

**Spain's Immigration Experience: Lessons to
be Learned from Looking at the Statistics**

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Introduction

On July 25 2006 the Spanish National Institute of Statistics (INE) released the data for 2005 from the local population register. As usual, the release has given rise to substantial media interest. The reason is that it provides indirect information on the size of Spain's yearly immigration intake. Furthermore, since both regular and irregular/(illegal) immigrants are required by Spanish law to register with the local population register, Spanish media, politicians and immigration experts in general frequently cross tabulate the data from the local population register with official data on the number of residence permits issued to gain a rough indication of the magnitude of the number of irregular immigrants residing in the country. This information is then used as a proxy to gauge the effectiveness of the country's immigration policies.

This year the data release is particularly interesting since the exercise just described will be used as the first "official" indication of the impact and effectiveness of last year's extraordinary regularisation campaign, which turned some 560,000 irregular immigrants into regular immigrants. This campaign has been, and still is, heavily criticised by several European Governments and not least by Spain's leading opposition party, the Partido Popular (PP), for having increased irregular immigration into Spain and thereby aggravated the country's irregular immigration problem. The data contained in the local population register is the only available data source that can provide an approximate answer to whether this critique is founded or not.

To this end, I shall analyse the local population register data together with the official data on the number of issued residence permits in greater detail. However, the exercise is by no means straightforward. Hence, I will start the analysis by pointing out the methodological pitfalls in comparing the two data sources, and provide arguments on how to get around some of these problems.

The following analysis serves two main purposes. The first is to use available statistics as a tool for assessing the strengths and weaknesses of the country's immigration policies, including last year's regularisation campaign. The second purpose is to provide an objective analysis of Spanish immigration statistics to be used as a benchmark for international researchers and the media interested in the quantitative aspects of Spanish immigration.

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Methodological Pitfalls When Analysing Spanish Immigration Data

Cross-tabulating aggregate data from the local population register with register data on the number of issued residence permits –with the aim of estimating the size of irregular immigration into Spain– implies comparing data from two separate and unrelated registers. Comparing unrelated register data means that we have to assume the risk of committing a series of methodological errors that in a worst-case scenario can seriously distort the analytical results. Figures 1a and 1b below show the type of errors we have to at least consider before we make any inferences about our results.

Figure 1a.

	Residing in Spain but Not inscribed as Resident	Residing in Spain and Inscribed as Resident	
Residing in Spain but Not inscribed in the local population register	A	B	A+B = Total Underestimation of the number of immigrants in the local population register
Residing in Spain and inscribed in the local population register	C	D	C+D = Total number of immigrants inscribed in the local population register
	A+C = Total number of “Irregular” immigrants in Spain	B+D = Total number of “Regular” immigrants in Spain	A+B+C+D = Total Number of immigrants present in Spain

Figure 1a is a four-field table representing the possible status of Spain's immigrant population with respect to the requirements for inclusion in any of the two registers that we are interested in comparing. Note that Figure 1a only considers the immigrant population that is physically present in Spain –regularly or irregularly–. Under this assumption an immigrant can be: **(A)** residing in Spain without a valid residence permit and without having registered with the local population register; **(B)** residing in Spain with a valid residence permit, but without having registered with the local population register; **(C)** residing in Spain without a valid residence permit, but being inscribed in the local population register; or **(D)** residing in Spain with a valid residence permit and inscribed in the population register.

Figure 1a tells us is that to be able to cross-tabulate data from the two registers in question with a view to producing reliable statistics about the number of regular and irregular immigrants and the total number of immigrants currently residing in Spain, we have to assume that the number of immigrants with status **A** and **B** is small. Or, to put it differently, as the number of immigrants with status **A** and **B** increases, the more likely we are to **underestimate the true size** of Spain's immigrant population, and hence the proportion of regular and irregular immigrants that are currently residing in the country.

Ideally, before cross-tabulating data from the two registers we should find a way to estimate how many immigrants with status **A** and **B** there are in Spain. However, while there are scientific ways of addressing the question, most of the available alternatives are both expensive and logistically difficult to carry out. For example, a full population census, currently done every ten years or so, could resolve the problem if the census questions were to be properly designed. Sampling techniques and questionnaires could also be used to determine the size of sub-groups **A** and **B**. Unfortunately, the next Population Census is not expected until after 2010 and I am unaware of any surveys that attempt to answer the question scientifically. In the absence of reliable estimates of the size

magnitudes of sub-categories **A** and **B** the best we can do is simply to assess whether it is likely that the numbers of immigrants in sub-categories **A** and **B** are large or small. As it turns out, there are several reasons to expect the size of both sub-categories **A** and **B** to be fairly small.

For example, inscription in the local population register is a basic right –as well as an obligation– for any immigrant residing regularly or irregularly in Spain. Moreover, it is a right reinforced by legal incentives in so far that their inscription in the local population register gives irregular immigrants access to healthcare in the municipality in which they reside according to the local population register.¹ What is more, Spanish law includes important mechanisms for regularising irregular immigrants (the so-called *arraigo*, or ‘to take root’) which are conditional on the irregular immigrant’s date of entry into Spain.² To this end, inscription in the local population register is at the moment the only irrefutable evidence of the length of an immigrant’s stay in the country. And, last but not least, past massive regularisation campaigns, like the one in 2005, usually also make regularisation conditional on the date of entry into the country. For example, the last massive regularisation campaign explicitly mentioned the inscription in the local population register before a specific date as a prerequisite for inclusion in the campaign.³ If –or when– Spain embarks on a massive regularisation campaign in the future, it is likely that inscription in the population register will be used as a prerequisite for inclusion. Considering this, very few immigrants can be expected to forsake the right and obligation to be inscribed in the register.⁴

As for disincentives, the only real disincentive for inscription in the local population register would perhaps be the fact that the Spanish police and security forces, following changes in the law on foreigners’ rights, have access to the register’s data.⁵ Theoretically, this could mean that irregular immigrants decide not to register for fear of expulsion and, of course, that any immigrants engaged in criminal activities are reluctant to register. As for the fear of expulsion, as long as an irregular immigrant is not engaged in criminal activities the risk of expulsion by simply registering with the local population register is virtually non-existent. Nor are there any procedures for massive expulsions of irregular immigrants that have registered with the local population register. Finally, by looking at the net increases in the stock of foreigners in the local population register before and after the legal changes, it can easily be seen that there are no significant differences in the number of inscriptions after the changes were implemented and, hence, opening the register for police investigation has not altered the immigrants’ registration propensities in any significant way.⁶

The argument so far supports the assumption that the number of immigrants in Spain under the subcategory **A** is likely to be small. But, as it so happens, most of what has been said above is valid also for sub-category **B**. As we will see in greater detail further on in this paper, a large proportion of Spain’s immigrants pass through a period of irregularity

¹ See art. 12 of Spanish Organic Law 4/2000 on foreigners’ rights.

² See art. 45 of Royal Decree 2393/2004 for a full account of the meaning of *arraigo*. On the functionality of this mechanism see also J. Arango and R. Sandell, *Inmigración: prioridades para una nueva política española*, Informe Elcano nr 1, Elcano Royal Institute, Madrid, 2004, http://www.realinstitutoelcano.org/publicaciones/libros/informe_inmigracion.pdf.

³ See third Transitory Disposition in Royal Decree 2393/2004.

⁴ In addition, the fact that Spain carried out a regularisation campaign in 2005, which made explicit use of inscription in the local population register as a criteria for inclusion in the campaign means that the register this year could contain more reliable data as to the size of Spain’s immigration phenomenon since in effect most immigrants inside Spain were explicitly reminded of the usefulness of registering as the regularisation campaign was executed.

⁵ See Spanish Organic Law 14/2003 reforming Spanish Organic Law 4/2000.

⁶ Data supporting this observation are presented under the section ‘Taking Stock of Spain’s Immigration Phenomenon’ below.

before being issued with a residence permit.⁷ This means that before an immigrant is at risk of being in sub-category **B**, he is first at risk of being in sub-category **A** and, as I have already explained, the number of new immigrants that opt not to register with the local population register is likely to be small. Furthermore, once an immigrant has registered with the local population register he is likely –as well as obliged– to also maintain that registration after becoming a resident. In addition, inscription in the local population register for persons with a valid residence permit gives access to democratic rights and, more importantly, can prove important in the event of renewing a residence permit, as well as when an immigrant applies for permanent residence or for Spanish citizenship.

Up to this point I have provided arguments supporting the assumption that it is unlikely that the local population register significantly underestimates the number of foreigners in Spain. However, there is a parallel risk of overestimating the number of immigrants in Spain and, what is more, the risk of overestimating the number of immigrants might theoretically be much greater than the risk of underestimating them. Figure 1b shows the possible types of situations that are likely to result in an overestimation of the Spanish immigration phenomenon.

Figure 1b.

	Not inscribed as Resident	Inscribed as Resident	
Not inscribed in the local population register	<i>a</i>	b	<i>b</i> = the number of absent immigrants inscribed as residents but not inscribed in the population register in Spain
Inscribed in the local population register	c	d	<i>c</i> + <i>d</i> = Total number of absent immigrants inscribed in the local population register
	<i>c</i> = Total overestimation of the number of "Irregular" immigrants in Spain	<i>b</i> + <i>d</i> = Total overestimation of the number of "Regular" immigrants in Spain	<i>b</i> + <i>c</i> + <i>d</i> = Total overestimation of the number of immigrants in Spain

Contrary to Figure 1a, Figure 1b shows the status of people **not physically present** in Spain at the time for which data are reported. As in the case of Figure 1a we are dealing with four possible types of status. Category (**a**) is the part of the world's population residing in countries other than Spain, that does not have Spanish residence permits and that is not inscribed in the Spanish local population register. Evidently, category (**a**) is irrelevant for the purpose of this exercise, since it is the default category which we would expect all foreigners not residing in Spain to belong to. The problem is that not every person residing abroad can be dismissed that easily since there is a risk that a foreigner residing in countries other than Spain could belong to either of the sub-categories (**b**), (**c**) or (**d**).

Essentially, we are dealing with people that: (1) at some point have resided in Spain, inscribed with the local population register and perhaps even carried a valid residence permit, but who for some reason no longer live in Spain and, more importantly, never

⁷ See Rickard Sandell, 'Spain's Quest for Regular Immigration', ARI 64/2005, Elcano Royal Institute, 2005, <http://www.realinstitutoelcano.org/analisis/743.asp>, for an extensive argument explaining this counterintuitive statement, and J. Arango, 'Dificultades y dilemas de las políticas de inmigración', in *Movimientos migratorios y Derecho*, Universidad Autónoma de Madrid, Madrid, 2004.

bothered to de-register upon their departure; or (2) have never resided in Spain, but nevertheless feature in either of the two registers, which obviously suggests some kind of fraudulent behaviour. Regardless of the reasons why a person that does not live in Spain might appear in either of the two registers, if the number of people in sub-categories (b), (c) and (d) becomes large we face an increased risk of **overestimating the true size of Spain's immigration** and, consequently, the true size of the number of regular and irregular immigrants residing in the country. Unfortunately, assessing the magnitude of these sub-categories implies the same difficulties and remedies as mentioned earlier. This means that we are again forced to try to assess the size of the mentioned sub-categories by means of logical reasoning.

At first hand it would be tempting to conclude that immigrants frequently do not de-register when they return to their country of origin or move on to another country after having resided in Spain for a length of time. After all, it is a small bureaucratic nuisance to have to de-register. Moreover, there are no obvious incentives for doing so.

On the contrary, it could be argued that there are certain advantages for irregular immigrants to remain inscribed in Spain's local population register after their departure from the country. In general, Spanish immigration practices to this day are clear on one question: the longer one appears in Spain's local population register, the greater are the chances to become eligible for legal residence, either by means of the *arraigo* or through an extraordinary regularisation campaign. And, as it so happens, regardless of whether an immigrant lives in Spain or not, the chances of being granted legal residence simply on the basis of the registered entry into the country as reported in the local population register can act as a strong 'just in case' incentive against de-registration upon departure for irregular immigrants that either move on to a third country or return to their country of origin and who do not rule out the possibility of returning to Spain at a later time if the opportunity to become a regular immigrant becomes a reality. Regardless of whether the immigrants departing from Spain de-register or not, the possibility that this might be a common pattern of behaviour implies that there is a more or less serious risk that we will overestimate the number of immigrants actually living in Spain.

However, following the legal modifications introduced in 2003,⁸ as from December 2005 foreigners from outside the EU are required to renew their inscription with the local population register every second year. That is, starting from 2005 foreigners that are included in the local population register before December 2003 are automatically removed from the register if they have not expressly filed for renewal with the local authorities before the end of 2005. Obviously, while this measure does not eliminate the problem of overestimation, it certainly reduces it to a relative minimum. No doubt, the local population register data published in 2005 should be more accurate than in previous years simply because those departing without de-registering are in effect automatically excluded from the register.

Still, some caution should be exercised with regard to the new practices. For example, one issue is whether the immigrants concerned have received sufficient information as to their obligation to file for a renewal of their inscription. Other concerns are how the local authorities have implemented the instructions issued by the national statistical agency. For instance, when they released the data, Madrid's local authorities claimed that the national statistical agency had deleted immigrants from the population register who according to the local authorities still lived in the community. Problems like this can arise because of differences in understanding the renewal procedures and the lack of an established routine. Since last year was the first time that the new practices were implemented, we can expect that immigrants currently living in Spain –and who should

⁸ See Spanish Organic Law 14/2003 reforming Spanish Organic Law 4/2000.

therefore be included in the local population register– might accidentally have been deleted from the register because of administrative confusion or the lack of sufficient information. Nevertheless, the data for 2005 are probably far more reliable with respect to problems of overestimation than those of any previous year.

However, if immigrants have accidentally been deleted from the local population register, this could increase the risk of an underestimation bias, since immigrants would then pass from categories **C** and **D** in Figure 1a to categories **A** and **B**. Furthermore, since the time interval for renewal is set at two years, there is the possibility that the overestimation bias could still be significant in so far as the new procedures do not exclude immigrants who arrived after December 2003 and who have subsequently departed without de-registering. Given that the yearly net increase in the number of foreigners in the local population register is around 600,000-650,000, the number of returns could potentially be large, although there is no available information supporting this hypothesis. For now, we have to accept that as long as the renovation cycle is set at two years there will be a risk of overestimating the number of foreigners in Spain.

Most of the arguments laid out so far regarding both over- and underestimation biases are valid primarily for so-called non-EU immigration. Immigrants from EU states have different rights to immigrants from outside the EU, and these substantial legal differences generate a very different incentive structure for EU citizens as to whether or not to enrol in the local population register and/or apply for a residence permit.

The free movement of people between EU countries is a basic right for all EU citizens.⁹ According to EU regulations –and to Spanish instructions on how to implement them– EU citizens are not requested to file for residence permits when immigrating into Spain, although many still do for practical reasons.¹⁰ Another issue concerning EU immigration are the frequent cases in which EU citizens live part of the year in Spain and part of the year in their country of origin. In principle, a person dividing his time between two countries should inscribe with the Spanish local population register if he spends most of the year in Spain. It is questionable whether or not this is a common practice.

In addition, regardless of the type of EU immigration we are talking about, since inscription in the local population register is not going to improve an EU immigrant's outlook for staying –nor is the right to health care or education contingent on prior inscription in the local population register, as is the case with non EU immigrants–, the only real incentive for EU citizens to register with the local population register is probably to exercise the democratic rights which EU immigrants obtain upon registration (for municipal and EU elections). There are to my knowledge no existing studies about the participation rates of EU citizens in Spanish local and EU elections, but the importance of the democratic incentive should most likely not be exaggerated.

The lack of any explicit incentive for EU immigrants to register with the local population register or to apply for residence permits is likely to create a situation in which both registers underestimate the size of EU immigration into Spain. The lack of incentives with regard to enrolling in the two registers is also likely to create a situation in which there is a serious mismatch between them. The potential for a mismatch is actually reinforced by EU legislation: EU Directive 2004/38/EC has simplified the conditions and administrative

⁹ Transitory rules restricting the free movement of people may exist between new and old member states at times of enlargement. This was the case in the last enlargement in 2004 and in 1985, when Spain became a member. In Spain's case, free movement was obtained in 1991, some six years after membership was granted.

¹⁰ See EU Directive 2004/38/EC and instructions concerning EU citizens' obligations with respect to residence permits posted on the Ministry of Labour and Social Affairs' official website <http://extranjeros.mtas.es/es/general/ex16.pdf>.

formalities associated with the exercise of the right of free movement and residence in the Member States. For a period of residence of less than three months the only requirement is the possession of a valid identity document. For residence of more than three months, the need to hold a residence card for citizens of the Union has been abolished and replaced –if provided for by national legislation– by registration in the population register of the place of residence. That is, current practices with regard to EU citizens suggest that it is likely to be a common practice among EU citizens to inscribe with the local population register, but not bother to apply for a residence permit. The methodological problems implied by such a mismatch could be more serious than might be thought, especially if the aim is to assess the size of the phenomenon of irregular immigration in Spain by comparing the number of foreigners inscribed in the local population register with the number of issued residence permits, since EU citizens are included in both registers. For example, a raw comparison of data from the local population register and data on the number of issued residence permits gives the following results:

Table 1. Spanish Crude Immigration Statistics (in Thousands)

	2006	2005
Total number of foreigners in the local population register	3,871	3,716
Total number of foreigners in the residence permit register	2,729	1,969
Difference: crude stock of irregular immigrants	1142,	1,747

Source: INE and Ministry of Labour and Social Affairs.

According to this simple cross-tabulation of the aggregate data from the two registers, we find that there are more than 1.1 million irregular immigrants in Spain. However, and because of the special case posed by EU immigration, the data just described by no means reflect the actual situation with regard to irregular immigration in Spain. To illustrate the type of problems we are dealing with when we cross-tabulate the information contained in the two registers, let us turn to a table that includes the ten countries that contributes the largest number of irregular immigrants in Spain:

Table 2. Ten Most Common Countries of Origin in Terms of Irregular Immigration in Spain

Rank	Country	% of Total Crude Stock of Irregular Immigrants as Reported in Table 1	Crude Stock of Irregular Immigrants
1.	Rumania	17	189,821
2.	UK	11	124,971
3.	Bolivia	7	81,706
4.	Germany	7	78,644
5.	Argentina	5	53,549
6.	Ecuador	4	42,520
7.	Morocco	4	41,895
8.	Brazil	4	40,662
9.	France	3	37,464
10.	Bulgaria	3	37,428
	Total top 10	64	728,660

Source: INE and Ministry of Labour and Social Affairs.

In this crude comparison of data from the two registers, the ten countries shown in Table 2 account for 64 % of Spain's total stock of irregular immigrants. The problem of course is that there are three EU countries in the Table –the UK, Germany and France–. Together they contribute approximately 240,000 irregular immigrants, which is more than 20 % of Spain's total stock (see Table 1). As explained above, the only problem with this type of cross-comparison is that EU citizens can –but are not obliged or required to– apply for a residence permit. What is more, because of EU legislation, EU citizens should never be considered irregular immigrants. That is, the data on the number of irregular immigrants in Table 1 are inflated because they count immigrants from the UK, Germany, and France as irregular, which is simply wrong.

Expanding on the statistics available for Europe (see Table 3) we find that the EU-15 and EFTA countries –all subject to EU regulations on intra-EU migration and whose citizens

are not required to have residence permits for stays of over 90 days– accounted for 868,000, or 22%, of the foreigners on the local population register. Meanwhile, this same group of countries accounted for 513,000, or 19 %, of the residence permits issued in Spain. This makes for a crude difference of 355,000 people, which if considered as irregular immigration would explain around 31 % of Spain’s total irregular immigration. Taking into account that Spain (from 1 May 2006) also grants the ten new Member States the same privileges with respect to the free movement of people that the rest of the EU Member States enjoy, the current weight of EU immigration is 24 % of the total number of foreigners in the local population register, 21 % of the issued number of residence permits and 33 % of the total number of irregular immigrants.

Table 3. Weight of Immigration From EU Member States and Europe as a Whole

Year	Statistics	EU-15 + EFTA	EU-10 New Member States	Rumania & Bulgaria (EU Accession Countries)	Rest of Europe	Total EU-27 + EFTA	Total Europe
1 Jan. 2006	Local population register	868 (22%)	78 (2%)	476 (12%)	139 (4%)	1421 (37%)	1560 (40%)
	Nr of residents	513 (19%)	55 (2%)	248 (9%)	96 (4%)	817 (30%)	913 (33%)
	Difference: crude stock of irregular immigrants	355 (31%)	23 (2%)	227 (20%)	43 (4%)	604 (53%)	647 (57%)
	1 Jan. 2005	Local population register	740 (20%)	62 (2%)	410 (11%)	138 (4%)	1213 (33%)
Nr of residents	462 (23%)	36 (2%)	116 (6%)	57 (3%)	613 (31%)	670 (34%)	
Difference: crude stock of irregular immigrants	278 (16%)	26 (1%)	295 (17%)	81 (5%)	599 (34%)	680 (39%)	

Percentages are calculated using the aggregate totals for each category of information as reported in Table 1. Data in thousands.

Source: INE and Ministry of Labour and Social Affairs.

If we also consider the two accession countries –Rumania and Bulgaria– when accounting for EU immigration, the numbers become even more impressive. The enlarged EU’s share of Spain’s total immigration is 37% of all the foreigners inscribed in the local population register, or 1.4 million people. Only 817,000 residence permits are granted to citizens from this group of countries, which is barely 30 % of the total number of permits issued. The crude difference between the two registers, ie, the hypothetical size of irregular immigration, is 604,000. That is, not considering the special circumstances surrounding EU immigration, irregular immigration from current and future EU member states accounts for around 53% of Spain’s total irregular immigration.

Clearly, if the aim is to assess the problem of irregular immigration, we have to adjust our data so that they take into consideration the special circumstances surrounding EU immigration described above. The best way to correct for the problem is simply to let the number of residence permits issued to EU member states equal the number of foreigners reported by the local population register. This solves the problem posed by EU immigration by simply eliminating all irregular immigration from EU Member States.

As regards Rumanian and Bulgarian immigrants, they are still required to have a residence permit for a stay longer than 90 days, and are –for the time being– comparable to those from non-EU countries. However, because Rumania and Bulgaria are on track for EU membership, irregular immigrants from these two countries are a slightly different problem to those from other countries in so far as the problem will disappear once they are granted freedom of movement with the rest of the EU Member States. As things now stand, it is unlikely for free movement to be granted simultaneously with their membership

of the Union (expected for 1 January 2007). Past experience, along with the peculiarities of these two countries –such as extremely large irregular emigration to, for example, Spain–, suggests that free movement might not be granted until several years after their entry into the Union.

While the operation just described solves the problem of irregular immigration, it is far from a perfect correction tool for EU immigration as a whole. As explained earlier, EU immigrants can be expected to be less inclined to enrol in the local population register than immigrants from outside the EU. The implication is that the size of EU immigration is likely to be underestimated, but it is difficult to tell by how much. Nevertheless, EU immigration, while most likely underestimated, is less of a problem than would be a serious underestimation of immigration from non-EU states. This is so because there is no doubt about an EU citizen's right to live and work in Spain. This is not to say that underestimating EU immigration is entirely problem-free. Knowledge about the number of people actually living in a country is crucial for social planning and policymaking. It is particularly important information at the local level. We know for a fact that EU immigrants tend to be concentrated in certain coastal areas of Spain, which if unaccounted for may hamper the capacity to provide basic services, such as, say, health care. Hence, while EU immigration is of little or no importance when assessing the effectiveness of Spain's capacity to deal with irregular immigration, there is probably a demand for more accurate reporting as to the true size of EU immigration in order to facilitate social planning and the provision of services in areas with a high density of EU immigrants.

To conclude the first part of this article, comparing the aggregate data of the local population register with the aggregate data from the residence permit register is not without problems. However, as long as we control for the specific problems posed by immigration from EU Member States there are good reasons to believe that the way in which the Spanish authorities currently manage the local population register data – particularly after the introduction of measures dealing with the problem of overestimation– in combination with the immigrants' inclination to enrol on the local population register – regardless of their status as irregular or regular migrants– makes the local population register a more reliable statistical source than most other comparable registers in other European countries. Since it is likely that the local population register offers relatively reliable data on the number of foreigners in Spain and as official data on the number of issued residence permits are highly reliable, there are no formal methodological obstacles to a **tentative** comparison of aggregate data from the two registers. Hence, cross-tabulating the data is informative as regards the magnitude of Spanish regular and irregular immigration.

Taking Stock of Spain's Immigration Phenomenon

In the previous section I have explained at some length the problems of comparing the data from the local population register and the number of residence permits. Taking these problems under consideration –and whenever possible making the necessary adjustments to overcome existing methodological problems– enables us to explore the data from the local population register in greater detail.

I start this analysis by making a general assessment of the changes in Spain's immigration between 1 January 2005 and 1 January 2006. Table 4 shows the crude data from the local population register together with data on the number of issued residence permits –but controlling for the problem posed by EU immigration discussed above– and on region of origin. That is, in reporting immigration from Europe, for the EU-25 and EFTA Member States I let the number of issued residence permits equal the number reported by the local population register. While it inflates the number of residents from European countries as reported by the Ministry of the Interior, this eliminates the irregular migration

from EU Member States (for a detailed account of European immigration see Table 3 above).

Table 4. Spanish Immigration Data (in Thousands) by Continent of Origin and Changes in Percentages Between January 2005 and January 2006

Year	Statistics	EU+EFTA	Rest of Europe	Africa	Latin America	North America & Australia	Asia	Total
1 Jan. 2006	Local population register	945 (24%)	615 (16%)	737 (19%)	1,351 (35%)	26 (1%)	197 (5%)	3,871
	Nr of residents	945* (30%)	345 (11%)	646 (21%)	986 (32%)	18 (1%)	166 (5%)	3,106*
	Difference: crude stock of irregular immigrants	0 (0%)	270 (35%)	91 (12%)	365 (48%)	8 (1%)	31 (4%)	765
1 Jan. 2005	Local population register	802 (22%)	549 (15%)	709 (19%)	1,444 (39%)	30 (1%)	181 (5%)	3,716
	Nr of residents	802 (35%)	173 (8%)	496 (22%)	649 (29%)	18 (1%)	135 (6%)	2,273
	Difference: crude stock of irregular immigrants	0 (0%)	376 (26%)	213 (15%)	796 (55%)	12 (1%)	46 (3%)	1,443
Change 1 Jan. 2005 & 1 Jan. 2006	Change in local population register	18%	12%	4%	-6.5%	-13%	9%	4%
	Change in nr of residents	18%	99%	30%	51%	0%	23%	37%
	Change in crude stock of irregular immigrants	0%	-28%	-57%	-54%	-30%	-32%	-47%

Note that the number of residents no longer corresponds to the official data due to the methodological concerns regarding EU immigration explained above. All percentages are percent of total except in the last three rows of the table where percentages refer to percentage change between 1 January 2005 and 1 January 2006. Numbers are in thousands. Source: INE, Ministry of Labour and Social Affairs and the author.

As shown on the Table, Europe and Latin America are the two main regions of origin of Spanish immigration. Together they account for 75% of the number of foreigners in the local population register (approximately 40 % from Europe and 35 % from Latin America) and 74 % of the legally resident population (approximately 42 % from Europe and 32 % from Latin America). What is perhaps more interesting is that after controlling for EU immigration, when we look at the crude difference between the two registers we find that approximately 83% of Spain's total number of irregular immigrants are of Latin American (48 %) and non-EU European (35 %) origin. Africa accounts for merely 12% of Spain's total irregular immigrant stock, of which almost half is of Moroccan origin. Asia accounts for a tiny 4% of the total irregular immigration. As for irregular immigration from Europe, we have seen above that the lion's share, 227,000 or 85 %, is of Rumanian and Bulgarian origin. As regards irregular immigration from Latin America, the main provider is currently Bolivia, followed by Argentina, Ecuador and Brazil.

The most significant factor for 2005 is, no doubt, that the stock of irregular immigrants has been almost halved, from 1.4 million to 765,000 people. This is indeed a significant decrease by all measures, and is to a large extent the result of the extraordinary regularisation campaign carried out in 2005, in which 560,000 irregular immigrants were granted regular status conditional on a labour contract.¹¹ The importance of this finding should not be underestimated. The total net decrease in irregular immigration is larger than the number of immigrants included in the regularisation campaign. This suggests that the campaign has been very effective in that the number of regularisations is larger than the net inflow of new irregular immigrants, which is something past regularisation campaigns failed to achieve.¹²

¹¹ *Boletín Estadístico de Extranjería e Inmigración*, nr 7, Ministerio de Trabajo y Asuntos Sociales, Madrid, January 2006.

¹² See L. Garrido Medina, 'La inmigración en España', in J.J. González and M. Requena, *Tres décadas de cambio social en España*, Alianza, Madrid, 2005.

While we see that the number of irregular immigrants across all regions decreases very significantly between the two years as a result of the regularisation campaign, the great surprise is the changing trend with respect to the origin of irregular immigrants. Table 4 shows that Non-EU Europe's relative share of Spain's total irregular immigration increases spectacularly from 26% in 2005 to 35% in 2006. However, the trend for Africa and Latin America is the reverse: Africa's share is down from 15 % to 12 % and Latin America's from 55 % to 48 %. Asia experiences a slight increase. The changing relationship in a particular region's share of Spain's total irregular immigration between the two periods is evidence of changing irregular immigration flows over the past year. Or put differently, the reason why Europe's share is peaking is because of large-scale **new** irregular immigration from Eastern Europe, and more specifically Rumania and Bulgaria.

Evidence of this is also discernible if instead we look at the increases in the stock of immigrants enrolled in the local population register. The increase for Non-EU Europe is 12 %, while it is 9% for Asia and 4% for Africa, with Latin America seeing a 6.5% decrease. The low number for Africa and the negative number for Latin America is a strong indication that the inflow of new immigrants from these to regions is either decreasing or stagnating compared to previous years. Furthermore, if irregular immigration were a uniform phenomenon, we would expect homogenous figures across continents, and this is clearly not the case in 2005. The explanation as to why irregular immigration is heterogeneous across continents is that this is probably the result of different, as well as changing travel restrictions. I will discuss the importance of travel restrictions in more detail in the following section. For now, let us conclude that the speed at which new 'irregular' immigration from Rumania and Bulgaria is being generated is likely to erase the effects of the regularisation campaign with respect to these countries, and that we shall soon see as many, if not more, irregular Rumanians and Bulgarians as before the campaign.

However, the most spectacular finding is not the significant drop in the number of irregular immigrants in Spain, but some information in the INE's press release, when it made public the results of its analysis of the local population register. According to the INE, the net increase in the number of foreigners enrolled in the local population register was 650,000 in 2004, compared with 647,000 in 2005.¹³ A net increase of 650,000 immigrants is indeed an intriguing piece of information since it contradicts the popular notion that the extraordinary regularisation campaign should have triggered a 'pull effect' (*efecto llamada*) in 2005 bringing more new immigrants to Spain than in a normal year. Existing data show that there is no significant rise in Spanish immigration in 2005 compared to previous years. Or, to put it differently, according to available statistics Spain received as many new immigrants in 2004 as it did in 2005. Even if we expand the comparison, we find that the net increase was of 656,000 in 2003, 686,000 in 2002 and 607,000 in 2001, all according to the INE's press release on the results of the statistical analysis of the local population register data for these years. That is, according to the INE's press releases for the past six years, the net increases in the stock of immigrants in Spain have been between 600,000 and 686,000. Last year's net increase seems to indicate that the extraordinary regularisation campaign did not cause a disproportionate increase in Spain's stock of immigrants.

In addition, and very briefly, the *efecto llamada* or pull effect becomes manifest as a result of the diffusion of information about the regularisation campaign (or of its benefits) from past immigrants to people who are in close contact with them but who have not yet

¹³ The net increase between 1 January 2005 and 1 January 2006 is obtained by subtracting the sum of foreigners as reported on 1 January 2005 (3,716) minus the number of de-registrations (492,000) from the number of foreigners as reported on 1 January 2006 (3,871,000). See *Notas de Prensa*, Instituto Nacional de Estadística, Madrid, 25 July 2006.

emigrated. In turn, the recipients of the information act in response to it and, if they judge it to be favourable, consider immigrating to Spain. The *efecto llamada* is in other words a social network effect whereby information about immigration opportunities and benefits is passed on between people in the countries of origin and destination who are socially linked. Theoretically, if an *efecto llamada* has been operating as a direct consequence of last year's regularisation campaign this would imply that the larger the number of beneficiaries there are from one particular country or region of origin, the larger should be the subsequent immigration from it. As shown in Table 4, the evidence of an isolated pull effect is inconclusive. While all regions have benefited from the campaign (see the relative change in the number of irregular immigrants and the number of residents), not all regions have seen simultaneous increases in their stock of immigrants (see the relative change in the number of people in the population register). However, this is not the same as saying that there is no *efecto llamada* operating on Spanish immigration; instead, existing data only seem to suggest that to explain Spain's immigration phenomenon –particularly its irregular immigration– we have to look deeper, and most of all beyond, last year's spectacular but perhaps not so important events.

In the search for a plausible explanation to Spain's immigration phenomenon, a more provocative approach would be to ask the question –as well as to analyse– why and how is it possible for Spain to experience a net increase in the range of 650,000 people in its stock of immigrants last year –and the five previous years– when there are no existing legal mechanisms in Spanish law capable of generating regular immigration of this magnitude? A yearly net increase of 650,000 immigrants over the past six years that cannot be explained by legislation or practices suggests that something is not working as it should as regards immigration management, and that it is likely that a very large share of the new immigration of the past few years –as well as of last year– was irregular. Or, to put it slightly differently, the important issue is not to decide whether or not last year's regularisation campaign caused an isolated *efecto llamada*, but why Spain has once again resorted to an extraordinary regularisation campaign to solve its now recurring problem of irregular immigration.

To very cautiously exemplify just how large the share of irregular immigration into Spain could have been last year, consider that the net increase in the number of issued residence permits was 760,000 between 1 January 2005 and 1 January 2006 (see Table 1 above). Of this net increase, 560,000 are explained by the extraordinary regularisation campaign. This leaves a net increase of around 200,000 issued residence permits in 2005 that are not explained by the regularisation campaign. Given that INE has indicated that the net increase in the local population register was 647,000 in 2005, and that none of those who enrolled in it for the first time in 2005 were –in principle– eligible for the extraordinary regularisation campaign due to the date-of-entry requirement,¹⁴ unless the number of de-registrations of residents was very significant it can be assumed that the net increase in the number of irregular immigrants might have been as large as 470,000 in 2005 (ie, 647,000 minus 200,000). On the positive side is that approximately 30% –or 140,000– of the “irregular” immigrants are likely to be EU citizens and, hence, for the reasons explained above, they can by definition not be considered irregular immigrants. Nevertheless, the data suggest that as many as half of Spain's 765,000 current irregular immigrants (as reported in Table 4) also arrived in 2005.

Another way of arriving at more or less the same number would be to contrast the net increase in the number of foreigners with the scant publicly available information on new *regular* immigration. Since the only channel for regular immigration to Spain is by pre-arranged labour contracts and residence permits in the country of origin, provided that the immigrants are from outside the EU, regular immigrants typically need a so-called

¹⁴ See Spanish Royal Decree 2393/2004.

residence visa to enter Spain. In 2004 the number of issued residence visas was 225,000.¹⁵ No data is yet available for 2005, but if we assume that the number of issued residence visas is similar to 2004 then around 425,000 of the immigrants that registered with the local population register in 2005 –of which around 130,000 were from the EU– did not have a residence visa and consequently more than 300,000 were irregular immigrants.¹⁶

In launching the extraordinary regularisation campaign, the Ministry of Labour and Social Affairs made it clear that the campaign would more or less eliminate the stock of irregular immigrants, and that the new regulations¹⁷ for implementing Spanish Organic Law 4/2000 (and the parts that have been reformed) on foreigner's rights introduced simultaneously with the regularisation campaign, would bring down new irregular immigration to a minimum, and that regular immigration would henceforth be the rule.¹⁸ While halving Spain's stock of irregular immigrants is a significant improvement –or even quite an achievement–, a current stock of around 765,000 irregular immigrants is still by any measure a substantial irregular immigration problem. What is more, while my estimations of the size of Spain's irregular immigration might sound less dramatic than we have been led to believe many times when irregular immigration is debated, receiving new irregular immigration at a rate of over 300,000 people per year suggests that a very large part of Spain's immigration continues to be irregular rather than regular. Taken together, these are strong indications that the policies for managing immigration are still poor, partly out of control, and unable to deal effectively with the country's immigration challenge. Failing to recognise this simply means continued high irregular immigration and, of course, running the risk of having to turn to extraordinary regularisation campaigns again and again in the future.

By 'out of control' I am not suggesting that Spain's *regular* immigration practices do not work at all. This is clearly not the case. Obviously, and as should be clear from the discussion about the size of irregular immigration above, Spain receives a large number of immigrants through regular channels and the country is becoming increasingly effective in promoting regular immigration. In addition, regular immigration is increasingly being explained by past (regular and irregular) immigration. That is, as immigrants settle in Spain we will see a growing number of petitions for family reunification, which translates into new *regular* immigration in the statistics on which we focus here. It is also evident that Spain is becoming more flexible and/or skilled in contracting foreigners in their countries of origin. Contracting at source has for some time been the main mechanism for generating regular labour migration, and it would be strange if progress in implementing these policies were absent. What makes me refer to the situation as being 'out of control' is the need to explain why Spain continues to receive more irregular than regular immigrants year after year.

¹⁵ See the *Anuario estadístico de inmigración*, Ministerio de Trabajo y Asuntos Sociales, Madrid, 2004.

¹⁶ Note that one of the problems with estimating irregular immigration in the ways just described is that, because of data limitations, I have to use the net increase as a measure of real increase. The implication is that I am likely to understate the size of the immigration inflow, and hence understate the true size of Spain's irregular immigration phenomenon, since the net increase is the sum of immigration inflow minus outflow. In other words, the above estimation of Spain's irregular immigration phenomenon is most likely a relatively cautious estimation.

¹⁷ Spanish Royal Decree 2393/2004.

¹⁸ See *Boletín de Noticias Especial 2005*, Ministry of Labour and Social Affairs, http://empleo.mtas.es/itss/sala_de_comunicaciones/boletin/Boletin_2005.pdf.

Explaining the Phenomenon of Irregular Immigration in Spain: The *Efecto Llamada* Revised

Apart from a thriving economy, there are at least three interacting circumstances that currently –and for some time now– are making Spain one of the main recipients of irregular immigration worldwide.¹⁹

The first factor is related to Spanish immigration law. Following a broad consensus across all political parties, in 1999-2000 the Spanish congress approved Organic Law 4/2000 Regulating the Rights and Liberties of Foreigners in Spain. The Law has since been modified on several occasions –the latest was in November 2003, but it is essentially the same law that was voted through in 2000. The fact that we are dealing with a law that was approved with a broad political consensus is important since it suggests there is a shared political responsibility when judgement is passed regarding the effectiveness of current immigration practices.

One of the major changes introduced in the legal framework put in place in 2000 is the mechanism known in Spain as *arraigo* ('to take root'), which explicitly recognises the possibility of irregular immigrants becoming regular immigrants after a prolonged stay in Spain. There are two primary ways in which an irregular immigrant can gain regular immigrant status by means of this mechanism. The first is called *arraigo laboral* and requires the immigrant to have stayed irregularly in Spain for a minimum of two years and to be able to prove that he has been contracted illegally for at least one year by an employer.²⁰ This presupposes that the immigrant has to report his employer to the Spanish authorities. The second mechanism is known as *arraigo social* and requires the immigrant to have stayed at least three years irregularly in Spain and that he has a labour contract proposal, as well as either a proved relationship with resident family members or a favourable certificate of social insertion issued by the local government. Both mechanisms entitle the immigrant to a temporary residence permit which can be prolonged. It goes without saying that any mechanism that explicitly recognises the possibility of gaining regular immigrant status simply by having stayed sufficiently long in the country by irregular means is recognising irregular immigration as a viable alternative to regular immigration, and is consequently incentivising irregular immigration.

Apart from incentivising irregular immigration by explicitly recognising the possibility of irregular immigrants gaining regular status, Spanish immigration law provides irregular immigrants with explicit and unconditional rights as regards health and education, thereby facilitating irregular immigration. By this I am not questioning whether irregular immigrants should be granted rights of this type or not; the problem is the way they are being granted these rights. Typically, in other EU countries irregular immigrants are granted basic rights, but the competent authorities are usually notified by the service provider that an immigrant without a valid residence permit has been served, whereupon the responsible immigration authorities have to act. Furthermore, *continuous* provision of services such as healthcare and education are granted only if a residence permit decision is pending. Some countries even have restricted access to education beyond certain levels if legal residence is not proved when the immigrant applies for education services. While it is not likely that

¹⁹ Economic growth is usually a pre-requisite for being an attractive immigration country. However, there is growing evidence that the relation between economic growth and immigration is more complicated than we might think. Caixa Catalu na, in its *Informe Semestral I 2006*, reached the conclusion that without immigration economic growth in Spain would not have been possible in the last decade. Hence, when using the economy as an explanation of immigration we also have to consider the causal link between immigration and economic growth. The implication of this is simple: in the absence of political intervention, more immigration leads to even more immigration simply because immigration gives rise, or at least contributes in a very significant way, to economic growth.

²⁰ The method by which *arraigo* has been implemented has varied since the introduction of the current legal framework. The mechanisms described here are as stipulated by Spanish Royal Decree 2393/2004.

granting rights of this type is a direct incentive to immigrate into Spain, granting these rights unconditionally makes the differences between regular and irregular immigration highly diffuse and, consequently, irregular immigration more attractive as an option.

Secondly, it is likely that current practices fail to estimate the domestic demand for immigrant labour, while the Spanish labour market has been characterised by an overly relaxed attitude to the illegal contracting of irregular immigrants. The latter factor, in particular, is a decisive incentive for irregular immigration simply because it transmits a clear message that irregular immigration is possible and reasonably attractive from the point of view of both the irregular immigrants and Spanish employers. However, we should not underestimate the problem caused by the failure to estimate the domestic demand for foreign labour and the provision of regular immigrants, since it could increase the demand for irregular immigrants to cover labour shortages over the short term. Spain, being a tourist economy as well as a large agricultural producer, is highly dependent on low-cost seasonal workers. Furthermore, the country's underdeveloped family policies are creating an increasing demand for low-cost domestic employees as Spanish family structures and habits change with increasing female participation rates in the labour market as the main driving factor. Both the demand for domestic workers and for seasonal workers is difficult to channel through a system based on contracting in the country of origin, leading to a more or less serious underestimation of the true domestic demand for foreign labour and an increased risk of illegal contracting to solve for immediate labour needs. There are also strong economic incentives at play. Spain's economy is growing rapidly thanks to immigration.²¹ Growth is obviously being generated by Spanish employers and their enterprises. We can therefore expect the continued growth of Spanish enterprises to be contingent on a sufficient supply of foreign labour, which if not satisfied might turn to the illegal contracting of irregular immigrants to guarantee continued growth or safeguard current market positions.

Elsewhere I have argued that the regularisation campaign carried out in 2005 –especially since its procedures required the employer and not the immigrant to apply for regularisation– provides evidence of the magnitude of the failure to match the domestic demand for foreign labour with the government's provisions and efforts to supply it.²² Otherwise, how can it be explained that Spanish employers were suddenly willing to legally contract 560,000 irregular immigrants provided the government regularised them? Clearly, this sudden demand for regularising irregular immigrants and to contract them legally is strong evidence that the mechanism for generating regular immigration opportunities to satisfy the demand for immigrant labour has been both insufficient and inefficient in the past. The equation is simple. If the law and regulations governing provisions for regular immigration had actually fulfilled the legislators' aims, no Spanish employer would have bothered with the painstaking and time-consuming exercise of regularising irregular immigrants, since his foreign labour needs would already have been catered for by the available legal mechanism. The methodology of the 2005 campaign suggests that the more irregular immigrants that are regularised, the greater the failure of existing immigration policies in satisfying the domestic demand for foreign labour.

The consequences of too relaxed an attitude towards illegal contracting and a general failure to guarantee an adequate supply of foreign labour clearly signal that: (1) it is possible to survive as an irregular immigrant in Spain because illegal contracting is widespread; and (2) there is at least a constant or perhaps growing demand for new irregular immigrants, since current immigration practices are unable to create regular

²¹ See Caixa Cataluña, *Informe Semestral I 2006*.

²² See Rickard Sandell, 'Spain's Quest for Regular Immigration, *op. cit.*, for an applied description of the methodology of the regularisation campaign, and the Ministry of Labour and Social Affairs website (www.mtas.es) for the formal instructions of this process.

immigration opportunities that match domestic demand, ie, there is an attractive black labour market in Spain from the point of view of the irregular immigrants.

Thirdly and finally, while the previous two circumstances are prerequisites for the type and size of irregular immigration that has been seen in Spain over the past six-seven years, they are insufficient to explain the almost extreme magnitude of Spain's irregular immigration phenomenon over the period. Large-scale irregular immigration is only possible if at the same time there are massive emigration opportunities for immigrants willing to take their chances as irregular immigrants and work illegally. That is, it is necessary to uncover the mechanisms that have made large-scale (irregular) *emigration* possible to fully explain Spain's immigration reality in the past few years.

The list of countries whose populations are willing to –and interested in– immigrating to western countries like Spain is very large. However, as long as the potential immigrants only have restricted access to the country they would like to emigrate to, their chances to immigrate regularly or irregularly are almost infinitesimally small. The most common, and probably the most effective filter to impede mass immigration are visa regulations. It is possible to go so far as to say that, in the absence of land borders, large-scale irregular migration is only possible between countries included in a visa waiver programme, granting the potential immigrant a 90-day sojourn without any prior permission, a so-called tourist visa.²³ Spain forms part of a common visa waiver programme with the other EU Member States. In the list of countries whose citizens can travel freely to Spain and other EU countries on a tourist visa are a number of countries that are potential suppliers of migrant workers that make large-scale irregular immigration more than just a theoretical possibility.

How large is the problem of irregular immigration to Spain from countries included in the EU's visa waiver programme? Table 5 classifies Spain's immigration stock (as of 1 January 2006) by three types of country of origin: (1) EU-25 plus EFTA countries; (2) visa waiver countries; and (3) the rest of the world. As before, I correct for the peculiarities of EU immigration by making the number of residents from EU countries equal to the number of EU citizens appearing in the local population register. Irregular immigration from visa waiver countries currently accounts for 67 % of Spain's current stock of irregular immigrants. If we also consider that Colombia and Ecuador were recently excluded from the visa waiver programme, the number of irregular immigrants from countries included in the programme and countries recently excluded from it approaches 77 %.²⁴ The correlation between inclusion in the visa waiver programme and the propensity for irregular immigration is easily discernable, and with no further hesitation we can conclude that there is a clear tendency to abuse the freedom to travel enjoyed by citizens of countries in the visa waiver programme.

²³ Large-scale irregular immigration should not be confused with large-scale illegal immigration. The latter is a problem that in 2006 has received enormous media attention, feeding us images of the approximately 25,000 sub-Saharan immigrants that arrived by small boats to the Canary Islands. With or without documentation, sub-Saharan immigrants that try to enter Spanish territory without visas are by definition committing an act of illegal entry. The main difference is that at the border, and provided they are detected, the Spanish security forces are entitled to apprehend them and arrange for more or less immediate repatriation. Meanwhile, a person from one of the countries included in the visa waiver programme has to be treated as a tourist, as long as he complies with the waiver programme's requirements. Beyond the border checkpoint, and provided that the 'tourist' stays longer than 90 days, both categories are recognised as irregular immigrants, ie, immigrants without a residence permit according to Spanish law.

²⁴ Ecuador was excluded from the list of countries not requiring a visa for travelling into the EU in April 2003 and Colombia in April 2001.

Table 5. Spanish Immigration Statistics, Controlling for Existing Visa Restrictions (1 January 2006)

	EU-25 +EFTA	VISA Waiver Countries	Rest of the World	Total
Local population register	945 (24%)	1,038 (27%)	1,887 (49%)	3,870 (100%)
Number of residence permits	945 (30%)	527 (17%)	1,633 (53%)	3,106 (100%)
Crude difference, stock of irregular immigrants	0 (0%)	511 (67%)	254 (33%)	765 (100%)

Data in thousands.

Source: INE, Ministry of Labour and Social Affairs and the author.

The visa waiver programme does not include all that many countries, although a large number of Latin American countries as well as the EU accession countries Rumania and Bulgaria are included in the list. The fact that so many Latin American countries have been –or are currently– included in the programme is probably a decisive part of the explanation as to why Spain has received so many irregular immigrants over the past few years. Latin Americans usually speak Spanish and have strong cultural links to Spain. In addition, many Latin Americans are of Spanish descent or have some form of personal relationship with people, immigrants or Spaniards in Spain. In opinion polls Spaniards have shown their preference for Latin American immigrants over, for instance, migration from Africa or Asia. Thus, the sociological conditions for migration from Latin America to Spain are probably as favourable as they can be. Adding the poor or even very poor economic outlook of many Latin American countries, with labour markets characterised by a poor capacity to absorb a growing number of people in an economically-active age, it can be seen that there are almost optimum conditions for large-scale emigration from Latin American countries included in the visa waiver program.

More recently, and as shown by the data in this paper, Romania and to a lesser extent Bulgaria are becoming important providers of irregular immigrants. Sociologically these countries, and particularly Rumania, share many cultural traits with southern Europe and the Mediterranean. Rumanian is a romance language with much in common with French, Italian, Portuguese and Spanish. Large-scale immigration from Rumania and Bulgaria has coincided with their inclusion in the list of countries exempted from the general visa requirements in early 2002 as a first step towards their membership of the EU. As for the economic aspects, both countries are by far the poorest of the 27 countries that will form part of the enlarged EU after January 2007, making emigration an attractive means of improving the outlook both of the emigrants themselves and of those staying behind. Judging by the size of the Rumanian immigration to Spain it would be fair to ask whether or not exempting Rumania from the visa requirements was premature.

Table 6. Immigration Statistics for Countries Included in the Visa Waiver Programme 2006

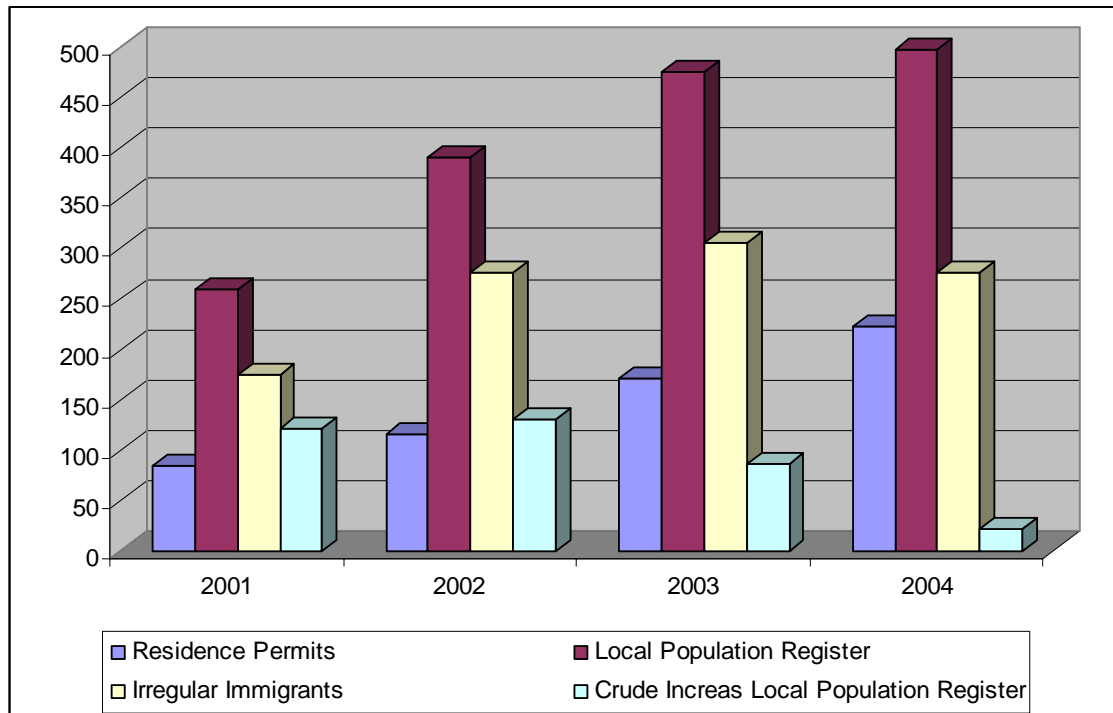
Country	Local Population Register	Number of Residents	Crude Difference Irregular Immigration	Irregular Immigrants/Local Population Register (%)
Rumania	381,955	192,134	189,821	50
Bolivia	132,444	50,738	81,706	62
Argentina	135,961	82,412	53,549	39
Brazil	67,528	26,866	40,662	60
Bulgaria	93,757	56,329	37,428	40
Venezuela	47,354	25,372	21,982	46
Paraguay	27,696	7,800	19,896	72
Uruguay	42,777	24,272	18,505	43
Chile	35,482	18,748	16,734	47
México	20,291	9,502	10,789	53
US	21,949	15,500	6,449	29
Honduras	8,523	4,033	4,490	53
Israel	2,371	828	1,543	65
Nicaragua	2,475	1,136	1,339	54
El Salvador	2,983	1,790	1,193	40
Guatemala	1,887	935	952	50
Canada	2,469	1,552	917	37
Panama	1,435	760	675	47
Croatia	1,631	976	655	40
Japan	4,405	3,851	554	13
Costa Rica	1,115	567	548	49
Australia	1,485	1,048	437	29
Total	1,037,973	527,149	510,824	49

Data in thousands.

Source: INE, Ministry of Labour and Social Affairs and the author.

To understand the powerful dynamics of visa restrictions and irregular immigration, and how changes in visa policies can drastically change the level of irregular immigration, we shall look at the case of Ecuador when it was excluded from the visa waiver programme. Figure 2 shows the net increase in the number of Ecuadoreans in Spain between the years 2001 and 2004. For 2001 and 2002 the increase was in the range of 120,000 people. In April 2003 Ecuador was excluded from the visa waiver programme and that year the net increase was of 80,000. In 2004, the first complete year in which the visa restrictions were fully effective, the increase in the stock of Ecuadorean immigrants fell to 20,000, only a fraction of earlier levels. Figure 2 also shows that the lion's share of Ecuadorean immigration into Spain was irregular. It is easy to conclude that the sudden decline in Ecuadorean immigrants was a direct result of the new visa regulations imposed on Ecuador, since neither macro nor micro incentives for emigration from Ecuador to Spain are likely to have changed. Simply put, the new regulations made it far more difficult to immigrate to Spain from Ecuador by irregular means.

Figure 2. Spanish Immigration Statistics for Ecuador by Year



Data in thousands.

Source: the local population register as reported by the INE and the Ministry of Labour and Social Affairs.

It is no doubt the case that the widespread abuse of the freedom to travel provided by the EU's common visa policy by a number of countries included in the visa waiver programme have been necessary ingredients for one of Europe's largest irregular immigration problems to date.

To conclude this section, it is clear that potential immigrants are aware of Spain's existing weaknesses in dealing with irregular immigration and of its relaxed attitude as regards the contracting of irregular immigrants. This knowledge is a simple answer to the question of why Spanish immigration levels –and, consequently, irregular immigration levels– have been higher in the past six years than in almost any other country irrespective of size and wealth. These six years coincidentally correspond to the time frame in which the current legal framework guiding immigration practices has been operational. That is, given the country's extreme levels of irregular immigration, it can be claimed that Spain's immigration is characterised by what could be called a “universal *efecto llamada*”, whereby existing immigration policies and the practices governing Spain's labour market year after year signal to potential emigrants world-wide –but especially to those in countries included in the visa waiver programme– that Spain is either incapable of addressing the problem of irregular immigration, or that for the time being it simply seems to welcome irregular immigration. This is likely to cause new immigrants to try their luck in Spain rather than in any other country, merely because history has shown that: (a) irregular immigrants are granted similar rights to regular immigrants in Spain; (b) it is possible and relatively easy to find work as an irregular immigrant in Spain, nor are there any significant risks attached to irregular work or contracting; and, most importantly, (c) with time the odds are that immigrants can acquire regular status through either the mechanisms of regularisation (*arraigo*) built into Spanish law, or through an extraordinary regularization campaigns. If, furthermore, those who are tempted to immigrate to Spain irregularly can enter the country as tourists on return tickets, the option of entering as an irregular immigrant does not seem unattractive compared to regular immigration, which by any measure is much less of a visible alternative to irregular immigration.

Conclusions

To make a long story short, the analysis conducted in this paper shows, with little room for alternative explanations, that the magnitude of Spain's irregular immigration problem is by and large due to the abuse of a small number of countries in Latin America and Eastern Europe of the existing freedom to travel between them and the EU. Had visas been restricted for countries whose citizens clearly abuse their freedom to travel, it is likely that irregular immigration into Spain would have been much more limited and that, consequently, a larger share of Spain's total immigration would have been made up of regular immigrants.

However, a legitimate question to ask is why only Spain seems to be receiving large-scale irregular immigration from visa-exempted countries? After all, people from visa-exempted countries are free to travel to any EU country that has ratified the common visa regulations. In this paper I highlight two conditions present in Spain which are likely to be very significant in making large-scale irregular immigration possible and which –with the exception of certain southern European countries– do not prevail in most other countries. Contrary to Spain, they are making a serious effort to disincentivise illegal contracting and most importantly they are much less permissive in allowing irregular immigrants to become regular immigrants with time. This is not to say that other European countries do not have irregular immigrants and that illegal contracting does not exist. All European countries face more or less serious problems of this nature, but not of the magnitude of the phenomenon in Spain and perhaps some other southern European nations.

What recommendations can be made for the future? The answer to this question depends on the objective. For instance, if the aim is to minimise irregular immigration, clearly the most straightforward solution is to exclude a number of countries from the visa waiver programme. There is some evidence that the Spanish authorities are seriously considering this solution, since Colombia and Ecuador –and if nothing dramatic happens in Brussels also Bolivia (starting from 2007)– have been excluded from it. Based on the Ecuadorean experience, excluding emigration-prone countries from the visa waiver programme could reduce irregular immigration to Spain by as much as 80 %. If the authorities also decide to address the positive incentives for irregular immigration highlighted above, then the phenomenon could be reduced to a minimum.

A problem is that Spain is not alone in managing the visa waiver programme. Hence, even if Spain were to decide to exclude emigration-prone countries in the future, it would likely run into resistance in Brussels when trying to negotiate the changes, with the result that some countries would be likely to remain on the list. Another obstacle is that many Latin American countries are important trading partners and demanding visas for Argentines, Chileans or Brazilians might come at a high diplomatic price and very likely have a negative short term effect on business.

This leaves us with the only remaining option: a substantial reform of the country's legal framework for immigration. Up to now, and since around 1999, the Spanish authorities, by not trying or succeeding to stem seven years of continuous extreme inflows of irregular immigration have implicitly come to recognise irregular immigration as a way of satisfying the country's immigration needs. Strange as it may sound, it has not been so bad from an economic perspective, since it is probably the case that the Spanish economy would have developed at a slower pace without the high level of irregular immigration made possible by the country's *laissez-faire* approach to this phenomenon. But no free rides last forever. Spanish public opinion has finally caught up with some of the social changes inherent in its transformation from a country with virtually no foreigners to one in which the immigrant population has reached close to 10 % of the total in less than a decade. Public opinion now considers that immigration is Spain's most important problem and many people

would like to see it reduced in the future. The first key to please public opinion is to turn Spain's unordered immigration phenomenon into an ordered phenomenon. This is more important than we might think since only if the authorities succeed in this task can we hope for a public opinion that might still support relatively large-scale immigration. Something that Spain is very dependent on to be able to maintain a positive economic development also in the future, and to dampen some of its demographical problems.

In attempting this, Spanish policy makers must also recognise that a drastic cut in the flow of irregular immigration would pose a relatively serious threat to the Spanish economy, which has been spoiled by an almost unlimited supply of new foreign labour for the past seven years. To be effective in cutting back irregular immigration one has not only to think about introducing negative incentives for irregular immigration. Cutting back on irregular immigration opportunities requires considering new mechanisms for generating regular immigration to offset the shortfall in the supply of foreign labour. If we do not compensate for an immigration shortfall, Spain's economy might have to operate below its potential, with reduced economic growth as the major implication.

To summarise, the political agenda in terms of future immigration policies is relatively easy to identify: only by making irregular immigration and illegal contracting of irregular immigrants more difficult and much less attractive, and by simultaneously making regular immigration easier and more accessible for potential immigrants, can we hope to prevent the phenomenon of irregular immigration in the future. The problem is how to achieve the necessary changes. Effectively providing for the type of regular immigrant labour which is currently in demand by Spanish society is probably incompatible with the existing legal mechanisms. The past years' failure in matching demand with supply is surely more than ample evidence of this.

But before starting to think about possible solutions to this problem we should probably take a step back and think and decide on the following question: what is, or what should be, the immigration objectives pursued by Spanish society over the coming decades? Only after these objectives are established will it become possible to start to draw up policies to effectively achieve a type of immigration that is adjusted to Spanish society's immigration objectives.

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