immigrants, the Socialist Party in government approved a plan for the social integration of immigrant populations. This plan replicated the goals defined by the European Commission in its failed attempt to coordinate integration policies within the EU, defining three main lines of action: prevention of migratory flows by cooperating to promote the social and economic development of the countries of origin; increasing knowledge of those flows in order to regulate immigration more effectively; and facilitating the social integration of immigrant populations into Spanish society. Despite this declaration of good intentions, the multidimensional nature of the issues at stake and the decentralized nature of the institutional arrangements of the semi-federal Spanish state resulted in inconsistent coverage of the basic needs of immigrant groups, especially those in a more precarious administrative situation.

The 4/2000 law introduced significant changes in the area of social rights for migrants by equalizing the civil and social rights of legal foreign residents with those of Spanish nationals, and by establishing the possibility of voting rights at the local level (based on reciprocity). This law granted undocumented immigrants access to the public health care system, to the compulsory education system (from ages 3 to 16), as well as to the scarce public housing programs based on the criterion of residency. During the debate in Parliament of the 4/2000 law, tensions arose not only between the different political parties, but also within the incumbent party.¹² While the issue of social rights played an

12 On the one hand, the MPs that participated in the drafting of the bill and the Minister of Labor and Social Affairs praised the positive steps taken towards the integration of immigrant populations. On the other, the Minister of Economy complained about the cost of the extension of social rights to undocumented immigrants, and the Ministers of Interior and Foreign Affairs stated that the new law would be the most progressive in the EU, something difficult to handle by a country like Spain, so exposed to the inflows of illegal immigrants and with a responsibility for guarding the southern border of the EU.

important role in that debate, and despite the initial opposition of the conservative government, basic social rights remained unchanged in the 8/2000 law.

North African immigration to Spain

Social science disciplines propose a series of hypotheses that may contribute to explaining North African migratory flows to Spain (Brettell and Hollifield, 2000). First, there is the geographical proximity (in addition to the Spanish enclaves on the North African shore – only 14 kilometers separate Morocco from the closest point of the Spanish coast), together with the existence of relatively cheap means of transportation between the two countries. The economic structure of incentives which stimulate migrations are also clearly in place, given the extreme wealth¹³ and salary differentials which exist between them, which North African populations are constantly reminded of by European TV channels broadly watched in the region. The segmented character of Spanish labor markets, which generates a strong demand for unskilled workers, also constitutes an important magnet for North African migrants.

In close interaction with these factors, the historical connections between both shores (colonial domination between the nineteenth century and the first half of the twentieth century) help explain the development of current migratory flows (Lopez, 1993). The existence of well established North African communities in Western Europe point to the importance of social networks (family, kinship, common origin) in providing the necessary information, finance, support and solidarity to undertake the migratory project. Those networks have been traditionally stronger in countries like France, Belgium or The Netherlands, but following the strengthening of migration policies in Western Europe and the incorporation of southern European countries into the EU, they have expanded their influence in countries like Italy and Spain.

The details of Spanish policies on North African migration

As previously stated, the strengthening of border control was initially implemented with little interest by Spanish authorities. Over time, as EU pressures increased and growing numbers of migrants settled in Spain, more resources were dedicated to monitor borders. Control of the southern border became the exemplification of the role of Spain

13 Based on 2003 data, the wealth gap between Spain (\$23,000 GDP per capita, ranked 33rd in the world and one of the less developed economies of the EU) and Morocco (\$4,000, ranked at 137th place) was more pronounced than that existing between the United States and Mexico (\$37,000 GDP per capita, ranked 2nd, vs. \$9,000, ranked at 85th place).

as gatekeeper of the EU's external border. The Spanish media increasingly concentrated its attention on tragic images of African migrants risking and often losing their lives trying to achieve the European dream. This media attention sent an ambiguous message of humanitarian concern and "fear of invasion".

Migration grew progressively within the already charged bilateral political agenda between Spain and Morocco. Relations between these two neighboring countries had traditionally been highly complex, with protracted issues like the future of the Western Sahara,¹⁴ sovereignty over Spanish possessions on the North African coast,¹⁵ the smuggling of illicit drugs (particularly hashish) from Morocco to Spain and of consumption goods from Ceuta and Melilla to Morocco, and the access of Spanish boats to Moroccan fisheries. The incorporation of Spain into the EEC in 1986 was perceived with suspicion by the Moroccan government, adding new issues to that list (competition for European markets in agricultural products, growing political leverage of the Spanish government in Europe, transit through Spain of Moroccan immigrants settled in the EU). The gradual development of a Moroccan migrant community in Spain introduced some additional dimensions to the already long list (control of unwanted migratory flows, living conditions of Moroccans in Spain, undocumented migrants, remittances, Social Security transfers).

For Spanish authorities, the main objective was reinforcement of border control measures by Moroccan authorities to prevent the arrival of unwanted migratory flows. Bilateral cooperation in this respect was marked by the signing of agreements to regulate the introduction of visas for Moroccan nationals in 1991, and the 1992 agreement for the readmission of migrants illegally arriving in Spain from Moroccan territory. The 1999 agreement for the import of Moroccan temporary workers constituted another step in the direction of trying to manage the inflows of migrants and improving the living conditions of Moroccan immigrants in Spain. Initiatives like the deployment of joint sea patrols (*El País*, September 16, 2004) and the 2002 agreement for the repatriation of unaccompanied Moroccan minors strengthened bilateral cooperation in this area of policies.

The actual implementation of those agreements was determined by the state of bilateral relations, with migration-related issues becoming a bargaining chip in the negotiation process. Moroccan authorities modulated their level of cooperation in the

14 A Spanish colony until 1975, the Western Sahara was annexed by Morocco after Spain retreated from that territory in the context of internal political instability (imminent death of the dictator Franco) and international tension (Moroccan authorities organized the "Green March", mobilizing tens of thousands of Moroccan citizens claiming the territory for Morocco). The final status of that territory remains unresolved after a guerrilla war between the Moroccan state and the Sahrawi Polisario Front ended in a 1991 UN-brokered ceasefire, and a UN-organized referendum has repeatedly been postponed.

15 Although those enclaves have been under Spanish control for around five centuries, Moroccan authorities do not officially recognize Spanish sovereignty there.

readmission of undocumented migrants in keeping with the evolution of relations between the two states,¹⁶ and, in fact, they systematically refused to accept the repatriation of sub-Saharan undocumented immigrants even though this was part of the 1992 agreement. The bilateral agreement for the import of temporary Moroccan migrants also languished due to the lack of a clear political will to make it work on the part of Spanish authorities.¹⁷ Nevertheless, and despite existing limitations, the efforts and resources devoted to the control of migratory flows entering through the southern shores of Spain seem to be proving relatively successful.¹⁸

In the European summit of Tampere, the High Level Group on Asylum and Migration, set up by the European Council in January 1999, presented its progress report (European Council, 1999), as well as a series of draft action plans for countries considered to be of special interest in relation to migration flows. The report on the action plan for Morocco, coordinated by Spain, place considerable emphasis on the idea of transforming this country into a “buffer” zone to reduce migratory pressures on the southern border of the EU. Following the main guidelines of official Spanish policy towards Morocco, several proposals were made to accomplish that objective: cooperation to facilitate socioeconomic development, implementation of mechanisms for readmitting undocumented migrants trying to enter the EU through Moroccan territory, and development of temporary migration projects. EU officials initiated negotiations with Moroccan authorities to link the control of migration flows to issues of financial aid and access of Moroccan products to European markets. The idea of establishing reception areas for potential migrants in transition countries (including Morocco) financed and supervised by European institutions has been openly discussed as a way of diminishing migratory pressures in Europe.

Evolution of the North African communities in Spain

North African migrants, mostly Moroccan men from the rural regions of the Rif and Yebala, started to arrive in Spain in significant numbers in the early 1980s, taking

16 During 2000-2002, relations between both states severely deteriorated. That period was marked by such events as: non-renewal of the agreement for access of the Spanish fleet to Moroccan fisheries in December 2000; mounting of the dialectic tone which culminated in the withdrawal of their ambassadors; and, finally, the crisis over the Perejil/Laila island in July 2002, which ended with the intervention of the Spanish army to establish the *status quo ante* and with the United States calling both parties to stop escalation of the tension.

17 The declared plan was to bring to Spain some 1,100 Moroccan workers in 2004, with the aim of expanding this number to 2,100 workers in 2005 (*El País*, September 16, 2004).

18 The number of *pateras* trying to reach Spanish coasts decreased by nearly 20% in 2003 (*El País*, October 5, 2004).

advantage of the lack of regulation, lax border controls and visa exemptions. The newcomers were generally unskilled and poorly educated, and they took some of the worst jobs in the construction, agriculture and service sectors.

As border control policies tightened, the smuggling of undocumented migrants developed, increasing the price and risks of the migratory enterprise.¹⁹ In addition to the *pateras*, undocumented migrants tried to enter Spain by jumping fences, swimming to the beaches of Ceuta or Melilla, passing under trucks or concealed in their cargos, and hiding in the trunks of cars or the holds of fishermen's boats.

Table 3. Relative importance of North African migration in Spain

Year	Total Foreign Population	Of Which Africans	% of Total Foreigners	From Main North African Countries		
				Morocco	Algeria	% of Total Foreigners
1975	165,289	3,232	1.95	2,277	94	1.43
1980	182,045	4,067	2.23	2,964	180	1.72
1985	241,971	8,529	3.52	5,817	363	2.55
1990	407,647	25,854	6.34	16,665	702	4.26
1992	393,100	71,292	18.13	54,105	2,864	14.49
1994	461,364	82,602	17.90	63,939	3,201	14.55
1996	538,984	98,820	18.33	77,189	3,706	15.00
1998	719,647	179,487	24.94	140,896	7,043	20.55
2000	895,720	261,385	29.18	199,782	13,847	23.84
2001	1,109,060	304,109	27.42	234,937	15,240	22.55
2002	1,324,001	366,518	27.68	282,432	20,081	22.84
2003	1,647,011	432,662	26.26	333,770	23,785	21.70
2002 ^a	1,977,944	399,836	20.21	286,333	30,421	16.01
2003 ^a	2,664,168	522,682	19.61	352,452	37,595	14.64

Source: Elaborated by the author, with data from INE (www.ine.es) and Izquierdo, 1996.

a Data from the Census including all those registered (regardless of their legal status).

19 The number of immigrants who drowned trying to cross the *Estrecho* is a tragic reminder of the importance of the flow of *pateras*. According to the Ombudsman of Andalucía, more than 1,000 immigrants were reported dead trying to cross the *Estrecho* between 1993 and 1998. For ATIME, an association of Moroccan immigrants in Spain, that figure reflected deaths for 1998 alone, because most shipwrecks took place near the Moroccan coast or were moved by the currents and therefore went unnoticed by Spanish authorities (*El País*, February 9, 1998, and August 8, 1998).

Despite increasing barriers to the arrival of North African migrants, the numbers of Moroccans and Algerians living in Spain grew slowly but steadily during the 1980s. As Table 3 shows, from around 3,000 in 1980, they grew to some 17,000 in 1990 (from 1.7% to 4.2% of the total foreign population). During the 1990s, this trend accelerated, reaching 250,000 in 2001 (more than 22% of the foreigners living in Spain). After that point the figures continued to grow, but their relative importance started to decline, due to the arrival of large numbers of Latin American and Eastern European migrants. At present North Africans represent 14.6% of the total foreign population (back to their relative weight in the mid-1990s). The establishment of these communities followed two main paths: the regularization of undocumented migrants and new arrivals through family formation and/or reunification.

North Africans considerably benefitted from the regularization schemes set up by the Spanish authorities. Thus, some 7,000 Moroccan undocumented migrants were regularized in 1986, and nearly 50,000 others in 1991 (this last regularization process was in fact negotiated with the Moroccan authorities in exchange for the introduction of visas for Moroccan nationals). The regularizations triggered by the 4/2000 law also contributed to bringing large quantities of North African migrants to the surface: some 45,000 Moroccans and more than 5,000 Algerians were granted permits through the 2001 regularization process, while some additional 20,000 Moroccans and nearly 3,500 Algerians took advantage of the *arraigo* scheme to obtain their permits.

The demographic profile of the North African migrant communities has become increasingly complex over time due to the slow but constant process of family reunification. This is shown by the gradual feminization of these communities, resulting from the arrival of growing numbers of women coming on their own to find a job in the niches of the labor market where there is demand for them (mostly domestic service), through family reunion programs, or born in Spain to immigrant parents. From slightly more than 15% in 1994, women constituted 32% of the Moroccan community in Spain in 2003. The development of a “second generation”, today at different stages of the Spanish education system, constitutes a very important issue in itself, and presents a totally different profile from that of primary migrants.

An interesting issue reflected by Tables 1 and 3 refers to the relative decrease in importance of North African undocumented migration when compared to groups from other parts of the world. With all the necessary caution needed to analyze the meaning of the differences between the data provided by the Census and that on legal foreign residents provided by the Ministry of Interior,²⁰ we can see how nearly half of Latin

20 The most direct way of reading those discrepancies is to calculate the number of undocumented migrants by subtracting the number of legal foreign residents from the data provided by the Census. This presents, of course, problems of reliability linked to the nature of the data. The possibility of duplications in the Census (undocumented migrants registered in more than one municipality) and the fact that

Americans registered in the Census do not have a residence or work permit (the Census counted nearly 1,050,000 Latin American residents in 2003, while the Ministry of Interior only recognized 514,000 foreigners from that region living in Spain). That ratio is even bigger in the case of Eastern Europeans (nearly 350,000 registered in the Census as opposed to 150,000 legal residents). In the case of African migrants, it is less than one in five (some 520,000 included in the Census, and more than 430,000 legal residents). In the case of Moroccans, the discrepancies between the Census and the data provided by the Ministry of Interior are rather marginal (of a magnitude of about 5%), indicating that the size of the Moroccan undocumented migrant population in Spain could be relatively small. We can argue that this is a sign of the relative efficacy of border control measures applied in recent years by Spanish authorities to prevent unwanted migration from the African continent, as well as of the relative laxity of border controls in relation to flows coming from other regions.

The challenge of North African migration in Spain

North African migrant communities have adopted a clear pattern of territorial distribution within Spain, centered on the Mediterranean coast, as well as in the Madrid region. The Moroccan community is particularly present in Catalonia, Andalucía and Madrid, while Algerians (a much smaller group) are concentrated in the Valencia region and more specifically around the city of Alicante (connected with their country of origin by historical links, as well as by a weekly ferry). Each of these locales have their own pattern of labor market incorporation, strongly conditioning the life chances of these groups.

Those working in the agricultural sector tend to live in semi-rural areas near their jobs. While many follow the different harvests (fruit, olives, vegetables) across Spain (and sometimes southern Europe), others remain more stable in specific localities where they alternate jobs all year round. Common to both kinds of work patterns is the precariousness of their accommodations, often characterized by relatively high rents and the lack of basic facilities (Martínez Veiga, 1999).

Like other migrant groups, North Africans who find jobs in the industrial, construction or service sectors tend to be concentrated in urban areas, particularly in Barcelona and Madrid. In the first stages of their settlement process, they tend to live in transition areas in the city centers (deprived and deteriorated neighborhoods progressively abandoned by their traditional inhabitants, where migrants represent the last chance of

undocumented migrants registered in a Spanish municipality may not even be living in the country anymore (they could have moved to other EU countries, but remain registered in Spain in an attempt to receive a work permit in a future process of regularization) create uncertainty about the accuracy of that data.

extracting rent from old housing). In these neighborhoods (like the Raval in Barcelona, or Lavapiés in Madrid), migrants constitute nearly half of the population, and local inhabitants (an aging population with little material, social or cultural resources) tend to perceive the newcomers as a threat to their traditional way of life. Indeed, the presence of these migrants personifies a process of social, economic and cultural change which is gradually eroding the traditional world they used to know.

As migrants become more settled and family reunification takes place, many of them move to the periphery of metropolitan areas in search of bigger dwellings at an affordable price. Those areas, generally built in the 1960s during industrialization to accommodate internal migrants who moved from their villages to the big cities, constitute working-class enclaves where the new migrants are increasingly perceived as growing competition for scarce resources (e.g., public services, welfare plans, jobs). The high concentration of North African immigrants in these neighborhoods does, in fact, pose a series of challenges to the public education system (strained in an attempt to provide a decent standard of education to a population which is becoming growingly diverse, and which often lacks the linguistic abilities to progress adequately), to the health care system (having to attend to a growing population with differential needs), and to social services – all having to function with the same limited resources. Responsible for providing such welfare services, local and regional authorities are becoming increasingly outspoken, asking to play a bigger role in decision-making with respect to migration policies and demanding that the central government take into consideration the concentration of migrant populations when discussing financial and budgetary allocation for those areas.

The majority of North African migrants legally working (and therefore contributing to the Social Security system) continue to be men. Although women constitute 32% of the Moroccan migrant community, they represent only 15% of the Moroccan work force. This can be partly explained by the traditional pattern of female labor among this group, but we should also take into consideration the high participation of North African women in the unregulated informal economy (domestic sector, homecare and some industrial sectors, such as textiles, garments and footwear, which rely on informal labor to keep production costs low).

Data on unemployment among North African migrants is neither abundant nor reliable. The scarce evidence available (based on the main national survey on labor market participation) indicates that unemployment rates in this group are significantly higher than those of other immigrant communities, and definitely higher than that of Spanish nationals, independent of age, gender, education level or period of residency in Spain (Pérez-Díaz et al., 2004). The extent to which this may be a consequence of prejudices and discrimination remains difficult to discern. A study promoted by the International Labor Organization on the situation of immigrants in the Spanish labor market in the mid-1990s (based on the use of actors to trace the existence of discriminatory treatment) showed that the chances of an autochthonous male worker

being hired for a skilled job within the service sector was three times that of a Moroccan with the same qualifications, age and work experience (Colectivo IOE and Pérez Molina, 1995). When it came to other sectors where the presence of migrants was already more common, the probabilities of unequal treatment decreased.

There is also evidence pointing to existence of discriminatory practices in relation to work conditions, promotions, salaries and the like (Cachón Rodríguez, 1999). These have been studied in detail in relation to the incorporation of Moroccan workers within the construction sector – in principle, and, according to Colectivo IOE and Pérez Molina (1995), one of the less prone to discriminate against Moroccan workers in its hiring practices. In addition to showing the buffer effect of this migrant group in relation to the evolution of the economic cycle (they are more likely to be fired during periods of lower activity), this research points to the importance of employers' prejudices and stereotypes in assigning tasks, responsibilities and promotions (Moroccan workers were systematically downplayed, while Polish workers, considered to be more reliable, hard-working and skilled, were more likely to be pushed up the professional scale; see Colectivo IOE, 1998).

At present, North African migrants do not seem to constitute real competition for Spanish workers, for they tend to occupy relatively different niches of the labor market. When they share spaces, discriminatory treatment seems to favor nationals. In the future, though, and as the second generation's expectations merge with those of locals (therefore rejecting the jobs that their parents had no option but to accept), Spanish society will have to establish mechanisms to prevent discrimination and to facilitate the possibilities for upward socio-professional mobility of those new citizens. Spanish society does not seem particularly well endowed to face this challenge at present, particularly in relation to North Africans.

Despite the multiple objections we could raise to the way this type of data is generated, surveys²¹ show how North Africans are systematically placed among the less liked groups by Spanish nationals.²² Parallel to a slow and complicated process of adapting Spanish society to the presence of immigrant populations, and probably not at all isolated from a general mood established within the international arena (particularly since the September 11 terrorist attacks in the United States), the image of these groups has deteriorated in recent times.

21 Three main sources of survey data on attitudes towards migrants exist in Spain: the CIRES (the oldest series on the issue), the CIS (with some sporadic studies) and the Eurobarometer.

22 Only when gypsies (obviously not a nationality group) are included in the survey do North Africans forfeit the bottom ranking. This is a clear indication of how gypsies, the traditional "ethnic minority" in Spain, constitute the "other within", in relation to which the idea of "Spanish" has traditionally been constructed.

When asked to rank their sympathies for groups from different world regions along a 0-10 scale, Spaniards have systematically chosen North Africans as the less liked group, with marks around 6 during the second half of the 1990s and down to around 5 in 2002 and 2003 (Campo Ladero, 2004; CIS, 2003; Díez Nicolás, 1998). A similarly reluctant attitude towards North Africans is expressed by Spaniards when asked if they would mind having them as neighbors, workmates or relatives. Qualitative research based on focus groups with inhabitants of neighborhoods with a high presence of North African migrants show a clear concern among Spanish nationals about the cultural differences of this migrant community, their perceived hostility towards Spaniards, as well as a moral judgment about the way women are treated by Muslim men, all within a general perception of losing control of the public space in their neighborhoods (Pérez Díaz et al., 2004).

Tracing the origins of the negative attitudes of Spaniards towards North Africans is clearly beyond the scope of this article, but a few historical clues could shed some light on the deeply embedded nature of those prejudices. The negative conceptualization of “Moors” within the Spanish collective imaginary has at least three key historical moments in which it has operated as an aggregation mechanism in a process of identity formation. The first of those moments is the long period of struggle for the control of the Iberian peninsula (between the eighth and fifteenth centuries), presented within a religious/ideological historical interpretation as opposing Christian “values” to Muslim “barbarism”.²³ The conflicts with the Ottoman Empire and the North African pirates of the following centuries kept alive the image of the barbarism of “Moors” within the Spanish imaginary.

The second moment that reinforced the negative image of the “Moors” was the failed Spanish colonial enterprise in North Africa during the last years of the nineteenth century and the first decades of the twentieth. The military adventure of a Spanish Protectorate in the North of Morocco exacted a very heavy price among the Spanish people (particularly the most disenfranchised classes, who could not avoid being drafted to fight against the constant uprisings of the natives of that region). Images of the bodies of Spanish soldiers who had died during those campaigns, combined with nationalistic propaganda depicting the “Moors” as dirty, ignorant and again “barbaric”, created a profound and extremely negative impression among Spaniards. Finally, the participation of the Moorish troops in the rebellion against the legitimate government of the Second Republic in July 1936, their visibility at the forefront of the troops of

23 The defeat of the last Muslim kingdom in the peninsula in 1492 opened a “window of opportunity” for the creation of a religiously homogeneous Polity of which first the Jews, and then the Muslims, were the primary victims. The corrupted nature of the “infidels” was systematically evoked by the religious and political authorities to justify the “religious cleansing”.

Franco's army (Sánchez Ruano, 2004) and their use on the personal guard of the dictator in the aftermath of the war contributed to reinforce the negative image of North Africans in Spain (in this case, particularly within the Left which, due to their internationalist inclinations, should have been less prone to a prejudiced perception of the "other").

In recent times, the definition of the migratory situation as an "invasion" of the poor masses from the south has generated anxieties within the Spanish population and reinforced negative prejudices against North Africans. The establishment of a "causal" link between the increase in criminality and the growing presence of immigrants by some politicians of the conservative party in government between 1996 and 2004 (as a way of preventing the appearance of a extreme-Right party that could claim part of the xenophobic vote) played upon those popular fears. The idea that the disenfranchised character of those migrants would push them to do "anything" in order to get what they came after favors the development of a discourse centered around the issue of "security", a phenomenon which can be observed in many Western societies in recent years (Gil Calvo, 2003).

The March 11, 2004, terrorist attacks in Madrid, conducted by radical Islamists of Moroccan nationality, resulted in 192 people dead and several thousands wounded. Presently, no survey has been published on the evolution of the perception of North African migrants by Spanish society,²⁴ so we cannot estimate the impact of those attacks on the already relatively negative image of this group. In the aftermath of the attacks, Spanish public opinion appeared quite able to dissociate the actions of a minority group of fanatic Islamist militants from those of the North African community of law-abiding immigrant workers. Nevertheless, that event may have helped reinforce the feeling of mistrust towards migrants from that region.

As Table 4 shows, the general attitude towards the presence of migrant communities during the last four years has evolved towards a growing reluctance and a smaller degree of indifference. Although it is impossible to disentangle the reasons for that evolution (factors like the growth of the size of the immigrant community may be playing a big role), the savage attack against trains full of civilians may have contributed to the "activation" of xenophobic feelings (Cea D'Ancona, 2004) towards migrant communities in general, and towards North Africans in particular.

24 The May 2004 survey elaborated by the *Centro de Investigaciones Sociológicas* (Spanish Center for Sociological Research), largely dedicated to the perception of migration, did not include the traditional question on the relative perception of different migrant communities.

Table 4. Evolution of attitudes towards the presence of migrants in Spain (in %)

	Feb. 2000	Feb. 2001	June 2002	May 2003	May 2004
Reluctant	10	19	20	30	32
Ambivalent	49	36	28	32	29
Tolerant	41	45	44	38	39

Source: Cea D'Ancona, 2004.

The negative attitudes towards North African migrants have already materialized in several racist incidents in various Spanish towns and neighborhoods (notably in El Ejido, Andalucía, in 2002 and in Terrassa, Catalonia, in 2003). Of a different nature and evolution, they were based on a common rejection of the presence of North African communities. The Terrassa incidents developed in a peripheral urban working-class neighborhood where growing numbers of Moroccans had settled since the early 1990s. The previously described process of competition for scarce public resources led to rejection of the presence of the North Africans by a traditionally Communist constituency turned xenophobic. Only the intervention of the public administration, which promised to invest in the public services of that underprivileged area, calmed down the riot against the North Africans. The January 2000 racist incidents of El Ejido reflected the tense situation existing in semi-rural environments where North African and sub-Saharan migrants work in intensive agriculture, living in conditions of extreme deprivation side by side with a native population that benefits economically from their presence but does not like having to share the public space with them. The incidents started with the killing of two Spanish farmers by a Moroccan immigrant in January 2000, followed by the assassination of a Spanish woman by another Moroccan immigrant under psychological treatment a month later. These tragic events were followed by three days of looting against the North African community: cars, houses, shops and cafes owned by migrants were burned; the site used by Moroccans as a mosque, as well as the offices of an NGO working with immigrant groups, were vandalized; and the representative of the government in the province was physically assaulted by the mob. These incidents represented the final explosion of a malaise that had been mounting in previous years in parallel to the uncontrolled arrival of undocumented immigrants and the activities of xenophobic entrepreneurs (including the mayor of the town), who tried to capitalize on the social tensions generated by a situation of extreme material inequality and social exclusion.

Several positive steps have been taken by Spanish authorities to ameliorate the lot of North African migrants living in Spain. In recognition of the diversity of the contemporary Spanish population, Islam was granted in 1992 the status of a religion of recognized "rooting" within Spanish society. This measure forced all Muslim organizations in Spain to join the *Comisión Islámica de España*, an umbrella

organization charged with the task of acting as mediator between the Muslims living in Spain and the state (Pérez-Díaz et. al., 2001, 2004), and implied the granting of a series of formal rights (holidays, rituals, and social and cultural practices) which have to be respected by public administrations and private firms.

Despite the eruptions of primary racism previously mentioned, Spanish authorities do not seem particularly concerned with this phenomenon, reassured by the lack of electoral support for extreme-Right parties in Spain (a positive fact, considering the menacing shadow of those parties in European countries like France, Belgium, The Netherlands and Denmark) and by the relatively benevolent image that surveys give of Spaniards when compared with other Europeans (according to the Eurobarometer, Spain appears as one of the countries less prone to racist and discriminatory attitudes).

As Amnesty International, *SOS Racismo* and the European Network Against Racism (ENAR) periodically denounce in their reports, the relatively widespread negative attitudes and feelings against some migrant groups in Spain, particularly North Africans, are also reflected in the behaviors of public officials, notably the security forces. Despite this, the issue of the existence of institutional racism has not been introduced yet in the Spanish political agenda, and therefore no systematic study of the magnitude of the phenomenon has been undertaken. In fact, Spanish authorities have delayed their compliance with EU regulations relative to the establishment of mechanisms to monitor and fight discrimination.²⁵

Conclusions

Spanish authorities have been particularly sensitive to the opinion of other European governments in issues related to border control policies, for that area of policy is strongly based on reciprocal trust between EU member states. This resulted in restrictive border control legislation aimed at counterbalancing the geographical position of Spain at the edge of one of the areas with the highest migratory pressures towards the Union. Nevertheless, its historical, diplomatic and economic links and interests with Latin America and North Africa, as well as the need for unskilled labor, selectively softened the implementation of the strict border control regulation adopted. Thus, the policies applied in recent years seem to point to the existence of a relative preference for some migratory flows: the delay in the introduction of visa requirements for certain Latin

25 Article 13 of the Amsterdam Treaty enabled the European Commission to take action to tackle discrimination in a range of areas, including gender, racial or ethnic origin, religion or beliefs, disability and sexual orientation. Following that mandate, the Commission passed the Racial Equality Directive, forcing EU member states to develop a coherent and integrated approach to fight discrimination.

American nationalities known to be migrating to Spain in large numbers, as well as the relatively blind eye turned towards Eastern Europeans, indicate a preference for those migrants at the expense of flows from the African continent, exposed to a much more strict border control policy.

Other policies not explicitly related to border control but directly linked to the conditions that determine the right to live in the territory of the country, notably the regulation for naturalization, also indicate differential treatment of nationalities: Latin American nationals need two years of legal residency before they can apply for Spanish nationality, while North African and other national groups have to wait ten years (Moreno Fuentes, 2001).

Spain has not yet developed its own "philosophy of integration", and the creation of such a model may in fact be impossible due to the strongly decentralized character of the Spanish state. Migration may pose a very specific set of challenges linked to the risk of dilution of their unique characteristics (language, culture and the like) by the arrival of culturally and ethnically different groups that may feel tempted to embrace a general Spanish (Castilian speaking) umbrella identity, instead of a combination of a regional (Catalan, Basque, Galician) and Spanish identity. The attitude of minority nationalist forces to migration will prove extremely important in the resolution of those challenges.

Although the level of politicization of immigration issues in Spain has remained relatively low, with no extreme-Right party capitalizing on the issue of immigration, the appearance of some local xenophobic entrepreneurs in areas with a higher concentration of immigrants (Ceuta and Melilla, El Ejido, Vic) and the outburst of racist incidents have helped to gradually raise the profile of this area of policy. Since the general elections of March 2000, all political parties have been forced to express their opinion on immigration issues, and this area of policy is quite likely to occupy a growing role within the Spanish political scene, just as in the rest of Europe.

Arguments pointing to the liberal-democratic character of Western societies to understand their policies of controlling migratory flows, and to the universalistic idiom of liberalism to explain the extension of civil and social rights to populations of immigrant origin (Joppke, 1998), may contribute to explaining the low profile of those issues in the Spanish public and political agenda. Thus, the relatively weak nature of liberalism in a young democracy like Spain would account for the lack of mobilization against explicit violations of immigrant's rights and the different forms (both implicit and outspoken) of discrimination against these groups. The fight against discriminatory treatment constitutes not only a highly important current issue of justice, but also a key target for the future, if the second generation of North Africans, born and raised in Spain, are to be fully incorporated into Spanish society.

The challenges for Spanish authorities and society in relation to the incorporation of North African migrant communities seem quite specific and complex to address. The public-opinion climate generated by the (to a certain extent) self-fulfilling prophecy

of the “clash of civilizations”, combined with the troubled situation in the MENA region, the traditionally complex relations of Spain with its North African neighbors, and the feeling of being the guardian of the EU’s southern border, present a rather difficult juncture for the development of peaceful and mutually beneficial incorporation of North African migrant communities in Spain. Reaching this objective will require more proactive policies aimed at counterbalancing the negative sediments of long-lasting prejudices and misinformation.

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