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# **EXTENDING CITIZENSHIP RIGHTS TO THIRD COUNTRY NATIONALS**

## **THE CORRELATION BETWEEN MIGRATION AND INTEGRATION: A SAMPLE FROM SOUTH EUROPE**

**JOANNA APAP**

1.	Introduction.....	1
2.	Defining the terms 'immigrant' and 'immigration'.....	3
3.	Immigration and Citizenship.....	4
4.	Italy and Spain as new receiving states.....	5
5.	Similarities between Italy and Spain.....	7
6.	Differences between Italy and Spain.....	9
7.	Changing attitudes towards migration in Italy and Spain.....	9
8.	Immigration, policy development and citizenship.....	12
9.	Regional, local and private initiatives.....	18
10.	Conclusion.....	20
	References.....	23



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# Extending Citizenship Rights to Third Country Nationals

## The Correlation between Migration and Integration: A Sample from South Europe

*CEPS Working Document No. 175, October 2001*

Joanna Apap\*

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### Abstract

Various issues arise in the European context with respect to the boundaries of citizenship; one of the main questions is to what extent the division between the European Union citizens and third country nationals will increase, especially if “deepening” of the Union leads to more tightening of its external borders. This paper addresses the question of how far citizenship rights can be extended to third country migrants in the EU?

The paper is divided into two parts; the first is a brief theoretical approach to questions about the parameters of citizenship in the EU. The second part focuses on Italy and Spain as new receiving states affected by North\South migration in the Mediterranean (their policies, people's attitudes, internal distribution of migrants, etc.) and compares their current position with the countries who have had a tradition of labour immigration since the 1960s. It contrasts policy and practice vis-à-vis Maghrebi nationals in these two countries, although both are Mediterranean states in close geographical proximity to North Africa. The analysis suggests that the problems encountered by the different Mediterranean EU members have, in some respects, to be treated on an individual basis.

My empirical focus is mainly centred on labour immigration from the Maghreb countries (Morocco, Algeria and Tunisia) and the public policy implications for the EU as a supranational Community rather than as a group of individual member states. I have chosen the Maghrebi immigrants not only because they constitute a high percentage of immigrants residing and working at present in the EU (about 2.5 million), but because their numbers have increased significantly (for both economic and political reasons). The empirical material largely relates to legally resident migrant workers in the EU and their families.

The conclusion attempts to show why the EU cannot avoid dealing with this issue at least to some extent. The development of the EU's principles of the *free movement of persons within the Community in order to work in another member state, equal treatment and social justice* will be tested as they apply to the position of legally resident third country nationals.

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# **Extending Citizenship Rights to Third Country Nationals**

## **The Correlation between Migration and Integration:**

### **A Sample from South Europe**

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#### **1. Introduction**

Over the last fifteen years, there have been significant changes in policies at national level towards labour immigrants in two new receiving states - Italy and Spain. Until the late 1970s, both countries were significant countries of emigration, and although both served as passage-ways to Northern Europe for migrants coming from North and sub-Saharan Africa, the need for immigration, rather than emigration policy, was highly limited. From the early 1980s onwards, however, with the tightening of visa restrictions in Northern Europe, coupled with an increase in prosperity in Southern Europe, both Italy and Spain have become receiving countries for long-term migrants. In response, by 1985-86, both countries had begun to develop legislation with respect to immigration into their territories. This legislation was initially quite similar, and appeared to be driven by a desire to match evolving policy at a European level under the Schengen agreement. More recently, though, legislation has evolved in different ways in the two countries, reflecting somewhat different patterns of immigration, and different local circumstances. In this sense, Spain and Italy provide an interesting case study, in which the relative strength of policy driven by European harmonisation on the one hand, and local and national factors on the other, can be compared.

The focus of this paper is mainly centred upon policy as it concerns labour immigration from the Maghreb countries (Morocco, Algeria and Tunisia). Not only do *Maghrebins* migrants constitute a high absolute number and percentage of immigrants currently residing and working in the EU - about 2.5 million according to the European Commission<sup>1</sup> - but also migration from

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<sup>1</sup>The methodology carried out for the purpose of this paper involved mainly two approaches:

- a) The first part was literature based and involved a close study of legislative measures and the use of papers and articles which so far have dominated relevant schools of thought over the years
- b) The second part involved collecting and analyzing quantitative data resulting from population census surveys. Following on from this, I then carried out qualitative interviews with national ministry civil servants, academics, migrants' representatives and NGO's in the two receiving countries. Interviews were also carried out with EU Commissioners in DG1, DG 1 A, DG V, DG X/A, and DG XV/A and members of the relevant committees in the European Parliament. The "snow-ball method" was used to widen the network of contacts.

the Maghreb region has continued to increase in the 1990s. In part, this increase is due to an increase in poverty, unemployment and an uncurbed boom in population growth, which have increased the pressure to emigrate from the Maghreb region. In turn, although there has been an increase in female education and family planning, and the birth-rate has already started to stall slightly, a significant fall in birth rates is still unlikely in the next few years, even if it will not increase at the high rate predicted by some authors<sup>2</sup>. In contrast, it is certainly true that political, religious and ethnic conflicts have led to a world-wide increase in forced migration. This is particularly relevant in the case of Algeria, which has been a significant source of migrants to Spain and Italy. Nonetheless, forced migration does not account for the majority of migrants in either country.<sup>3</sup>

In this context, the main concern here is with policy towards legally resident migrant workers in the EU, and their families. This does not imply that the position of illegal immigrants, or of non-working migrants, is insignificant. Indeed, illegal immigrants, who enter receiving countries either clandestinely (on boats, through mountain pathways, etc.) or by overstaying their tourist or student visas, have had a significant impact on immigration policy development. However, whilst some attention has been paid in the academic literature to new arrivals of migrants<sup>4</sup>, of whom clandestine migrants are clearly an important part, much less attention has focused on the position of those who have remained in southern European countries for a longer time period. And yet it is this move towards the establishment and settlement of immigrants that is perhaps most important in terms of a transition from 'country of emigration' status, to being a 'country of immigration'. In turn, it is the position of legally resident migrant workers that has perhaps been most significant in the development of European policy towards migrants, a policy based on principles of free movement of persons within the Community, equal treatment under the law and social justice - including combating social exclusion.

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<sup>2</sup> Collinson, S. (1993) - *Beyond Borders: West European Migration Policy Towards the 21st Century*, London, Royal Institute of International Affairs; Collinson, S. (1996) *Shore to Shore - The Politics of Migration in Euro-Maghreb Relations*, London, The Royal Institute of International Affairs, p. 35; Lopez Garcia, B. (1990) *L'Espagne entre le Maghreb et l'Europe: imaginaire et interferences de l'opinion dans la politique Maghrebinsn de l'Espagne*, *Annuaire de l'Afrique du Nord*, pp.23-37. Moisi, D. in Glen St. J. Barclay (1995) *The European Union and the Maghreb: A Clash of Civilisations?* in *Australia and World Affairs*, (25), winter issue, p.5-17.

<sup>3</sup> Commission of the European Communities, (1991) *Immigration of citizens from third countries into the southern Member States of the European Community* in *Social Europe*, Brussels, Supplement 1/91, p. 25. (Dr. M. Werth, project co-ordinator).

<sup>4</sup> Tapinos, G. (ed.) *Immigracion e Integracion en Europe*, Barcelona: Fundacion Paulino Torres Domenech; Collinson, S. (1996) *Shore to Shore - The Politics of Migration in Euro-Maghreb Relations*, London, The Royal Institute of International Affairs, p. 35.

## 2. Defining the terms 'immigrant' and 'immigration'

The term immigrant is at times used in the very broad sense of its root-word - *migrant*, who is a person who moves from one country to another. However, a discussion of immigration policy development requires a more robust definition of the group this policy is aimed at, whilst at the same time, the nomenclature used is also quite revealing of the nature and purpose of policy development. For the purposes of this paper, an '*immigrant*' is therefore defined as someone who moves to another country and resides there for more than three months.<sup>5</sup> In the case of non-EU nationals, this represents a cut-off point, beyond which a residence permit is required in most EU countries<sup>6</sup>. Within this group, it is also helpful to focus on long-term resident migrants, who have been in the EU legally for five years or more, since the development of regulations concerning these migrants is both more fundamental and potentially more problematic for receiving states. In turn, *immigration* can be seen as the actual entry into a country by a person or group of persons with the intention of staying there for more than three months. However, this does not imply that these persons may not decide to return to their country of origin after a period of time; nor does it mean that they will necessarily work. In other words, immigration can lead to, but does not necessarily lead to, the creation of long-term immigrants and migrant workers.

Whilst this might be seen as a somewhat pedantic discussion, the issue of terminology is not simply an academic issue. For example, the terms 'immigrant' and 'immigration' are applied in different ways in different EU Member States, and related policies are equally shaped by each country's experience and the particular national needs. As Hammar<sup>7</sup> argues: 'There is an obvious relation between a country's immigration policy and its terminology'. Thus in Germany and Switzerland immigrants are 'foreign workers' (*Ausländische Arbeitnehmer* in Germany and *Fremdarbeiter* in Switzerland and they are controlled by 'aliens bureaux' (*Ausländerbehörde* in Germany, *Fremdenpolizei* in Switzerland): the concept of 'immigrant', in the strict sense outlined above, is unknown. In contrast, France has always used the term *les immigrés and l'immigration*, whilst Sweden has also used similar terms - *invandrare and invandring* - since the 1960s when it launched its new immigration policy. Britain has used the term 'immigrant' especially for non-whites, but it defines its immigration policy as *race relations*; whilst in the

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<sup>5</sup> This does not apply to EU nationals moving within the EU, even though some EU states still require their own nationals and other EU citizens to be registered at the town hall.

<sup>6</sup> The UK and Ireland are exceptions.

<sup>7</sup> Hammar, T. (1992) *European Immigration Policy*, UK, Cambridge University Press, p.12.

Netherlands, the new policy for immigrants is called *minorities policy*.<sup>8</sup> Terminology tends to influence the way in which immigration policy is conceived and understood in each country and these terms, initially instruments of description then became fixed concepts limiting flexibility and creativity.

One can also go further, to differentiate between perceptions of the host society with respect to different groups of migrants, perceptions, which place some groups in a more precarious position than others. For example, if one considers the current situation in Europe, migration flows are coming from two main directions, Eastern Europe and North Africa. On the one hand, Eastern Europeans are often seen as related through blood to Western Europeans, and as such are seen as having always been 'in' Europe, albeit not in the EU. In this sense, they are often perceived as one of 'us', whereas North Africans are given a 'them' status. In contrast, suspicion of North Africans is such that they are often viewed more as a threat: an Algerian in France being seen<sup>9</sup> by many simply as a potential terrorist.

Of course, the world of Islam is and always has been so lacking in monolithic qualities as to make the concept of an Islamic threat *per se* literally meaningless. But neither can there be any doubt that the Member States of the European Union are confronting problems in their relations with the predominantly Islamic states of North Africa which raise issues about the whole future development of the EU. Thus Moisi<sup>10</sup> describes the emerging situation in Europe as that of 'a white, wealthy and Christian 'Fortress Europe' pitted against a largely poor, Islamic world.' Such issues of terminology, and the way that the 'immigrant threat' is perceived in Italy and Spain, are returned to below.

### 3. Immigration and Citizenship

In addition to the way in which immigrants are categorised and viewed by host country populations, the presence of immigrants in southern Europe also raise wider questions for government policy in the field of citizenship - as Zolberg<sup>11</sup> puts it, 'immigrants pose a challenge to traditional conceptions of states as self-contained population entities.' For example, with the arrival of immigrants, the traditional definition of membership in a community is no longer so

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<sup>8</sup> Hammar, T. (1992) *European Immigration Policy*, UK, Cambridge University Press, p.12

<sup>9</sup> This does not apply to EU nationals moving within the EU, even though some EU states still require their own nationals and other EU citizens to be registered at the town hall.

<sup>10</sup> Moisi, D. in Glen St. J. Barclay (1995) *The European Union and the Maghreb: A Clash of Civilisations?* in *Australia and World Affairs*, (25), winter issue, p.5-17.

<sup>11</sup> Zolberg, A. (1987) *Keeping them out: ethical dilemmas of immigration policy* in Robert J. Myers,

self-evident, and one cannot directly relate such membership to formal citizenship. In an important sense, anybody inside a national territory, including illegal immigrants, is in some way a member of that particular community because he/she takes part in the life of the receiving society by, for instance, participating in the labour market (both formal and informal), sending children to school, being a neighbour and/or paying taxes.<sup>12</sup>

Nonetheless, citizenship does mean more than simple presence in, or even membership of a community. Garcia<sup>13</sup> for example provides the following definition of citizenship:

Citizenship in the modern world constitutes legal, economic, political and social practices which define social membership and which counteract social cleavages. In this sense the practice of citizenship becomes a method of social inclusion which gives people who differ in age, sex, beliefs or colour of skin the same basic entitlements. It is this aspect of citizenship that has contributed to the legitimacy of the modern state. Citizenship has become also an element of legitimisation for the new Europe. To what extent is citizenship going to be universalised in Europe, and to what extent are people going to be excluded?

There are various issues, which arise, in the European context with respect to the boundaries of citizenship. However, as Antje Wiener correctly states: 'Union citizenship needs to be distinguished from national citizenship'.<sup>14</sup> She goes on to argue that 'every citizen of the Union enjoys a first circle of nationality rights within a Member State and a second circle of new rights enjoyed in any Member State of the EU'. One of the main questions which arises in this regard is the extent to which the division between European Union citizens and third country nationals will increase, especially if further entrenchment of the idea of 'Fortress Europe' occurs due to 'deepening' of the Community.

#### **4. Italy and Spain as new receiving states**

As noted above, during the late 1980s the southern European states - Spain, Italy, Greece and Portugal - were transformed from being countries of emigration to countries of immigration.

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*International ethics in the nuclear age*, Lanham, Maryland, University Press of America, pp. 261-297.

<sup>12</sup> Levelt, U. (1995) The European Union as a Political Community Through the Lens of Immigration Policy in Marco Martiniello (ed.) *Migration, Citizenship and Ethno-National Identities in the European Union*, U.K., Avebury, Ashgate Publishing Limited, p.199.

<sup>13</sup> Garcia, S. (1993) Europe's Fragmented Identities and the Frontiers of Citizenship in *RIIA Discussion Papers* (45), London, The Royal Institute of International Affairs, p.19.

<sup>14</sup> Wiener, A. (1996) Rethinking Citizenship: The Quest for Place-Oriented Participation in the EU in

The main reason for this transformation can be attributed principally to three processes, namely economic growth in Southern Europe; the 'stop' on immigration to northern Europe; and a marked increase in push factors throughout the less developed world, but especially in North Africa. Thus for example, the control measures taken by the traditional receiving countries of north-west Europe led to an increase of immigration into southern European countries, 'either because these were the traditional staging-posts for clandestine migrants routing to the north, or because Southern Europe was seen as a straightforward alternative to direct entry to Northern Europe'.<sup>15</sup>

At the same time, migration studies and policy in Italy and Spain had, until the late eighties, focused on emigration *from* as opposed to immigration to Southern Europe and both research and policy have been confronted with problems in the face of this transformation. For example, legislative procedures in the two countries tended to refer to the foreign tourist rather than the immigrant worker, whilst statistics were generally either absent altogether, or unreliable. It is also difficult to establish the exact number of immigrants over the last twenty years in Italy and Spain, due to initial lack of legislation.

Nonetheless, in the recent years, a great effort has been made to gather statistics appropriate to the new situation and hence analyse more precisely and in greater detail immigration and its implications as well as furnish appropriate legislation which could cope better with the new problems involved. Thus recent estimates put immigration from outside the EU at around a 1,350,000 in Italy, with the number of illegal immigrants estimated at about half a million<sup>16</sup>. In turn, in Spain estimates vary between 550,000 and 700,000 with respect to number of third country immigrants known to be residing on Spanish territory, whilst the number of illegal immigrants in Spain is said to be about another 120,000.<sup>17</sup>

The predominance of push over pull factors, the limited capacity of the labour markets of the receiving countries and increased migration for political reasons are all elements which, interacting with the migration dynamics, have led to significant changes in migration policy,

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*The Oxford International Review*, VII (3), pp.44-51

<sup>15</sup> King, R. and Konjhozic, I. (1995) Labour, Employment and Migration in Southern Europe. Paper prepared for a conference on *Problems of Labour and Employment in Southern Europe and the Maghreb: European and US Policy Options*, in J. Van Oudenaren (ed.) - *Employment, Economic Development and Migration in South Europe and the Maghreb*, Santa. Monica, California, p. 57.

<sup>16</sup> *il Manifesto* 12 October 1996

<sup>17</sup> Interview held with Mr Perez Gomez, the Assistant Director for Aliens, Spanish Home Office, July 28, 1999. This figure was calculated by subtracting the 30,000 permits granted in the 1999 contingent from the 95, 000 applicants and allowing for a number who did not present an application.



and in attitudes towards migrants, in Italy and Spain in recent years. New immigration flows are only partly absorbed in the hidden economy of the receiving countries and in sectors and jobs where the distinction between legal and illegal is minimal. This encourages the social exclusion of the immigrants as well as compromising their integration with the receiving society, not to mention the ethnic, cultural and religious divide, which often separates the immigrant from the local population. In effect, the list of potential areas for policy development is vast.

## **5. Similarities between Italy and Spain**

An initial point to make concerns the similarities between the way in which Spain and Italy have reacted to changes that have affected them. As stated earlier, both Spain and Italy have had past histories as sending countries and both countries in the early 1980s started experiencing the transformation from 'sending' country to becoming a 'receiving' country. Both countries were used as a passage-way to the North of Europe; later on, after tightening of visa restrictions in northern Europe and an increase in the prosperity of the tertiary sector in Italy and Spain, both countries have now started experiencing the settlement of migrants on their territory. The differential of economic growth between the countries of southern and north west Europe has also narrowed considerably as EC membership has brought Italian and Spanish (and to a lesser extent, Greek and Portuguese) wages closer to average EU levels.

In the midst of these dramatic changes, an initial lack of demographic analysis of the situation, coupled with the lack of initial concrete migration policy in Italy and to a lesser extent in Spain, have led to over-reactions by the media and exaggerations in the numbers thought to be present. Earlier surveys in Italy dealt with communities of immigrants coming from the Philippines, Cape Verde, Somalia, Eritrea, Morocco, Tunisia, Egypt, Iran, and recently the list has expanded to include immigrants from Algeria and other African and Asian countries such as Senegal, Ghana, Sri Lanka, Pakistan, China. In the absence of a clear direction from researchers or policy-makers, this apparently unending immigration has led to sporadic acts of xenophobia being carried out against individuals and immigrant communities.

However, in both countries a distinction is nonetheless drawn between 'elite' immigrants, and other, more marginalised groups. In both countries, the 'elite' (such as Americans and Japanese) are viewed as 'investors'; whereas the term 'immigrant' is attributed to the poorer groups of migrants. In Spain, the 'elite' includes northern Europeans who retire to Spain for its climate and lower cost of living, as well as migrants from Spain's former colonies, who are

usually very well qualified and manage to secure a standard of living similar to that of the Spaniards, if not better. These groups have a substantially different experience in Spain to the 'marginalised' group, composed of North and sub-Saharan Africans, and to a certain extent poorer Portuguese and Filipino immigrants. Meanwhile, the most marginalised of all in both countries are the illegal immigrants.

The different demographic regimes between the two sides of the Mediterranean basin act as a strong push factor for immigration, which is common to both Italy and Spain. Equally, an important and common pull factor is the large informal sector of the economy and labour market which is also significant in both Italy and Spain. Rapidly-rising official wage-rates, a squeeze on productivity and, until recently, devaluation of the lira in Italy (and to a lesser extent the peseta in Spain) have led firms to recoup their competitiveness by tax evasion, reduced labour costs and more flexible use of labour. In this context, informal and irregular demand for migrant labour in certain sectors such as agriculture, construction, the tourist industry and domestic services is very high. In fact, both Spain and Italy have a problem of expanding informal labour markets, which assimilate undocumented migrants.

In both countries the predominant group of labour migrants from the Maghreb are from Morocco, and in both cases the distribution of migrants on the territory of the receiving states is not homogenous. Reasons for the increase in the number of immigrants from North Africa entering Italy and Spain are various, but a principal one is geographical. The geographical proximity and 'openness' of both Italy and Spain, including their reliance on tourism, and their long coastlines, both make control of migrant inflows very difficult.

In terms of immigration policy development, meanwhile, both countries have had amnesty laws for illegal immigrants<sup>18</sup>: in Spain, in 1985-86, 1991 and 1996; and in Italy, in 1982,<sup>19</sup> 1987-89, 1990-92, 1995-1996 and 1998-1999. In all of these regularisations, a lower than expected number of undocumented workers actually regularised their position in the host country, probably out of fear of being repatriated. In **Spain**, for example, the first regularisation process in 1985-86 resulted in 38,181 residence permits being issued (Ministerio del Interior 1989<sup>20</sup>), whilst as a result of the 1991 process, a further 109,135 work and residence permits were issued, well below the estimated number of undocumented workers. The 1996 amnesty was

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<sup>18</sup> Collinson, S. (1996) *Shore to Shore - The Politics of Migration in Euro-Maghreb Relations*, London, The Royal Institute of International Affairs, p. 35.

<sup>19</sup> This was only an administrative based on circulars.

<sup>20</sup> Quoted in Izquierdo, 1992

more targeted towards workers and to some extent foreigners in an irregular situation: 21 300 permits were issued, and 70,000 in an exceptional amnesty at the end of 1999. In **Italy**, 118.000 foreigners were regularised in 1987-1989; 235,000 were regularised in 1990-1992, 259.000 in 1995 and for 1999, we still have to wait and see the result of the one, which took place in 2000.

## **6. Differences between Italy and Spain**

Albeit there are similarities in the position of Italy and Spain with respect to their experience of immigration, differences prevail too. Differences are particularly evident in terms of the types of migrants that are present in Italy and Spain; the interpretation given to the word 'integration'; and the extent to which there is integration of the immigrants within the host societies. There have been important implications for changing attitudes towards migrants and hence the evolution of immigration and citizenship policies in Italy and Spain, issues dealt with in the next section.

One reason for this difference might be the variations in the spatial distribution of immigrants in the two countries. In Italy, immigrants are spread throughout the country, although they are found particularly in the Centre-North and certain areas of the South (Sicily and Campania) which are easy landing places for migrants coming by sea from the Maghreb. In contrast, in Spain, the majority of the immigrants are in either Madrid or Catalunya, where most job opportunities can be found. Southern regions such as Andalucia have also received a number of seasonal workers, who look for jobs in the tourist sector or on the agricultural harvest, although this conflicts with the interests of the locals who themselves look to the tourist and harvest seasons for extra income from part-time work. As a result of the spatial concentration of immigrants in Spain, one does not find such well-pronounced regional policies as one does in Italy, since the numbers of immigrants are not very high in most regions, and where numbers do increase dramatically, this usually occurs during the summer period, for a short time, after which the immigrants return back to their country of origin.

## **7. Changing attitudes towards migration in Italy and Spain**

The Italian public has grown increasingly interested in the question of migration, both because of greater numbers involved and due to episodes, often quite serious, of intolerance which have caught the attention of the mass media and the general public. Nonetheless, with some local exceptions, the impact of migration on Italy is still quite modest in comparison with other

European countries, in particular because migrants' access to social and welfare services remains limited - particularly if they are illegals. This, however, has not prevented the outbreak of various forms of racism.<sup>21</sup>

Meanwhile, a number of opposing reactions to immigration have emerged from Italian society. On the one hand, one can find 'solidarity' towards migrants as expressed by various Catholic voluntary organisations, such as Caritas, by some political parties, and by trade unions. On the other hand, in Italian, as in other European cultures, a form of ethnocentrism does exist which, under certain conditions, could give rise to xenophobic or racist behaviour, although to date, for various historic reasons, this has had less occasion for expression than elsewhere.

Spain's immigrant population accounts for less than 2 per cent of the country's total population and the immigrant proportion of the official labour force is even smaller (about 0.7 per cent).<sup>22</sup> Nonetheless, especially in the period from 1988-92, the press and government encouraged the belief that immigration is one of Spain's most serious political and social problems by exaggerating number's and pointing to its negative effects on the labour market and its implications for petty crime, terrorism and drug trafficking. As in Italy, the sensationalism of the press concerning increases in the number of migrants caused people to panic about the numbers actually present. In response, in 1992 the government modified the *Ley Corcuera*,<sup>23</sup> a piece of public order legislation, granting wider powers to the police to crack down on the supposed link between immigrants and crime.

However, following the murder of a Dominican woman in 1992 and statistical results showing a lower level of immigration than previously thought,<sup>24</sup> the government accepted that they had overstated the situation, and in 1994 a social policy was established with respect to migrants working and residing on Spanish territory which sought to soften some of the stricter regulations of the foreigners law (*Ley Extranjeria*) and to avoid further demonstrations of xenophobia. In turn, the press practically stopped writing about the issue and the situation

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<sup>21</sup> Treves, C., Di Gioacchino, R., Masoubi, M. Toaff, E., Spini, V. Pascucci, G., Mussi, F. and Trentin, B. (1989) *Sindacato dei diritti e società multi-etnica*, Rome, Ediesse, pp. 47 - 49. Vicarelli, G. (1994) - *Le Mani Invisibili*, Roma: Ediesse.

<sup>22</sup> Collectivo IOE (1990) - "Spain's Illegal Immigrants" in *Contemporary European Affairs*, no.3, pp.117-137.

<sup>23</sup> *Ley Corcuera*, named after its convenor - the Minister Corcuera, who until 1992 was Minister of Interior Affairs, was a law establishing the powers the police had on Spanish territory in order to cut down on drugs, criminal offenses and terrorism.

<sup>24</sup> Cornelius, W.A. (1994) - "Spain: A Country in Transition", in Cornelius, W.A., Martin, P.L. and Hollifield, J.F.(eds.) (1994) *Controlling Immigration - A Global Perspective*, California, Stanford

calmed down considerably.

As in Italy, there have been surveys of public opinion about immigration in Spain, with a survey by Collective IOE<sup>25</sup>, although now rather dated, showing quite a differentiated pattern of opinions depending on social class. From their survey, five distinct attitudes emerged:

*Nationalism*: a view which supports the rights of Spanish citizens and can be found across the entire spectrum of Spanish society; however, this is most prevalent, unsurprisingly, in right wing press, amongst many employees, and the unemployed, but least strong amongst middle class women and civil servants. As in Italy, those holding a nationalist view tended to overestimate the number's of third country nationals present on Spanish territory, and this view was particularly dominant in the poorer Southern regions of Spain, where Spaniards feel more in competition with immigrants for work in the tourist industry and in manual labour, due to higher levels of unemployment.

In contrast, company directors tended to put *economic* considerations first and foremost, in keeping with Spain's constitutional commitment to the market economy. They tend to accept the presence of foreign workers on the grounds that Spanish workers increasingly reject certain forms of employment, or impose demands on their employers that are simply too costly to fulfil.

A *Christian universalist* view defends the concepts of equality and fraternity and supports the weak and needy - in this case, immigrants. Middle class women were found to be the most staunch defenders of this view, although they accepted elements of the 'nationalist, view, notably in believing that Spanish people should be given first preference for employment

A *workers' universalist* viewpoint which opposes exploitation of foreign workers, but also arguably has more to do with nostalgia for the past than with concrete alternatives for the present.

A *practical* view which stresses the need for better border controls, but also accepts the need to move towards legalising the status of most of the country's foreigners. This view is dominant in government departments and NGOs, although the former places more emphasis on immigration controls to control illegal immigration, whilst the latter stress improvement in legal and social conditions for immigrants already in the country.

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University Press, pp. 322-335.

<sup>25</sup> Collectivo IOE (1986) - "Los inmigrantes".

These variations in public perception of immigrants, and what should be done by the government in response, help to explain why in both countries, although there has been legislation with respect to immigrants, there is little, as yet, in the way of wider-ranging policy. This distinction between legislation and policy reflects Roger Scruton's distinction,<sup>26</sup> in the *Dictionary of Political Thought*, between legislation as the 'making' of law ... (which) will always stand in need of subsequent interpretation by the judiciary', and policy, which encompasses the general principles which guide the making of laws, administration, and executive acts of government in domestic and international affairs'.<sup>27</sup> Indeed, policy implies consistency over time which is not necessarily the case for legislative measures: and certainly inconsistency could be seen to characterise Italian and Spanish policy, as is discussed in the following section.

## 8. Immigration, policy development and citizenship

The above sections have discussed a number of important similarities between the situation of immigration in Italy and Spain, in terms of their numbers, patterns of arrival and public perceptions, although there are also certain differences, notably concerning their geographical distribution. However, when one turns to the development of legislation and policy, differences between the two countries become more evident; indeed, it can be argued that although policy development is at a very early stage, the two countries are progressively moving towards quite different models with regard to long-term resident migrants.

In Italy, the most significant legal norms to date referring to immigrants in Italy from outside the EU are represented by three laws, the first passed in 1986 (Law no 943: *Norms on the employment and treatment of immigrant workers from outside of the EC and the prevention of undocumented migration*), the second in 1990, the so-called 'Martelli Law' (Law no 39: *Special*

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<sup>26</sup> At this point, one should distinguish between legislation and policy. These two terms are not mutually exclusive, in fact prevailing legislation is usually the basis for a policy. According to Roger Scruton's, *Dictionary of Political Thought*, legislation is "the 'making' of law (inverted commas needed as some believe that law is not made but discovered). It involves the express decree by the legislature, which decree may be oral or written, and will always stand in need of subsequent interpretation by the judiciary. It also involves the establishment of a legal custom, with no express enactment of the legislature, but with an entrenched obedience to precedent. It is a decision taken by the highest court." On the other hand, policy encompasses "the general principles which guide the making of laws, administration, and executive acts of government in domestic and international affairs. Policy has to be distinguished from doctrine - the system of beliefs and values which generate policy, and which purport to describe the ends to which policy is the means". Policy implies consistency over time which is not necessarily the case for legislative measures which tend to be more malleable according to arising needs of the country.

<sup>27</sup> Scruton, R. (1991) *Dictionary of Political Thought*, London, Penguin Book Publishers.

*measures on political asylum, entry and residence for non-EU national and stateless citizens already present in the country* and the third in 1998 (Law no 40: the first real organic law for about foreigners' rights). These laws stipulate criteria, procedures and time-limits for regularisation of the status of those immigrants who were in an irregular or illegal position, and it is this aspect of the laws that have perhaps received most attention. Law no 943 upholds the principle that non-EU workers already present in the country should enjoy the same treatment and rights as Italian workers. The law is divided into separate administrative provisions, such as the granting of an entry visa being dependent on the existence of an authorisation to work (Article 8). Work and residence permits normally last two years and may be extended. Meanwhile, the law envisages three categories for entry: asylum seekers, family reunification for immigrants legally resident and fully employed, and labourers called individually by employers who guarantee both employment and adequate housing.

However, in addition, the three laws go further. For example, Law 943/86 also provided for the setting up of regional immigrant advisory councils, new representative bodies of immigrants, and task forces at the Ministries of Labour and Foreign Affairs to foster immigration policy for employees, while Law no. 39/90 stipulated new norms for entry, sojourn and expulsion and approved funds to the Italian regions for the creation of primary reception centres for immigrants. Meanwhile, since the publication of the Martelli Law, the Italian government has issued a number of decrees and amendments to the law, which further regulate flows of new immigrants and conditions for those already in the country. This system is seen as a pliable instrument, able to meet labour market demands, although some have described the changes as xenophobic.<sup>28</sup>

Across these various decrees, a pattern is clear, of the development of a preventative policy with regards to new immigration, and attempts to assimilate immigrants already in the country. Thus, for example, in Italy measures taken include the allocation of immigrants' children in a dispersed fashion to Italian schools, partly in order to maintain a majority of Italian children per classroom and hence prevent the development of 'immigrant ghettos' in certain neighbourhoods. In this sense, Italy can be seen as moving towards the French model of 'assimilation', which Solé<sup>29</sup> describes as the melting pot idea'.<sup>30</sup> This implies the cultural, social

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<sup>28</sup> *Migration News Sheet*, December 1995, p.3.

<sup>29</sup> When one states the term "integration" one assumes that it is meant to be a process through which the indigenous population and the minority settled in the same place gradually intermingling and moving towards equality on the socio-economic, cultural and political levels, becoming a single population unit (with its own cultural traits, of which language is a fundamental component) that

and political subordination of one group to the other, and the partial or total loss of immigrants' identity as they merge with the majority group; it can be contrasted with 'integration', in which the indigenous population and a minority group gradually move towards equality on the socio-economic, cultural and political levels<sup>31</sup>, becoming a single population unit.<sup>32</sup> Law 40/98 is the first law, which deals with all aspects of foreigners' rights - hence its description as an 'organic' law. It rationalises the management of the immigration phenomenon; it evaluates the reasons for entry and establishes criteria for residence; guarantees respect for human rights and regulates living and working conditions while allows for expulsion of those who are a threat to public order). It abrogates some of the more xenophobic aspects of the previous laws to promote integration of those already in.

With regard to citizenship, there has also been some legislative development. Italian citizenship is now based on a new law, approved in 1992, which abolished the previous law that dated back to 1912. In essence, the old law favoured return migrants of Italian origin, but made the achievement of citizenship difficult for third country nationals. Thus Italian citizenship can now be obtained:

- *jus sanguinis*, i.e. by having an Italian parents, including by adoption;
- *jus soli*, but only where the parents of a child found in Italy are unknown;
- *by decree*, to a foreigner whose father or mother was an Italian citizen by birth; to an adult foreigner adopted by an Italian citizen; to a foreigner who has served for at least five years

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shares the same identity but differs from other population, units or groups. see Solé, C. (1981) *La integraci3n sociocultural de los inmigrantes en Catalunya*, Madrid: CIS. and Solé, C. (1988) *Catalunya: societats receptora d'inmigrantes*, Barcelona: Institut d'Estudis Catalans. This concept of integration, then differs from that of assimilation, which implies the cultural, social and political subordination of one group to the other - which Solé (1988) describes as "the melting pot idea". This implies the partial or total loss of immigrants' identity as they merge with the majority group. A receiving society can, however, develop selective mechanisms *vis-à-vis* the immigrants, foreigners or otherwise, who settle there. Potential intra- and inter- class conflicts are aggravated by the introduction of ethnic discrimination which limits the opportunities open to certain immigrants, regardless of how well their education and experience compare with those of the local population.

<sup>30</sup> Solé, C. (1981) *La integraci3n sociocultural de los inmigrantes en Catalunya*, Madrid: CIS.

<sup>31</sup> Nowadays, the average wage of a Spaniard worker is round about 150, 000 Pesetas a month, whereas migrants are said to earn an average of 60, 000 pesetas a month. Bank of Spain statistics show that on average, a Moroccan migrant sends back home 60,000 pesetas a year, which is quite low to justify their stay in Spain. This could mean that 60,000 pesetas is sufficient due to exchange rate and cost of living in their home country, or otherwise that they spend their money on rent and living expenses and cannot afford to save a lot. Another possibility could be that they transfer other non-declared money earned from the informal sector by other means.

<sup>32</sup> Solé, C. (1988) *Catalunya: societats receptora d'inmigrantes*, Barcelona: Institut d'Estudis Catalans.



as an employee of the Italian state, or to a foreigner who engages in military service in Italy;

- *By marriage* to an Italian citizen, after residing legally in Italy for at least 6 months, or after three years of marriage; and,
- *by naturalisation*: on some conditions, as service rendered to the Italian state for a period of five years, even if abroad, or through residence in Italy for ten years.

However, naturalisation, by decree of the President of the Republic, only comes into effect when loyalty has been sworn to the Republic of Italy and to its President, and is not easy to obtain<sup>33</sup>. *In turn, citizenship can be refused in the case of a prison sentence of more than one year and for attempts to undermine the security of the Italian Republic. Italian citizenship may also be lost if a new citizenship is acquired.*

In Spain, the basis for migrants to obtain citizenship is very similar to Italy.<sup>34</sup> For example, in both cases, preference is given to descendants of emigrants; in the Spanish case, these are mainly Ibero-Americans, who are citizens of Spain's former colonies in Latin America, whilst in the case of Italy, which had few such colonial ties, the main target group is descendants of former Italian emigrants or to those married to Italians in the United States, northern Europe and Australia.

However, differences do begin to open up when one considers the broader spread of immigration policy, rather than the detail of citizenship law. Thus to a certain extent, the emerging situation in Spain with respect to longer-term resident migrants can be described more akin to the German model, whereby immigrants are viewed as temporary guests. For example, the Foreigners' Law (Ley Extranjeria) of 1985, which was the first Spanish law ever to regulate directly the rights and responsibilities of foreigners in Spain<sup>35</sup>, was very much based on the German legislation for migrants, reflecting Spain's active participation in the Schengen Agreement, for which Germany was the driving force.<sup>36</sup>

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<sup>33</sup> *Migration News Sheet*, December 1995, p.3

<sup>34</sup> In Catalunya, as in other migration-receiving societies, certain occupational segments or categories are unofficially reserved for different ethnic groups.

<sup>35</sup> Bodega, I., Cebrian, J.A., Franchini, T., Lora-Tamayo, G., Martin-Lou, A. (1995) Recent Migrations from Morocco to Spain in *International Migration Review*, 29 (3), pp. 800-819

<sup>36</sup> Santos, L. (1993) Elementos juridicos de la integración de los extranjeros in Tapinos, G. (ed.) *Inmigracion e Integracion en Europa*, Barcelona: Fundacion Paulino Torres Domenech, pp.91-125. Cornelius, W.A. (1994) - "Spain: A Country in Transition", in Cornelius, W.A., Martin, P.L. and Hollifield, J.F.(eds.) (1994) *Controlling Immigration - A Global Perspective*, California, Stanford

The need for such a law, as noted earlier, arose from continuing migrant pressure, and the pressure of public opinion, within Spain. The main objectives of the law were fourfold and can be summarised as<sup>37</sup>:

1. to systematise entry and residence procedures for foreigners in Spain;
2. to protect the national job market;
3. to guarantee acceptable working conditions for foreigners, as well as to assist them to integrate, avoiding illegality and marginalisation;
4. to harmonise Spanish legislation with that of other EU Member States, working within the framework of the European unification process and especially the Schengen agreement.

However, three articles of this law were found unconstitutional in July 1987 and in itself the law was very difficult to implement in many cases, because of its technical complexity and the deficient infrastructure of a 'country unfamiliar with the administrative actions of immigration'.<sup>38</sup> Most of the criticisms of the law were centred upon its discriminatory character, although in reality, Spain was only following European immigration policies which facilitate freedom of movement *within EC* Member States, but *restrict* the entry of third country nationals, especially those from the Third World. Within Spain, meanwhile, although discrimination is directed towards various ethnic minorities, some groups, notably Ibero-Americans, Portuguese, Filipinos, Andorrans, Equatorial-Guineans and the original inhabitants of Gibraltar are given preferential treatment. This is not simply a question of former colonial and other historical ties - for example, no such treatment exists for Moroccans coming from the region which was a Spanish protectorate until 1956 (and now is part of Spain).

With respect to immigration policy, Spain has tightened its borders in full compliance with Schengen, and has move towards the regularisation of foreigners already living in Spain. Thus 1996 saw the onset of two very important processes for immigrants in Spain: first, a new

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University Press, pp. 322-335.

<sup>37</sup> Spain had been used in previous years as a "corridor" or "waiting room" for migrants who wanted move up to Northern Europe. Thus, the immigrant was not viewed, until recently, as a possible settler, but only as a transient person who would carry out seasonal work on a temporary contract and who would leave the country within a short period of time. This led the authorities to base the "Foreigners' Law" of 1985 on the German "*Gastarbeiter policy*". Moreover, Germany has so far, been the country on the forefront of the implementation of Schengen in the EU (France has not implemented Schengen fully) especially in Southern Europe and due to Germany's driving force, Spain's immigration policy design was designed on the German model.

<sup>37</sup> OECD report cited in Bodega et al. 1995 see footnote 28, p.308

regularisation process aimed at some 50,000 foreigners without residence permits; and secondly, a modification of the regulations of the *Ley Extranjeria*, making it slightly less strict. For example, one of the amendments of the *Ley Extranjeria* allows immigrants to obtain visa extensions of two years after their first year of residence and then of longer duration until they are considered permanent residents, where previously they had to renew their visas each year. However, even though it initially was the only country in the Southern European region which can claim to have moved a step further towards an immigration policy in its broader sense, rather than just passing legislation on an *ad hoc* basis, the social and judicial dimensions of this policy were still not so well established. Of course, it could be argued that having no defined policy is also a policy, since it gives the State the flexibility to respond to rising needs.<sup>39</sup> On 12 January 2000 an organic law (law 4/2000) was adopted to take into account, not only restrictive aspects of entry and labour, but also social and judicial conditions for foreigners entering and residing in Spain. This new law helps to stabilise much more the position of foreigners, taking into account the need of their integration and minimises the discretionary power of administration. It was in fact called the Rights and Freedoms of Foreigners in Spain. It takes into account in its first Title the importance of the right to family reunification and after five years a foreigner in a legal situation of stay can obtain full rights equal to a Spaniard, except the right to vote. It protects foreigners against various forms of discrimination and it also allows foreigners in an irregular situation, continuously present for at least two years on Spanish territory to regularise their situation – if they can prove their presence on the territory during such a length of time. This last point has been the reason for a lot of contention and since the last elections and this law, within the same year has been replaced by another law, (8/2000) published on 22 December 2000 which applies the provisions of the law 4/2000 more restrictively.

One important development in Spain has been the establishment of a quota system<sup>40</sup> for those who apply for work and residence visas. This system allowed 20,600 migrant workers to obtain visas in 1993, 25,604 in 1994, 29,349 in 1995, in 1996 there was no cupo but an amnesty procedure (see above), 24,600 in 1997, 28,000 in 1998 and 30,000 in 1999. This allowed the possibility for workers who were already residing in Spain illegally to regularise their situation.

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<sup>39</sup> Cornelius, W.A. (1994) - "Spain: A Country in Transition", in Cornelius, W.A., Martin, P.L. and Hollifield, J.F.(eds.) (1994) *Controlling Immigration - A Global Perspective*, California, Stanford University Press, pp. 322-335.

<sup>40</sup> CUPO means number limit, i.e., quota.

In both Spain and Italy, autonomy of the regions is evident, but one further difference is that in Spain, the region of Catalunya is working on its own policy of integration of immigrants, independent of the rest of the country. In Italy, some regions have taken more initiative than others to demonstrate their support towards the immigrants, as is discussed in the following section. However, there is no region with such a developed policy of integration of immigrants as in Catalunya. Here, the regional government - *the Generalitat de Catalunya* - has enacted a plan of integration for migrants (*Pla Interdepartmental d'immigració*), in collaboration with the trade union CITE and other local organisations based in Barcelona and neighbouring towns, in which theoretically, it implements the politics of *jus soli*. According to this principle, the children of immigrants are considered as Catalans, and receive compulsory schooling in Catalan, and measures to promote their integration (a principle that also applies to other Spaniards). This reflects the fact that the Catalan government is working towards asserting Catalunya as an autonomous entity with its own language, as well as perhaps a greater degree of open-mindedness to diversity, and tolerance of immigration, in a relatively rich part of Spain that has long been a recipient region of migrants - especially other Spaniards. Of course, the development of this policy has its limits: for example, the application of the politics of *jus sanguinis v jus soli* is ultimately left to the jurisdiction of the central state in Madrid, and Catalunya at the moment has no power to apply the principle of *jus soli* to third country nationals residing upon its territory. Notwithstanding Catalan calls for more autonomy, at present, it can only decide how to integrate immigrants, rather than give them legal status.

## **9. Regional, local and private initiatives**

In Italy, regional initiative is more extensive and relevant than Spain, not least because immigrants are much more widely dispersed around the country. Nonetheless, a study by CENSIS (1990) which examined regional measures on immigration and the extent to which these measures were actually put into practice, revealed a significant gap between the planned norm and the concrete initiatives undertaken. In practice, Italian regions are highly differentiated in the extent to which they have managed to activate concrete policies on immigration. The first initiatives regarding immigrants were launched in the early 1980s in some of the larger cities of Central and Northern Italian regions. In Lombardy, Umbria, Piedmont, Liguria, Emilia Romagna and Tuscany, there is arguably a high degree of sensitivity as far as planned norms and concrete initiatives are concerned. For example, in Brescia, the city authorities have not only organised their own structures, but have also co-ordinated the activities of other bodies. In 1989 an *ad hoc* local service was created in Brescia: the Reception

and Orientation Office for non-EU foreigners, and it at once assumed an important role in orientating immigrants in the use of public services. The Office keeps a register of users, as well as helping them find work and accommodation. Initiatives in this field have included the restoration of old buildings, an agreement with hotels, and the formation of housing co-operatives. There has also been an increase in the number of immigrants' associations, for which the local authorities act as co-ordinators. The industrial sector has organised an occupational training course for metal-workers.<sup>41</sup> Meanwhile in Turin, unions and businesses have both been active in promoting occupational training for immigrants. Local authorities have played an important part in job finding, placing immigrants in public building projects or in other areas of public interest. There have been some interesting initiatives in the area of education: apart from literacy courses and school integration and middle school certificate projects, there is also a multicultural training course for teachers on the agenda. Nonetheless, the meeting of social needs, and especially accommodation needs, has arguably been less successful.

Elsewhere in Italy, however, the situation of immigrants is not as good. Apart from a general lack of preparedness, delays in dealing with immigrants have been attributed to the slowness of administrative procedures. A regional Council for Immigration Problems (with the participation of some co-opted or elected immigrant representatives) has been set up in almost all regions, but this body only appears to work in a third of these regions. In principle, its responsibilities cover cultural and educational initiatives, social welfare, economic assistance, reception centres, domestic help, accommodation, health care, and initiatives encouraging the formation of associations 'for' and 'of' non-EU immigrants, although these are not always acted upon, or necessarily successful. In particular, in the South of Italy, public measures have not been so successful and social forces and the voluntary sector have acted in a climate of general indifference. Meanwhile, there has also been an absence of any real commitment on the part of the public institutions.

In Spain, the number of immigrants is lower and there is a quota system, which to some extent controls entry, such that the number and variety of regional initiatives for immigrant integration is much lower. Beyond the example of initiatives of the Catalan government mentioned above, however, there are some well-known organisations which are involved in voluntary work with

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<sup>41</sup> Treves, C., Di Gioacchino, R., Masoubi, M. Toaff, E., Spini, V. Pascucci, G., Mussi, F. and Trentin, B. (1989) *Sindacato dei diritti e società multi-etnica*, Rome, Ediesse, pp. 47 - 49. Vicarelli, G. (1994) - *Le Mani Invisibili*, Roma: Ediesse.

immigrants across the whole of Spain, and especially in Barcelona, Baleares, Canahas, Malaga, Andalucia and Madrid, where the majority of the migrants reside. These organisations include the *Comisiones Obreras*, a trade union which helps migrants through its specialized information centre (CITE), as well as SOS Racisme, *the Centro d'informacio e Documentacio de Barcelona* (CIDOB), the *Association de Solidaridad con los Trabajadores Immigrantes* (ASTI), CARITAS, Jama Kafo, and the *Colectivo IOE*. These organisations organise tours of Barcelona and neighbouring localities, hold classes in vocational training to help immigrants achieve qualifications which are recognised by Spanish employers, and help with finding jobs.<sup>42</sup>

Most of the organisations mentioned above support the maintenance of migrants' own cultural identity, as a better way to allow integration in Spanish society in the short term, and allow the possibility of return migration in the longer term. This is based on the premise that expecting an immigrant to renounce almost completely to his or her previous identity could cause serious conflicts and a sense of insecurity within the individual, especially if they find it difficult to achieve citizenship rights in the host country. Such organisations are trying to help the migrants to integrate in Spain but are also holding evening classes of Arabic and Arabic culture, for example for North Africans, so that the children of *Maghrebins* migrants will always feel they have the choice of returning to their country of origin if they choose to.

## 10. Conclusion

Individual European countries' migratory policies have featured restrictive and coercive elements in recent years. In the light of this, a basic need for co-ordination above all has often been felt. Yet, until the entry into force of Amsterdam, which gave competence to the EU institutions in this field, neither the EU nor any other international organisations had made effective progress in this direction. The attempt to standardise the practices of some European countries (e.g. in Schengen) does not seem to have overcome problems caused by viewing the issue of immigration in purely conjectural or local terms. In fact, in spite of the same economic crisis, the same social problems and - what seems to be the most important - the same targets (more or less agreed upon), each country still seems to be reacting in its own way: even when a comparison of the solutions adopted (especially restrictive ones) could lead one to think that there might be room for a European agreement on migratory policies. The new Title IV of the

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<sup>42</sup> see the "*Pla Interdepartamental d'Immigraci6*" a publication by the Generalitat de Catalunya, Department of Social Welfare.

Amsterdam Treaty (still governed by unanimity) but gives competence to the EU institutions to prepare new legislative measures in the area, as well as the rights of foreigners will also now come under the competence of the ECJ, as well as the political will demonstrated by the Presidency conclusions of the Tampere Council summit could be a first step towards a convergence of migration policies and the extension of EU citizenship rights to third country nationals whose presence has certainly contributed positively, both economically and culturally, to the host countries.

The Communication on Migration Policy of 22 November 2000 (COM 2000/757 final) and the recent proposal of directive concerning the status of third country nationals who are long term residents of 13/3/2001 (COM 2001/127 final), more recently, on 11<sup>th</sup> July 2001, the “Communication from the Commission to the Council and the European Parliament on an open method of co-ordination for the Community immigration policy (COM (2001)387final), not to mention also the provisions to combat discrimination on the workplace and on the basis of ethnicity and race, indicate a change in the mentality which prevailed till the mid- eighties, that of a zero immigration policy – which in fact never worked. Migration management and integration are recognised as not only beneficial to the migrants but also to the country who receives them. The idea is to give migrants a structured package of rights, however, subsidiarity in the application of these provisions, seems essential.

What can be seen quite clearly from the situation in Southern Europe is the extent to which immigration of workers from poor countries can be described as 'a direct response to specific demands for cheap labour articulated by employers and their representatives in the political and administrative process; or whether the migration process is essentially supply-driven by factors of poverty and demography'.<sup>43</sup> It is still unclear to what extent competition exists between immigrants and national workers. Initiatives to integrate legalised immigrants and decisions with respect to the extent that migrants can achieve citizens' rights are still at very early stages. Even in the areas where migrants have secured certain rights, the gap is still very wide between these rights and what is truly done to help them benefit from these rights.<sup>44</sup>

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<sup>43</sup> King, R. and Konjhodzic, I. (1995) Labour, Employment and Migration in Southern Europe. Paper prepared for a conference on *Problems of Labour and Employment in Southern Europe and the Maghreb: European and US Policy Options*, in J. Van Oudenaren (ed.) - *Employment, Economic Development and Migration in South Europe and the Maghreb*, Santa. Monica, California, p.74.

<sup>44</sup> With respect to iberoamericans, the problem of recognition of qualifications does not exist because due to bilateral agreements existing between Spain and the Latin-American countries about education standards, even though some employers did claim that hadn't there been these bilateral agreements,

One thing is more certain however: there are various disequilibria prevailing between the Northern and Southern banks of the Mediterranean which will continue to persist for some time. Too strict immigration policies will only help fuel an increase in clandestine entries. In this sense, as Collinson states, 'the central issue ... is development, not migration. Migration is likely to continue in some form or another, and may even increase, whatever the outcome of future economic co-operation between the EU and the Mediterranean non-EU countries.'<sup>45</sup> EU member states, including Italy and Spain, have placed much reliance on traditional forms of immigration regulation, as reflected in the Barcelona declaration of November 1995. So far, migration has been treated as 'a problem with straightforward solutions, rather than as a continuous structural component of international interaction and integration, to which there may be no solution as such, but which continues to pose a challenge throughout all levels of domestic and international policy-making'.<sup>46</sup> Rather than preventing and regulating migration, which may represent a short-term solution, states such as Spain and Italy may need instead to co-operate, to study what kinds of interventions would tackle the root causes of the new immigration flows.

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the iberoamericans' would also have been rated as of a lower standard to the Spanish ones.

<sup>45</sup> Collinson, S. (1996) *Shore to Shore - The Politics of Migration in Euro-Maghreb Relations*, London, The Royal Institute of International Affairs, p. 98.

<sup>46</sup> Collinson, S. (1996) *Shore to Shore - The Politics of Migration in Euro-Maghreb Relations*, London, The Royal Institute of International Affairs, p. 95.



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## ABOUT THE CEPS-SITRA NETWORK

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CEPS, with financial assistance of the Finnish SITRA Foundation, embarked at the end of 2000 on a programme to examine the impact of Justice and Home Affairs *acquis* on an enlarged European Union, the implications for the candidate countries and for the states with which they share borders.

The candidate states are adopting or are preparing to adopt EU systems such as Europol, Schengen (the totality of the *acquis* have to be accepted according to Art. 8 of the Schengen Protocol to the Treaty on European Union), the European Police College, measures to combat organised and financial crime, Eurojust, mutual recognition of judgements, uniform sentences for fraud against the EU budget, etc. In this process the candidate members can be represented as passive recipients of EU arrangements – no modification of matters such as the Schengen *acquis* is available to them. But the arrival of the new members in the EU will modify the character of JHA cooperation by increasing the numbers of actors involved in the framing and the implementation of policies, changing the pattern of the problems confronted and shifting the location of the external frontier.

The basic aim of this project is to produce policy recommendations that will promote these qualities in EU JHA cooperation and for institutional developments for the medium- to long-term in areas such as a European Public Prosecutors Office, re-shaping Europol and a developed system of policing the external frontier (Euro Border Guard). These must be made within a balanced framework. The CEPS programme will propose policy directions adapted to an enlarged Union that would avoid:

- conflict with other objectives of policy;
- the inevitable public disillusionment if few practical results flow from general declarations of policy;
- erroneous policies based on some widely believed but grossly exaggerated external threat (e.g. ‘floods’ of immigrants ‘international’ terrorism) to the internal security of the EU;
- a rigid distinction between a ‘safe’ region inside the EU (freedom through effective law enforcement) and an ‘unsafe’ outside (the source of criminal threats, terrorism, corrupt law enforcement and political disorder).

The CEPS-SITRA programme brings together a multi-disciplinary network of 20 experts drawn from EU member states, applicant countries as well as neighbouring states: the European University Institute in Florence, the Stefan Batory Foundation (Warsaw), European Academy of Law (ERA Trier), Academy of Sciences (Moscow), London School of Economics, International Office of Migration (Helsinki), Fondation Nationale des Sciences Politiques (CERI) in France, Universities of Budapest, Université Catholique de Louvain-la-Neuve, University of Lisbon (Autonoma), University of Nijmegen, University of Pau, University of Burgos, CEIFO in Stockholm, University of Tilberg and University of Vilnius, as well as members with practical judicial and legislative backgrounds

### *A Note about SITRA (Suomen itsenäisyyden juhlarahasto)*

Sitra is the Finnish National Fund for Research and Development. It is an independent public foundation under the supervision of the Finnish Parliament. The Fund aims to promote Finland’s economic prosperity by encouraging research, backing innovative projects, organising training programmes and providing venture capital.

# ABOUT CEPS

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## MISSION

The Centre for European Policy Studies is an independent policy research institute founded in 1983:

- To produce sound policy research leading to constructive solutions to the challenges facing Europe.

## GOALS

- To achieve high standards of academic excellence and maintain unqualified independence.
- To provide a forum for discussion among all stakeholders in the European policy process.
- To build collaborative networks of researchers, policy-makers and business across the whole of Europe.
- To disseminate our findings and views through a regular flow of publications and public events.

## ASSETS AND ACHIEVEMENTS

- Quality research by an international staff of 30 drawn from fifteen countries.
- An extensive network of external collaborators, including some 35 senior associates with extensive experience working in EU affairs.
- Complete independence to set its own priorities and freedom from any outside influence.
- Ability to anticipate trends and to analyse policy questions well before they become topics of general public discussion.

## PROGRAMME STRUCTURE

CEPS is a place where creative and authoritative specialists reflect and comment on the problems and opportunities facing Europe today. This is evidenced by the depth and originality of its publications and the talent and prescience of its expanding research staff. The CEPS research programme is organised under two major headings:

### ECONOMIC POLICY

Macroeconomic Policy  
European Network of Economic Policy  
    Research Institutes (ENEPRI)  
Financial Markets and Institutions  
European Credit Research Institute (ECRI)  
Trade Developments and Policy  
Energy for the 21<sup>st</sup> Century  
Efficiency in the Pursuit of Collective Goals

### POLITICS, INSTITUTIONS AND SECURITY

Political Institutions and Society  
The Wider Europe  
    South East Europe  
    Caucasus and Black Sea  
    EU-Russian Relations  
The CEPS-IISS Security Forum  
South East European Security Cooperation  
Justice and Home Affairs

In addition to these two sets of research programmes, the Centre organises a variety of activities within the CEPS Policy Forum. These include CEPS working parties, the lunchtime membership meetings, network meetings abroad, board-level briefings for CEPS corporate members, conferences, training seminars, major annual events (the CEPS International Advisory Council and the awards ceremony of the Bentinck Prize) and internet and media relations.

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