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Migration at the southern borders of the European Union:

"The EU`s migration policy towards the Mediterranean

and the case of Spain"

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II. List of abbreviations

AFSJ:	Area of Freedom, Security and Justice
COM:	European Commission
ENP:	European Neighborhood Policy
EU:	European Union
EU-15:	European Union until 2004 (with 15 member states)
EU-27:	European Union today: state June 2008 (with 27 member states)
FRONTEX:	European Agency for the Management of Operational Cooperation at the External Borders
ICMPD:	International Center for Migration Policy Development
IOM:	International Organization for Migration
LDC:	Least Developed Countries
MEDA:	Euro – Mediterranean Partnership
NGO:	Nongovernmental Organization
OECD:	Organization for Economic Co-operation and Development
PSOE:	Partido Socialista del Obrero Espana
PP:	Partido Popular
SIVE:	Sistema Integral de Vigilancia Exterior
UK:	United Kingdom
UN:	United Nations Organization
UNHCR:	United Nations High Commissioner for Refugees
WHO:	World Health Organization

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IV. Preface

The world has been constantly transformed by the consequences, the phenomenon globalization causes. Economies, societies and their states, whole cultures in different regions of the world are increasingly integrated and interdependent. New technologies enable the rapid transfer of capital, goods, services, information and ideas from one country and continent to another. The global economy is expanding, providing millions of women, men and their children with better opportunities in life. But the impact of globalization has been uneven and growing disparities in the standard of living and level of security become more and more obvious in the different parts of the world.

People move. For millennia, people set out to search for a better life. They escape from famine, violence or disastrous economical conditions in their homeland, hoping to find security and prosperity - if not for themselves, at least for their children. Therefore migrants make enormous sacrifices and accept the denegation that sometimes awaits them in their recipient countries. Never before, such a huge amount of people was pursuing for a more satisfying existence abroad than in nowadays. Not really a miracle, if we take into consideration that as well the population in poorer countries, as the economical gap between the North and the South of our planet is growing constantly and rapidly. Today, about 200 million people live permanently in a foreign country around the globe, particularly in the industrial nations. In the last fifty years their number has nearly doubled. Indeed the world counts less people that cross borders because of wars and catastrophes - lastly statistics counted least, since a quarter of a century. But currents of migrants that escape due to economical reasons are constantly growing. Facilitators` business is prospering and globalizing: Regional rings cooperate with each other in order to send illegal migrants from one country to another.

It is not at all only the non-skilled population that is moving, but also a lot of academics and skilled engineering workers. They are maybe the most hopeful migrants to realize a profitable relocation. They are more likely to have the money for the trip, the visa fees or a counterfeit passport. A polish teacher that works on building site in Britain or a Mexican engineer harvesting wine in California, both are ready to start from the bottom for more money.

Immigrants are hungry in many ways and this is exactly the reason why they appear so dangerous in the eyes of many citizens of industrial nations. However, many studies document that immigration is rather useful for the powerful and rich states that actually receive the additional human capital. Despite these losses, also the countries of origin benefit from their compatriots, who today remit about 230 billion Dollars to their home countries, approximately three times as much as in the nineties. The biggest stock goes directly to developing countries. But also these Dollars and Euros have their price: Top performers are lacking in sending countries. While Egyptian medics migrate to the US and Europe, Egypt opens up its borders for South African doctors in order to fight the increasing labor shortage it experiences. Migration is variable in its effects.

Europe now matches North America in its significance as a region of immigration. Net immigration in Europe in 2004 stood at 3,0 per 1,000 inhabitants, compared to 3,1 in the United States. The region now hosts a population of nearly 60 million immigrants, compared to approximately 43 million in North America, although it has to be considered that the figures for illegal cross border movements are of course not exactly definable. There is every indication that Europe as a region of destination will get more important, as illegal migration increases and the pressuring negative demographic forecasts predict massive labor and skills shortages in the coming decades.

1. Introduction

In this paper the author is not only going to emphasize on advantages and challenges of migration at the southern shores of Europe in general, but also on the construction of a common migration policy in the European Union. Moreover the Union's interrelation with one of their most interesting member states regarding migration issues, Spain will be discussed in the second part of this paper. The author has opted for Spain as an example because of its special relevance in this policy field, but also for the personal experience he gained in the country during his academic career and several individual journeys.

Due to the limited frame of the paper, the author had to trim the content and leave out several aspects that are closely related to the migration issue in Europe. Therefore, the main focus of this paper is laying on legal as well as illegal migration issues that do not include the refugee problem. The amount of information related to refugees that could have been presented, would go beyond the scope of this work and is therefore only marginally considered. Moreover, the author does not claim to touch upon all factors influencing the development of the European migration phenomenon. This work is supposed to give a general idea of the most important facts and events that are shaping migration policies at the southern external borders of the EU, including their past and possible future developments. The author hopes that this report will succeed in illuminating further the complex issues which make up migration today and tomorrow, how they affect all of us every day in some way or another and how, together we can manage migration better for the common good.

But before we start talking about migration and concepts related to it, we should clarify what migration actually is and define to what extend types of migrants differ from each other.

We usually have pre-conceived ideas about the criteria that identify someone as a migrant, although it is obvious that there are many different types to be considered. Nevertheless, there are some simple attributes that all these different types of migrants have in common and that can be seen as a basis for a possible definition. A man, woman or child who leaves his or her country of birth in order to live in another country, can be considered as a migrant. Neither the reason for his or her departure nor the length of time that he or she has spent abroad, are factors to be considered. A Chinese restaurant owner in Barcelona can equally be considered a migrant as an Albanian refugee in Denmark.

The reasons why people leave their country are quite diverse - in general we distinguish between refugees and economic migrants whereas transition is smooth. Nevertheless a clear distinction between different types of migration has to be made in order to understand and be able to conceptualize migration strategies and policies, which this paper is going to deal with. Many authors use different criteria to define different categories of migration. Forms of migration are distinguished according to the motives (economic, family reunion, refugees) or legal status (irregular migration, controlled, free migration) of those concerned. The attempt to trace a complete and realistic picture of the complex migration problem, especially in the southern member states of the EU poses two general questions. One is the question, which type of migration are we actually talking about and which are relevant, regarding the diversity of all forms of possible regional mobility. Furthermore we have to examine, which data in the form of official statistics or scientific research is available to inform about development, specification and effects of migration in general. Therefore it is very important to define which typology of different migration forms, form the basis of the analysis. A classification in categories (like migrants = discriminated subclass) or attempts to classify peoples` motives to move, like job migration, migration due to poverty or escape from crisis and political persecution can be useful for sociological analysis. Nevertheless they seem very problematic to be used as a base

for this paper, considering its goal, to realize a value free, differentiated assessment of social reality. Classifications comprise hypothesis, value judgment and a pejorative character.[1]

Additionally, a simple analysis of the so called "documented migration" would result in a distorted and incomplete picture of reality. This, also by involving refugee movements, officially registered migration represents (particularly in the southern states of the European Union), the much smaller part of the "phenomenon migration" coming from third countries. This would not consider the fact, that the biggest part of migratory movements is not officially registered, a fact from which many specific problems in receiving countries arise.[2]

R. Böhning presented a "Typology of International Migration" in 1983 that does not tend to attributes or predicates of migrants, but that is geared to formal categories. These categories are based on the administrative status of migrants in the recipient countries. He distinguishes between 3 main types:

- Legal migrants (or regular migrants)

- Illegal and irregular migrants

- Refugees[3]

After having taken into account many sources that tried to define these different types of migrations, the author considers the following definition, established in a document by the 2006 Florence Summer School on Euro-Mediterranean Migration and Development as the most adequate:

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[1] Cf.: Hoffmann-Nowotny H.J.: "A Sociological Approach toward a general Theory of Migration", 1981, pp. 64-72.
[2] Cf.: Simon G.: "Migration in Southern Europe: An Overview", 1987, pg. 284.
[3] Cf.: Böhning R.: "International Migration: A suggested typology", 1983, pp. 641-648.

In their definition, legal migrants are migrants that legally enter into the country, have a valid immigrant visa and proper documentation. Legal migration occurs through recognized, legal channels.

An illegal migrant is a person who, owing to illegal entry or the expiry of his or her visa, lacks legal status in a transit or host country. The term applies to migrants who infringe a country's admission rules and any other person not authorized to remain in the host country. An illegal migrant is an alien who enters or stays in a country without the appropriate documentation. This includes: one

- who has no legal documentation to enter a country but manages to enter clandestinely
- who enters using fraudulent documentation,
- who, after entering using legal documentation, has stayed beyond the time authorized or otherwise violated the terms of entry and remained without authorization.[4]

Furthermore another distinction is made between illegal and irregular migrants: Irregular migrants are migrants who enter or remain in a country without authorization, those who are smuggled or trafficked across an international border, unsuccessful asylum seekers who fail to observe a deportation order and people who circumvent immigration controls through the arrangement of bogus marriages. (The International Organization for Migration estimates that irregular immigrants account for one-third to one-half of new entrants into developed countries, marking an increase of 20 % over the past 15 years.)[5]

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[4] Cf.: Schramm Christophe: "What Do We Know About International Migration from the Middle East and North Africa?", A Migration Literature Review; 12.2006, pp. 6-9, Online: (Accessed12.02.08)
www.iue.it/RSCAS/research/SchoolOnEuroMedMigration/2006pdfs/Paper%20Schramm.pdf
[5] Cf.: ibid.

The fourth group, probably the most vulnerable and most difficult to define are the refugees. According to the FSS a refugee "is a person who is seeking asylum in a foreign country in order to escape persecution, war, terrorism, extreme poverty, famines, and natural disaster. Those who desire refugee status are sometimes known as asylum seekers and the practice of accepting such refugees is that of offering political asylum. A refugee is a person who owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion, is outside the country of their nationality, and is unable to or, owing to such fear, is unwilling to avail him/herself of the protection of that country."[6]

Of course none of these definitions is to be considered as a universally valid classification of the different sorts of migration, mentioned above. Especially the definition of refugees, including the conceptions used by the UNHCR[7] has caused controversy in numerous discussions on the international political stage, because of the elasticity of its interpretation. Nevertheless it is the author's conviction that it is not the differences among the various types of migrants that are actually decisive for this thesis, but the effects they cause in their entirety in host and receiving societies. However, those are the definitions that will be used as the basis for all the following details this paper is going to deal with.

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[6] Cf.: cit.ibid.
[7] The Office of the UN High Commissioner for Refugees (UNHCR) (established December 14, 1950) is a United Nations agency mandated to protect and support refugees at the request of a government or the UN itself and assists in their voluntary repatriation, local integration or resettlement to a third country.

2. International Migration

2.1 Historical development of migration flows in Europe

According to the United Nations, the number of migrants worldwide has more than doubled since 1970, reaching an estimated total of 190 - 195 million in 2005. 2,9% of the world's inhabitants are migrants. This overwhelming movement of people continues to flow mainly from poorer to richer countries. About 75% of all international migrants were concentrated in just 12% of the nations.[8] In the course of time, migration has always been subject of changes, both considering the general direction and characteristics of migration streams. Since the beginning of economic migration in the 19th century, we can differentiate several phases of European migration that will be described in the following chapter.

The first phase of European migration that has evolved in the 19th century is the classical transoceanic migration. Most of the European countries, especially England, Ireland Germany and Italy featured a steadily growing emigration towards North and South America, Australia and New Zealand that was first mainly concentrated on settlement and later, after 1880, also focused on the industry of the United States. Besides, a continental migration from Eastern Europe and Italy towards Belgium, Germany and France took place. Between 1871 and 1914, approximately 3 million people found employment in French or Eastern German farming- and Belgian, French and Western German mining companies. [9]

The second phase started immediately after the Second World War. After the refugee movements that took place due to the terrible consequences of the war, the classical migration patterns that existed before the war reappeared. Especially the transoceanic migration, coming from Southern

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[8] Cf.: IOM: International Organization for Migration: World Migration Report 2005: Costs and Benefits of International Migration; June 2005, pp. 13-25.
[9] Cf.: Woytinski W.S., Woytinski E.S.: "World Population and Production, Trends and Outlook", 1955, pp.75-81.

European countries, but also the continental migration movements, in particular Italians that headed towards France, Switzerland and Germany were reestablished.[10]

The third phase however shows some dramatic changes. Between the mid- fifties and the mid-sixties, the fast economic growth in Northern and Western European countries led to a policy of openness of labor markets for so called "Gastarbeiter" or invited workers. Employees from Southern European and North African countries as well as from Turkey were recruited to work in the industrialized West and North. As a result, we could observe a shift from Southern Europe to the European developing countries of the Northwest, while the transoceanic migration was slowing down dramatically. On a big scale of this phase of European workers` migration, approximately 730.000 Greeks, 3,8 millions Italians, 1 million Yugoslavs, 1 million Portuguese and about 2 million Spaniards left their countries to work above all in service enterprises and the consumer industries of the Northern countries of the European continent. Following this migration wave that peaked out during the economic boom of the mid-sixties, it came to a cleavage inside of Europe. On the one side we had typical emigration countries like Greece, Italy, Portugal, Turkey and Spain and on the other side typical immigration countries like Germany, France, Switzerland, Belgium, the Netherlands and Austria.[11]

The fourth phase of European migration began during the mid-seventies with the immigration restrictions (Anwerbestopp), that the Northwestern European countries imposed due to the oil shock of 1972/73 and the resulting economical crisis. Despite this fact, the share of the foreign population in these countries did not decline. While between 1974 and 1980, the number of foreign employees in the main receiving countries indeed remained stable at about 6 million people, the foreign resident

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[10] Cf.: Bade, K.J.: "Europa in Bewegung. Migration vom späten 18. Jahrhundert bis zur Gegenwart", München, 2002, pp.12-24.
[11] Cf.: ibid. pg. 23.

population expanded at the same time from about 11 million to 13 million people. This is mainly attributed to the phenomenon, that the traditional economic migration evolved more and more to a family migration, which brought about a stable share of foreigners in the receiving countries.[12] First and foremost four phenomena are characteristic for this phase:

- ➢ The reduction of the migration capabilities in the Southern European countries due to their economic growth and the decline of population growth.

- ➢ A massive subsequent immigration of family members

- ➢ The share of foreigners in the receiving countries constantly increased, due to very high birth rates and caused a growing social conflict potential

- ➢ Also due to support programs of former receiving countries, a remigration of foreign employees towards their home countries was initiated.[13]

Especially the re-migration caused many problems in countries like Italy, Greece or Spain, which thitherto understood migration policy as emigration policy. A development, they only hesitantly accepted and which was mastered only insufficiently. Consequently the period beginning in the late eighties is characterized by the diversification of host and sending countries. Classical immigration countries like Portugal, Greece, Italy and Spain gradually became countries of immigration. The most significant change during this fifth phase is probably the fact, that immigrants were no longer coming only from former colonies as in the case of France and Great Britain, but from a much larger group of countries, especially from sub-Sahara Africa and Asia. Furthermore the motivations to immigrate, as

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[12] Cf.: Maillat D.: Long-term Aspects of International Migration Flows- The Experience of European Receiving Countries, 1984, pg. 38.
[13] Cf.: Kommission der Europäischen Gemeinschaft: "Soziales Europa: Die Einwanderung aus Drittstaaten in die südlichen Mitgliedsländer der EG", Beiheft 1/91, Brüssel, Luxemburg, 1991, pp. 15-18.

well as the migration entry channels changed. Political changes in Central and Eastern Europe and the former Soviet Union but also regional conflicts such as those in former Yugoslavia and Kurdistan amplified a net increase in asylum seekers and refugees. Particularly the civil war in Yugoslavia led to an increase in asylum applications in the 90s, which reached a new peak in 1997. In comparison to the 70.000 asylum seekers in 1983, the number in 1997 was more than ten times higher in 1997. The most frequented countries, based on the absolute values of flows, are the United Kingdom, followed by Germany, France and Austria.[14]

After the fall of the wall, East-West migration and the movement of ethnic minorities increased. These flows, especially during the late eighties and early nineties were predominantly directed to a limited number of European countries, mainly Germany, Austria, Switzerland, France the UK and Belgium. During this period Germany received about 620.000 people of German ethnic descent originating from Poland, Romania and other states of the former Soviet Union. But also Southern European countries like Greece and Italy recorded the return of more ethnic minorities.[15] Additionally and interesting for the case of Spain, a flow of Roma people, mostly from Romania, Bulgaria, the Slovak Republic and the Czech Republic started moving towards certain countries over Western Europe.

2.2   Migration trends in Europe today

The last decade of European migration history has been shaped by the return of an employment-related migration. The increase in permanent and especially temporary employment-related migration during the last period is the result of several factors. The expansion phase of the late nineties, which was characterized by the fast development of information and

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[14] Cf.: ibid.
[15] Cf.: Nuscheler F.: "Internationale Migration. Flucht und Asyl", Opladen 1995, pp. 48-53.

communication technology, but also recent changes in health and education sectors, required skilled and highly skilled labor. Nevertheless, also unskilled foreign labor, particularly in agriculture, construction, public works and domestic services was and is needed[16].

Europe's population is ageing. The number of natives in Europe is stable and in some regions even shrinking. In 2005, in 9 of the 25 EU-member states we could observe a higher death rate than birth rate. *Illustration No.1* shows the birth rates of that year in selected European member states:

Children/Woman
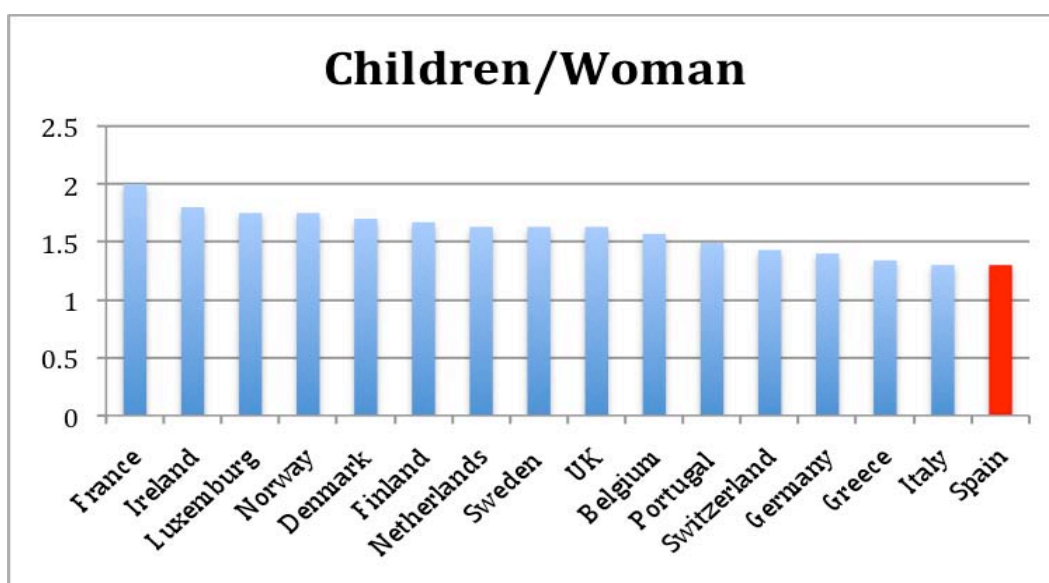
Source: Eurostat 2005

Decisive here is the sub-replacement fertility, which is a total fertility rate that is not high enough to replace an area's population. In almost all the

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[16] Cf.: Migration Research Group: Boswell C., Stiller S., Straubhaar T.: "Forecasting Labour and Skills Shortages: How Can Projections Better Inform Labour Migration Policies?", Hamburg Institute of International Economics (HWWA), 2004, pp. 3-4, Online: (Accessed:11.06.08) ec.europa.eu/employment_social/employment_analysis/docs/forecast_short3.pdf

European states, sub-replacement fertility is below approximately 2.1 children per woman's lifetime. "Taken globally, the total fertility rate at replacement is 2.33 children per woman. 2.33 children per woman includes 2 children to replace the parents, with a third of a child extra to make up for the different sex ratio at birth and early mortality prior to the end of their fertile life. Nevertheless Europe's population is still growing. The threshold is as high as 3.3 in some developing countries, countries that are often origin of migration towards the European continent."[17]

Today, it is migration that is responsible for about 85% of the population growth in Europe. As illustrated, a fact that is also very important in the case of Spain, which is going to be dealt with in the fifth and sixth chapter of this work. Primarily the temporary labor migration is on the rise since 1998. Policies have been developed to facilitate the recruitment of foreign labor that can be contracted for a short term of time. The increasing number of working foreign students is only one example all over Europe. The needs of the domestic labor market in destination countries are often decisive in the regulation of temporary migration. "The existence of a shortage of workers in certain professions leads to the issuance of work permits to foreigners for that specific sector. Indeed, many governments are devising temporary migration schemes to respond to such skills shortages in the domestic labor market, as well as the demands of large global companies looking both to recruit globally and to assemble global teams for specific projects at short notice. In many countries, the emphasis of temporary labor migration programs is on facilitating movement by the highly skilled. This priority is also reflected in GATS mode 4 commitments. Some governments also see the ability to access

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[17] Cf.: cit., Bongaarts, J.: "Fertility and reproductive preferences in post-transitional societies: Global fertility transition, Supplement to Population and Development Review 27", 2001, pp. 260-281.

the highly skilled on a global basis as a contribution to the international competitiveness of the economy as a whole."[18]

Another phenomenon in the very recent history of European immigration is the increasing proportion of women among immigrants. _Illustration No.2:_ shows the development of female migration since the 1960s:
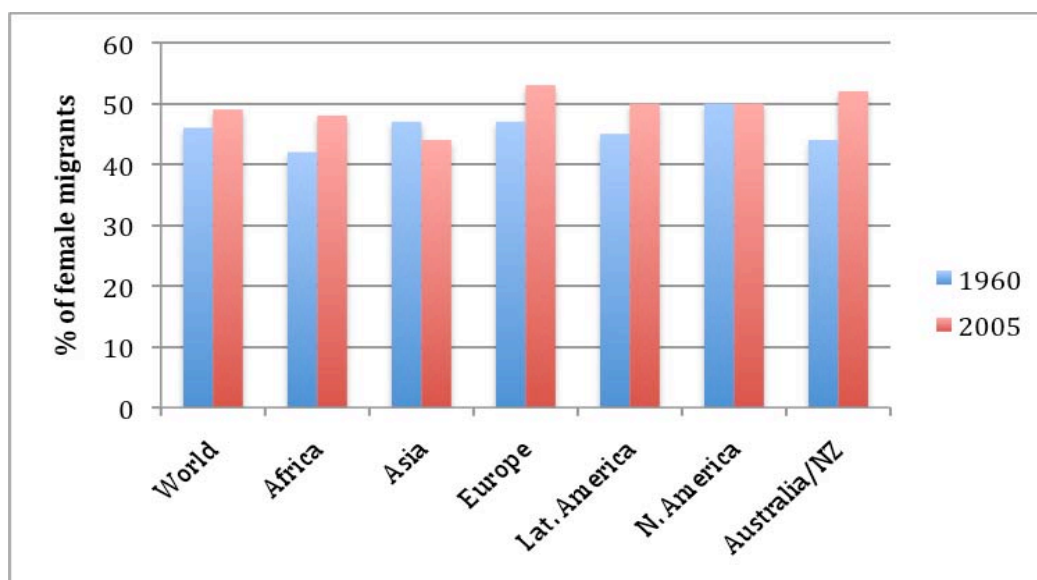
Especially in France, Greece, Spain, Sweden, the United Kingdom and Italy more and more women are coming to work in domestic jobs like geriatric care and house keeping. Women have formed an increasing proportion of employment-related migration and refugee flows, while in earlier times, female migration was limited mostly to family reunification channels. Especially Europe experiences a considerable growth rate of female migrants, which can be seen as a logical consequence of the ageing European population and its need for female dominated jobs.[19]

This very general overview over European migration flows during the 20th century does not claim to be complete, but tries to point out major changes

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[18] Cf.: cit. Online: (Accessed: 10.06.08) http://www.iom.int/jahia/Jahia/pid/550
[19] Cf.: Garson J.P.: Migration in Europe, Trends and Perspectives, 2004, pg. 48. Online: (Accessed: 14.05.08)
contact.migrationpolicy.org/site/DocServer/GARSON.pdf?docID=981

and give a hint to their impact on the general perception of migration in Europe. It was the intention to highlight general facts about legal migration and its development on the European continent. Nevertheless it has to be completed by a major event, that the author is also going to elaborate on in the following chapters. It involves the persistence during this entire period of irregular and illegal migration and the employment of undocumented workers, a phenomenon that increasingly gains importance and is and will be one of the major problems of migration policies for the future and a security concern at the borders of the European Union.

3. Europe`s Migration Policy towards the Mediterranean

3.1 Destination Europe

3.1.1 Push-factors

The act of moving from one country to another is a crucial decision in peoples` lives. Of course it is in most of the cases very promising to leave for a place where the economical, social and cultural conditions are far better than in the country of your origin. But at the same time such a step is closely connected with the abandonment of a familiar home environment and the settling into a culturally very different place in which problems and conflicts are inevitable. The question arises of why so many people are willing to risk what they have achieved, and even their lives, in trying to cross the Mediterranean. What is the driving force to reach the shores of the European continent?

In order to analyze migration, the so called "push-pull model"[20] has been the most common theory to be applied. Scientists coming from all the different fields concerning migration have developed this theory to explain the causes of the international movement of people. Political scientists, economists and sociologists have examined the factors that are responsible for the development of migration throughout time. The model distinguishes between factors that drive people to leave home (push-factors) and factors that attract migrants to a new location (pull-factors). Push-factors exist due to circumstances in the countries of origin that send migrants abroad while pull-factors are positive aspects that a receiving country can offer. Of course such a big step can in most cases only be considered as worthwhile if not only there is a lack of benefits at home, but also a bigger amount of benefits in the receiving country. Nevertheless the

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[20] The Push-Pull Theory says that individuals will move if the expected additional benefits or moving are greater than the expected additional costs of moving. An individual may choose to move because they perceive that the situation in their current location has gotten worse or the situation in their place of destination has gotten better.

factors do not always have to be equally weightily. One force like the pull-effect of unsatisfied markets in the receiving country or the push-effect of unsatisfied labor in the donating country can be also predominant.[21] Hence, the greater the difference of attraction in the country of origin and the receiving country, the more likely is a movement from one place to the other. Relating this to our field of interest, it can be stated that the Mediterranean region faces exactly this situation today. The European Union, with its social and economical welfare and the chances it has to offer is very attractive for migrants coming from the very poor Southern countries that have not been profiting of the economic growth after the Second World War and the Globalization process after the breakdown of the Soviet Union. Moreover the very small geographical distance between North Africa and the Southern borders of the EU makes migration easier.[22]

The first and probably most important push-factor in the region is the high unemployment. The gap between the offers on labor markets in the sending countries and receiving countries of the European Union justifies the immense South-North movements. Although many countries in the Southern European regions are presently suffering themselves from a high unemployment, Africans or South Americans consider migration as worthwhile. Their markets suffer of an incomparably higher level of unemployment that has been caused by bad policymaking and an explosively growing population. An unemployment rate of 25% is not a curiosity in many African countries. Countries like Tunisia and Morocco declared a rate of unemployment of 16% in 2005, although in reality the situation is much worse.[23]

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[21] Cf.: Papastergiadis N.: "The Turbulence of Migration", 2000, pp. 30-31.
[22] Cf.: Dzvimbo P.: "The International Migration of Skilled Human Capital from Developing Countries", Working paper, World Bank, 2003, pp. 1-2.
[23] Cf.: Butterwegge C., Jäger S.: "Europa gegen den Rest der Welt? Flüchtlingsbewegungen – Einwanderung - Asylpolitik", Köln, 1993, pg. 20.

Illustration No.3: Unemployment rates in the World (state 2007):
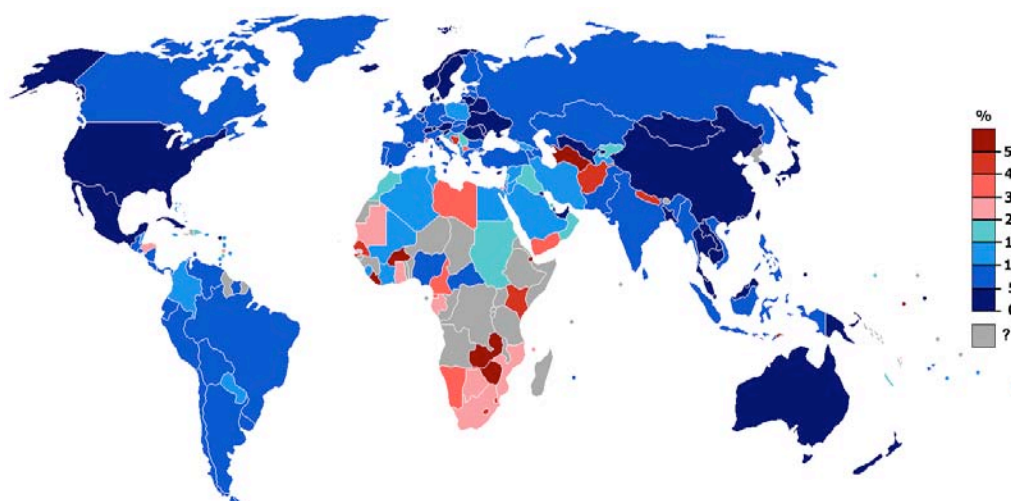
Another very important factor is the difference in population growth of the two regions. While the population in countries of the Southern shores of the Mediterranean is growing with an average rate of 2,8% per year, the EU average is about 0,4%. It has to be mentioned, that without steady immigration flows, the European Union would be shrinking, considering its overall population. The steady growth of Africa's population is one of the major concerns and considered as the future main source of instability in the Mediterranean area. Additionally, many grievances in the sending countries have pushed people to take the risky decision to hit the road towards the "rich North". Better socio-economic conditions that can be ensured by adequate job opportunities are not given, mostly due to the low education standards in these underdeveloped states. But also violence, social unrest, the violation of human rights and authoritarian regimes including the lack of political participation has moreover pushed people to emigrate and also seek refuge in EU member states. [24]

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[24] Cf.: Cuschieri M.A.: "Europe`s Migration Policy Towards the Mediterranean", Discussion Paper, Universität Bonn, 2007, pp.10-11.

An overview about the most important push-factors in the Mediterranean area, is given by Cuschieri (2007):[25]

Push factors	
International war and annexation (ex: Israeli- Palestinian conflict)	Totalitarian regime with political persecution or genocide
Repression of minorities (ex: Kurds in Turkey, Assyrochaldeans in Syria, Kabyles in Algeria)	Forced resettlement
	Permanent low-wage levels
Internal armed conflicts such as civil war, secession, dissolution or other internal national or ethnic conflicts (ex: the present Iraq, Somalia, Sudan crises)	International terrorism
	Persecution (both on religious and political grounds);
	Overpopulation
Poverty	
	Environmental factors/Ecological Devastation (ex: desertification in Africa)
Unemployment	
Lack of natural resources (ex: water)	Poor governance

3.1.2 Pull-Factors

On the other hand there are various factors that attract foreign population to come to Europe. First of all, it seems very obvious, that a worker from the South would consider a salary in Europe, that could be up to ten times higher than in his country of origin, as an incentive to cross the Mediterranean. The search for a better quality of life, including a high possibility of professional career development, greater job mobility and the

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[25] Cf.: ibid.

access to the European Single Market and its countries` welfare systems are strong motivations to move. Moreover, strong family ties to immigration countries, that have often been existent since generations, due to the emigration of one or several family members in earlier times, can also be considered as a reason for emigration. The EU member states are additionally creating a big number of jobs that domestic workers are simply not willing to do or for which no qualified labor force is available. Immigrants can fill those gaps.[26]

One of the biggest future concerns in the Union is at the same time one of the greatest hopes for future immigrants. Europe's very low fertility rates and its ageing workforce needs substitution. The citizens of Europe that have been born after World War II, the so called baby boomers[27], are already starting to retire and latest demographic forecasts show that labor in Europe is strongly needed, be it women to care for elderly people or more general, immigrants as tax payers to ensure the pensions of future generations.[28]

Additionally, we should not forget the ties that have been created during times of colonialism. Many European powers like France, the United Kingdom, Belgium, the Netherlands, Portugal and Spain possessed former colonies in Africa and South America, which still has its influences on migration flows in the world today. Colonial ties also supply a pull-factor because of the former and in some cases still ongoing special political relationships but also because of advantages due to language

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[26] Cf.: ibid.
[27] Baby boomer is a North American-English term used to describe a person who was born between 1946 and 1964. Following World War II, these countries experienced an unusual spike in birth rates, a phenomenon commonly known as the baby boom.
[28] Cf.: ibid.

similarities.[29] Cuschieri (2007)[30] gives an overview about the most important pull-factors:

Pull factors in the EU	
Matrimonial exchanges	Maintenance of the rule of law
Access to welfare	Democracy
Historical colonial ties (ex: Algerians in France)	Pluralism
High standards of living (Europe having some of the highest wages in the world)	Effective protection of Human Rights (including the guiding principles of freedom of worship and tolerance towards different ethnic groups)
Ageing societies	
Opportunities for higher education or advanced training;	Affirmation of one's skills
Overall economic prosperity	Political stability
Family reunion	Rapid economic development in the southern European countries
Need of workers in some sectors of the domestic markets	Shadow economies in European countries

To close this paragraph, some ambiguous factors have to be mentioned, that cannot be perfectly considered as pull- or push-factor. These are called "network" factors that can either facilitate or deter migration. As the name already tells, networks have to be taken into consideration, including links with relatives or friends abroad. These ties can help in providing funds or information about the general labor market situation and also facilitate the adaption of the immigrant in the host country.[31] Due to the big

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[29] Cf.: Luchtenberg S.: "Migration, Education and Change", Routledge, 2004, pg. 5.
[30] Cf.: Cuschieri.: 2007, pp. 11-12.

advancements in telecommunications and technology of the recent decades, these flows have been augmented.[32] The negative connotation of the expression is given by such networks, which could operate in criminal matters. There are many professional traffickers around the shore of the Mediterranean who act as smugglers and human traders.[33]

3.2   Costs and benefits

Just as the described causes of international migration are complex, so are the effects of these movements. The impacts migration causes cannot easily be split up in a clearly positive or negative side. Let us assume a highly skilled migrant emigrates from one country to the other. Superficially regarded, this could be described as a loss for the source country and benefit to the destination country. Nevertheless, the loss could be regarded as a benefit due to the lowering of unemployment rates in the country of origin, because an unemployed skilled professional can fill out the job. On the other hand this in turn may be offset by the cost of educating skilled workers that leave the country. However, there is still the possibility that migrants in the new country help companies in the home country with business opportunities in the new location, so that both countries can benefit. If the country of destination does not utilize the professional and its workforce, migration may well have negative impacts on both societies.

We see, how complex the migration issue in reality is and that a simple segmentation in good or bad is not possible. Furthermore it would be a mistake, to reduce the value of migration on economic issues solely.

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[31] Cf.: ibid.
[32] Cf.: The Economist Online: Special Report: "Family ties", 04.2008, Online: (Accessed: 20.04.08) 23hints.com/other_media/mobility/Economist-Mobility-Familyties.pdf
[33] Cf.: Cuschieri, 2007, pg.13.

It clearly has political, social, cultural and humanitarian effects that cannot be denied in no country of the world.[34] The authors following remarks are based on the analysis of the International Organization for Migration in their Report of 2005 (IOM).[35]

3.2.1 Human aspects

There can be no doubt that voluntary individual migrants almost always gain a net benefit by migrating from a poorer to a richer country. A successful migration experience can be very helpful and motivating for a human individual and can encourage him in a very substantial way. Nevertheless it always causes "costs" in terms of the adaption of a new environment and the separation from family and friends. Even higher are the costs that emerge, if the migration is irregular. Trafficking and smuggling can easily lead to exploitation and vulnerability that can be grave for the individual as for societies. Images presented by the mass media of helpless boat people and illegal migrants at the margin of societies, often involved in criminal acts and causing unemployment of local workers, can lead to anti-immigrant sentiments. In many countries they often are just perceived as a burden on society, rather than a benefit, regardless of what reality may be. It is therefore an obligation for the states of the EU to protect the human rights of migrants and assure their security in the host countries. At the same time migrants are obliged to abide the laws of the host country and to make a positive contribution to society. A very important factor therefore is the process of integration, assimilating migrants into the workforce of host societies. Also family reunifications for instance can have consequences on how easily and quickly migrants become successful contributors to the host country.

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[34] Cf.: The House of Lords: "The economic impact of immigration", Report Vol.1, 2007-2008, pg. 7., Online: (Accessed: 26.05.08) www.publications.parliament.uk/pa/ld200708/ldselect/ldeconaf/82/82.pdf
[35] International Organization for Migration: "World Migration Report 2005".

It usually has an impact on families that are physically separated. They have to maintain two households and have their children risen by only one parent. These circumstances put relationships to the test and leave behind children that cannot enjoy a proper education given by both parents. Hence, the migrant does not feel perfectly comfortable and will reflect that on the host societies. Reunifications therefore can lead to an overall improvement of integration efforts from both sides.[36]

3.2.2 Economic aspects

In a globalized world that we live in today, where an increasingly free flow of capital, goods and services are observable, the free movement of people is another condition to realize the liberal world market that is supposed to bring wealth and prosperity to people. At the international political level today, migration is generally recognized as a major factor for economic growth, development and stability. Furthermore it is not only regarded as a benefit for host countries but all those entities that are involved in the migration process. Sending countries find outlets for their labor supply that often does not find work in its domestic markets, and profit from the remittances, that their workers send home to their families and usually floats back into the domestic economies. Host countries can fulfill the needs of their labor markets and keep, or even improve their productivity levels, a fact that at the same time helps to raise national income. Individual migrants themselves profit from better working conditions and the know-how they acquire during their stay. Problems mainly appear through mismanagement. Countries and their citizens perceive migration as dangerous if its impact influences their lives negatively. Competing for jobs, increased expenditures on health,

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[36]Cf.: IOM: "World Migration Report 2005", pp. 163-195.
Online: (Accessed: 11.04.08),
www.iom.int/jahia/webdav/site/myjahiasite/shared/shared/mainsite/published_doc
s/books/wmr_toc.pdf

education and general welfare are some examples. Despite the fact, that legal immigrants pay their taxes and generate revenue, politicians often like to make people believe that the displacement of local workers, downward pressure on wages, strains on physical infrastructure and public services like housing, schools and medical services are potential costs associated with migration.[37] Especially during electoral campaigns, migrants are used to bring up new security and welfare concerns that usually result in more skepticism and a lacking integration of immigrants in the host countries. There are not many that adequately take account of important factors such as perceptions and identity questions. But most of the studies that exist, found out that migrants rarely take jobs from nationals, and that migration has minimal negative impact on wage levels.[38]

Skilled migration nowadays takes place in multiple directions. Returning migrants bring back the skills they achieved and before that, usually have sent savings to their home countries. The impact of remittances is an important component of this economic dimension. The World Bank estimated that about 160 billion Dollars is remitted through official channels every year, which in some countries is about the same amount of money that flows into these countries through FDI or development assistance. Remittances contribute to economic growth and to the livelihoods of many people coming from poorer regions worldwide. Moreover, remittance transfers can also promote access to financial services for the sender and recipient, thereby favoring investments and increasing financial and social inclusion.[39]

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[37] Cf.: ibid.
[38] Cf.: Goldman Sachs, Global Economics Paper No.115, August 2004.
[39] Cf.: Cheneval F.: "Umverteilung als Entwicklungshilfe", Zoon Politikon, Zeitschrift von Studierenden der Politikwissenschaften der Universtität Zürich, Nr. 2, 2006, pp.: 6-9.

Illustration No.4:

Remittances 1990-2005
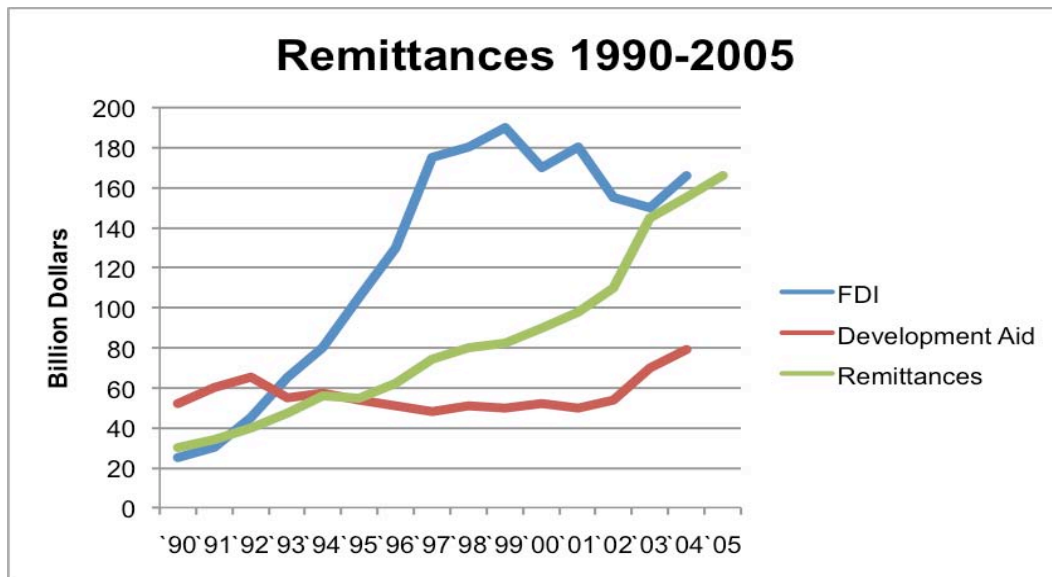
Furthermore, the amount of unofficially remitted money could be two to three times higher. Although this can be considered as a great contribution to domestic economies, critics argue that this money is primarily affecting consumption, rather than contributing to local investment and longer-term sustainable growth and development.[40]

Moreover the skill transfer through return migration can be seen as a long-term investment to the future. A survey conducted in the US in 2003, presented as one of the results, "that 21% of immigrants with employment visas do not expect to live in the USA in the long term."[41]

Nevertheless the economic value of migration strongly depends on the economic conditions in a country and the policies of its governments. Despite many discussable effects that migration has on domestic economies, two major conclusions can be drawn. A developed country

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[40] Cf.: ibid.
[41] Cf.: Rosenzweig, M.: "Copenhagen Opposition Paper on Population and Migration, prepared for the Copenhagen Consensus", 2004.

that makes policies to attract and utilize the skills of foreign workers by facilitating the recognition of their qualifications can ensure economic benefits to the domestic economy and help to decline the anticipated negative effects of an ageing population. On the other hand developing countries that manage to channel remittances into productive investments, for instance by offering tax breaks and government matching grants, can create stability to stimulate investment in the home economy and get the most out of migration for their home country.[42]

3.2.3 Social and cultural aspects

The social and cultural impact of international migration is considerable. By getting to know the other country, migrants build intercultural bridges and cross-border social capital. Workers with a culturally diverse working background stimulate multinational relationships and sustain international business. Not only business advantages but also creativity in art and literature, achievements in sports or new creations in cuisine and fashion are further positive outcomes, migrants can bring to host as well as sending countries. After all policies also have a major role in accentuating these effects through educational programs, media campaigns and events bringing people from different countries together.

Nonetheless the risk of disaffection is not insignificant. Different societal expectations and wrong integration policies can lead to marginalization. By not giving them the chance to participate actively in the host society, as frequently observed in many host countries in Europe, migrants consequently become isolated into communities that exclusively practice their respective traditions and cultures. But multicultural societies are increasingly the norm rather than the exception and this phenomenon

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[42] Cf.: IOM: "World Migration Report", Online: (Accessed: 11.04.08), www.iom.int/jahia/webdav/site/myjahiasite/shared/shared/mainsite/published_docs/books/wmr_toc.pdf

brings its own benefits and challenges. On the one hand multicultural societies can be seen as the most suitable and stable to adapt to a rapidly changing world, on the other hand issues of cultural diversity can end up in being a source of tension. Violent and racist assaults against foreign population can be observed in many countries all over the world and will remain one of the major challenges international migration coordination has to face. The events in South Africa (spring 2008) are the most recent and frightening examples. A functioning migration "is based upon mutual respect between the migrant and the host society, and the respect of the host society for the basic human rights and social, economic and cultural richness migrants can offer." [43]

Also public health is one of the major concerns migration is related to. As people bring their health environments to new countries as tourist, visitors and migrants, they bring back home the health environment of the visited country. This presents both costs and opportunities but at the end can help to establish a higher level of global public health.

Also women, who at the moment represent the fastest growing among international migrants, play an important role. Migration-related experiences can empower many women to more independence and autonomy. By raising the share of women in wage employment, gender disparities can be significantly reduced and can affect subsequent generations and their impact on the culture and social structure in their countries. Of course the impact depends on the socio-cultural perspective of the evaluator. [44]

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[43] Cf.: cit.ibid.
[44] Cf.: OECD: "The Economic and Social Aspects of Migration", Brussels, 2003, pp. 2-4, Online:(Accessed: 13.04.08)
2003http://www.oecd.org/dataoecd/16/20/15579858.pdf

3.2.4 Administrative aspects

Probably the most significant source of costs, regarding migration in general is its management. It requires investments and resources, (human and financial) to develop and implement systems that are able to track migrants, combat irregular migration, especially human trafficking, smuggling, and more. Efficient measures that facilitate the identification of migrants that are authorized residents and those who are not have to be taken and logically cost money.

Hence, the substantial costs for visas, work permits and all the other measures that have to be taken to manage the movements from one country to another are relevant for all countries, developed and developing, countries of origin, transit and destination. The problem is, that mismanagement can mean higher costs. Governments are responsible for the conditions under which a migrant is allowed to leave and enter a country. Even if the majority of the migrants play by the rules, the abuse of migration and asylum systems is pervasive and diminishes public support for migration at the same time. Consequently the integrity of the system is also the key to public support, as we can observe in the declining support for refugees in European countries, as a result of perceived widespread abuse by asylum seekers.[45]

The question is no longer whether to allow migration or not, but rather how to manage migration effectively. The goal for the international community therefore is to enhance ways in which the value of migration can be maximized. Furthermore, migration needs to be recognized as an ongoing process that requires flexibility from both migrants and host societies. There is no doubt, that governments as well as stakeholders like business,

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[45] Cf.: Ardittis S.: Eurasylum, International Organization for Migration: "How are the Costs and Impacts of Migration Policies Evaluated?", 04.2005, Online: (Accessed: 07.06.08)
http://www.migrationinformation.org/Feature/display.cfm?id=677

employers, unions, migrant associations, practically all sorts of institutions have profound interest in migration. If managed in the right way through planned and direct policy intervention, the benefits of migration can outweigh the costs for both migrants and countries of origin and destination alike.[46]

3.3   The "brain drain" problem

"The emigration of African professionals to the West is one of the greatest obstacles to Africa's development." [47]

This warning from Mr. Lalla Ben Barka of the UN Economic Commission for Africa reflects the increasing concerns about the loss of human capital on the black continent. The emigration of highly skilled workers from developing countries to industrialized nations is not a new phenomenon, however the magnitude of the problem and its rapid increase especially on the African continent is alarming. Some scholars argue, that the consequences of brain drain threaten to stunt the overall development of the continent.[48]

The ECA estimates that between 1960 and 1989, some 127.000 highly qualified African professionals left their home continent. Since 1990, Africa has been losing 20.000 professionals each year as the International organization for Migration IOM stated. Also the United Nations expressed their concerns when they agreed, "emigration of African professionals to the West is one of the greatest obstacles to Africa's development".[49]

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[46] Cf.: ibid.
[47] Cf.: Tebeje A.: "Brain Drain and Capacity Building in Africa", 02.2005: Online: (Accessed:16.04.08)
http://www.idrc.ca/en/ev-71249-201-1-DO_TOPIC.html
[48] Cf.: Online: "The brain drain in Africa - Facts and Figures", pg. 2. (Accessed: 21.02.08), web.ncf.ca/cp129/factsandfigures.pdf
[49] Cf.: Tebeje A.: "Brain Drain and Capacity Building in Africa".

According to Todaro, the international brain drain deserves mention not only because of its effects on the rate and structure of LDC economic growth but also because of its impact on the style and approach of third world educational systems.[50]

Illustration No.5 shows the development of visa grants for skilled foreigners from 2001 until 2005:

Skilled migration to Europe
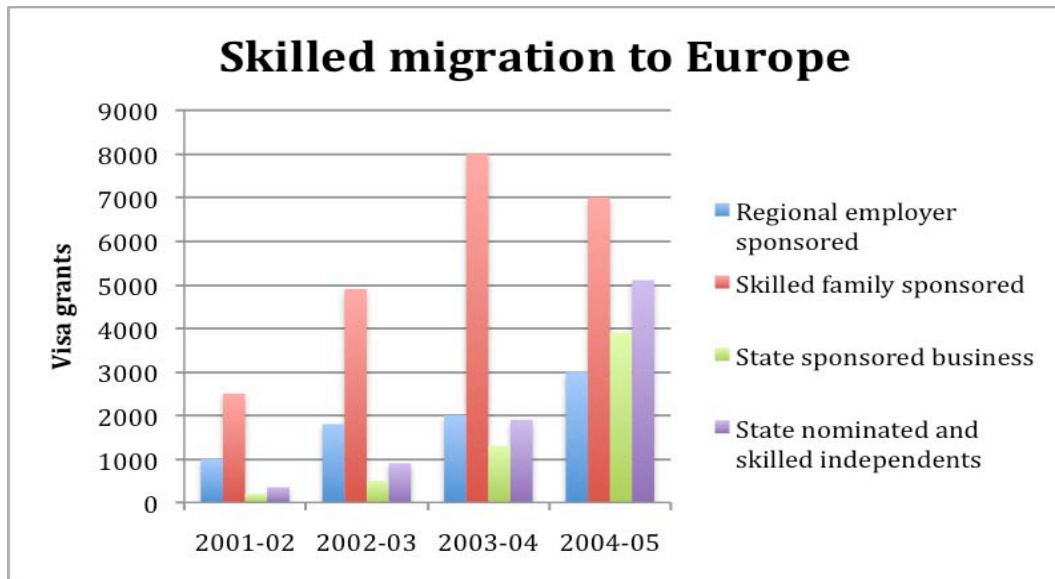
By far the biggest problem is, that those residents of developing nations that are able to find work more easily than other migrants, are the highly educated and skilled ones. Of course, these are the workers that their home countries need most. Consequences are a lower productivity, decreased levels of technical skills and among others, the disproportionately smaller tax base. The last point is a consequence of the logic that higher educated workers earn more money and therefore pay

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[50] Cf.: Todaro, M.P.: Economic Development in the Third World, London, Longman, 1985, pg. 353.

more in taxes than they receive in services.[51]

The term brain drain originated in the 1960s, "when many British scientists and intellectuals emigrated to the United States for better working climate".[52] It should not be understood as a phenomenon between developing and developed countries. There are many developed countries that lose their skilled professionals to other industrial nations, because of better salaries or other advantages these countries have to offer. Many European states like Italy, France or Germany are currently struggling to avoid the movement of their future talents. Markets in Great Britain or the United States in many cases seem more attractive than the ones they find at home.[53]

Nevertheless for our topic the developments between third countries and the European Union are more important. Since brain drain in South America is mostly concentrated on the United States, the author decided to dedicate this chapter to the African continent. Nevertheless it should be taken into consideration, that Spain with its long colonial history in Latin America represents a European exception.

Brain drain, especially in Africa is a significant cost factor. Since a lot of African academics leave or fail to return to their countries after having finished their studies, African nations get little return from their investment in higher education. Consequently, many African institutions are more and more dependent on foreign expertise. Today, up to 150.000 expatriate professionals are employed in Africa at the cost of about 4 billion US$ a year. Particularly severe is the emigration of many health professionals that increasingly erodes the ability of medical and social services in

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[51] Cf.: Online: Ozden C.: "International migration: Brain Drain or Brain Gain?", 10.2005, (Accessed: 22.02.08),
http://yaleglobal.yale.edu/display.article?id=6428
[52] Cf.: Online: (Accessed: 21.03.08) www.dictionary.com
[53] Cf.: Hellemans A.: "Beating the European brain drain", 11.2001,
Online: (Accessed: 23.03.08)
http://www.nature.com/nature/journal/v414/n6862/full/nj6862-04a0.html

several sub-Saharan countries to provide basic health and social needs. 38 of the 47 sub-Saharan countries cannot fulfill the minimum standards, set by the World Health Organization (WHO), which are specified by the standard of 4 physicians per 1000 people.

Illustration No.6 gives an overview over the situation in the world in 2004:

Health workers density per region

Region	Health workers per 1000 population
SubSah.Afri.	~1
Asia	~2.4
ME/ N. Africa	~2.9
S. America	~3
W. Pacific	~8.6
Europe	~10.5
N. America	~11

Health workers per 1000 population
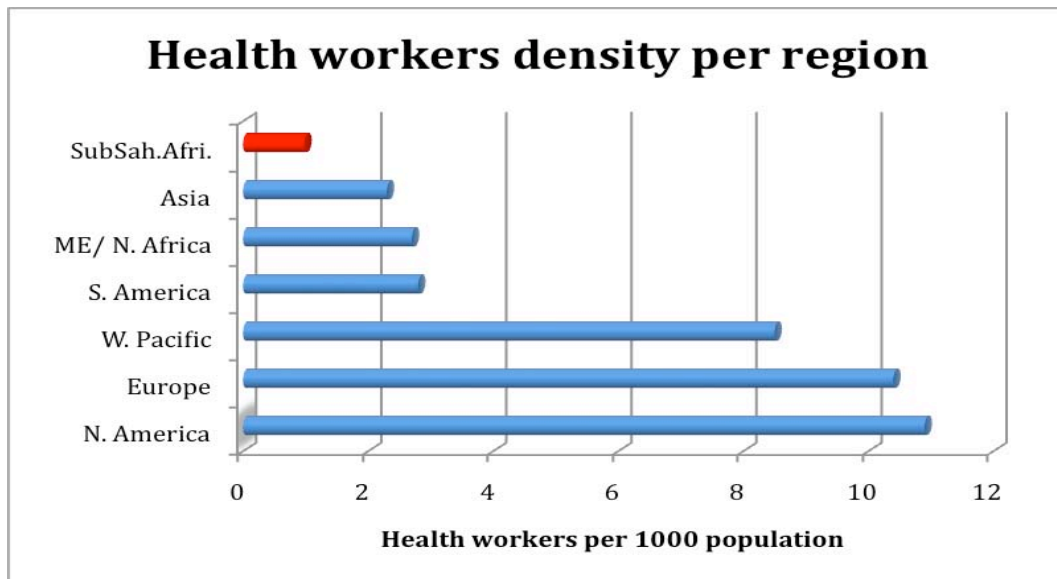
Source: December 2004 WHO report entitled: "Adressing Africa`s Health Work Force"

Furthermore, the gap in science and technology between Africa and other continents is widening, according to figures that show that Africa's share of global scientific output has fallen from 0.5% in the mid-1980s to 0.3% in the mid-1990s. The fact that today there are more African scientists and engineers in the US and Europe than in the entire continent, exemplifies the whole dilemma. Direct consequences are the crumbling of the middle class and its important contributions to the tax system, labor market and civil society. Facts that do not seem encouraging in the anxiety fighting mass poverty on the continent.[54]

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[54] Cf.: Tebeje A.: "Brain Drain and Capacity Building in Africa", 02.2005, Online: (Accessed: 21.02.08)
http://www.idrc.ca/en/ev-71249-201-1-DO_TOPIC.html

The World Bank sees the phenomenon as a result of current demographic trends. While we find a high demand in the developed world for certain forms of labor, developing nations can provide them with their supply. The combination of these factors plus the declining communication and transportation costs, result in the inevitable increase of economic migration. Nevertheless developed countries as well as developing nations can hope to profit from these developments. Developed nations can feel a "brain gain", the opposite of the "brain drain" phenomenon, while developing states enjoy economic network benefits, their emigrants send home.[55]

It will be very significant for the future, if and how the different states develop their cooperation on the issue. In order to limit the impact of brain drain, certain ideas have been brought up by the EU. By encouraging member states to limit their recruitments in countries and sectors suffering from skill shortages, first steps could be taken. Also a closer cooperation between institutions in developing countries and the EU would be helpful, also to enhance the dialogue between the EU and interested developing countries. By facilitating the return of migrants to their country of origin, temporary migration can be encouraged. Giving migrants the opportunity to engage in development friendly activities, without returning definitively could also have a positive impact on the current situation. The EU subsumes this under the term "managed migration with a view to employment", an issue that the Commission discussed in the Green Paper on economic migration in 2005. Outcomes are to be awaited.[56]

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[55] Cf.: Ozden C.: "International migration: Brain Drain or Brain Gain?", 10.2005, Online: (Accessed: 22.02.08)
http://yaleglobal.yale.edu/display.article?id=6428
[56] Cf.: "Framework for cooperation with third countries on migration issues", 06.2006, Online: (Accessed: 26.05.08)
http://ec.europa.eu/justice_home/fsj/immigration/relations/printer/fsj_immigration_relations_en.htm

3.4 Immigration and Security

Since 1989, the historical year that ended the so called bipolar world, Europe faces new challenges when it comes to security threats. There has been a gradual shift away from traditional security concerns, which focused on hard power such as military coercion, towards more soft security concerns.[57] Classical concerns have been replaced by very different phenomena like organized crime, terrorism and environmental degradation.

What is more important for us, is the fact that during the post-Cold War era, Europeans experienced a rise of legal and illegal immigrants, due to globalization and increasing cross-border movements. As a result, this has mobilized many recipient countries to make more efforts to study why people move and how they, as sovereign states, could protect their borders from this "new" security threat. Immigration policy therefore has climbed up the priority ladder and became embedded with politics of sovereignty, national security and foreign policy. Another reason for giving more and more importance to migration policy in general, were the events on September 11 in New York, Washington and Pennsylvania and the Madrid bombings on March 2004. Especially in the Mediterranean region security issues have been prioritized, due to the fact that immigration is probably directly linked to international and especially Islamic terrorism.[58]

This has created a general fear in the EU member states, which lead to new legislation, creating more restrictive immigration policies, internal police controls and furthermore new cooperation efforts in the area of Justice and Home Affairs (JHA). Yet in 1991, a report on the security in

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[57] Soft security usually refers to security which protects something from harm in quiet and unobtrusive ways; often invisibly and after the fact, rather than with visible barriers before the fact.
[58] Cf.: Faist T.: "The Migration-Security Nexus: International Migration and Security before and after 9/11.", 2005, pg. 5.

the Mediterranean prepared for the Western European Union (WEU) warned:

> "Europe can no longer view its security solely in terms of the establishment of peace on the continent of Europe, it must also bear in mind that its relations with its southern neighbors also concern its security and involve risks which at first sight are probably not of a military nature but affects its internal stability and the conduct of its economy and, if allowed to develop, might in the long run jeopardize what now seems to have been acquired in terms of peace."[59]

In this report, migration was featured as the major challenge for the future. Accompanied by the outbreak of the Balkan war, the first Gulf war and the revolutions in Eastern Europe, numbers of asylum seekers and consequently suspicion of migration grew vigorously. Moreover, illegal immigration from the Southern Mediterranean increased significantly due to conflicts, religious extremism, poverty and unemployment in many African countries. Due to its obtained importance and public attention, immigration became a political and electoral weapon. Not only politicians of the extreme rightwing started to use the "fear of the other" in their electoral manifestos, but also more moderate political parties got carried away with using such arguments in order to enlarge their electorate.[60]

Especially in these very sensitive fields, immigration appears as very important and decisive for the future of Europe and consequently developed to one of the main topics on the European political agenda. Unfortunately, the outcomes are quite alarming as we possibly face a new division that is about to be created; the North-South division has replaced the ideological divide between the Eastern and the Western world.

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[59] Collinson S.: "Shore to Shore – The politics of Migration in Euro-Maghreb Relations", 1996, pg. 39.
[60] Wihtol de Wenden C.: "Migration as an International and Domestic Security Issue", in Hans Gunter Brauch et al. eds.: "Security and the Environment in the Mediterranean", 2003, pg. 444.

3.5. Illegal migration across the Mediterranean

The Mediterranean today is considered as the most significant gateway through which immigrants without documents seek to reach the European Union. Despite the fact that illegal immigrants enter the EU in various ways like air, sea and land, the sea at the southern external border of the Union remains the major spot of illegal cross-border movements. Sending countries are all the Mediterranean countries of the Middle East and North Africa (MENA). On the one hand, they are major spots of emigration themselves, but on the other hand they receive significant flows of immigration from other countries that are heading for the region itself or more likely, use them as transit countries on their way to Europe. _Illustration No.7_ shows their key routes on the way to the North:

The images of immigrants in un-seaworthy and highly overloaded boats, trying to reach the shores of the European continent are constantly present in the news. What we however have to bare in mind, is the fact that only a small part of these arriving immigrant boats are actually detected and reported. Despite the fact, that realistic numbers of movements are difficult to calculate, the International Center for Migration Policy Development (ICMPD) has estimated possible sea-crossing

movements. Referring to their publication, some 100.000 to 120.000 immigrants cross the Mediterranean Sea each year. About 35.000 are coming from sub-Saharan Africa, 55.000 from the South and East Mediterranean and 30.000 from mainly Asian and Middle Eastern countries.[61]

Although problems seem very similar to the ones at the border between Mexico and the United States, the two migration hotspots are not comparable.[62] First of all, the southern sphere consists of many different sub-regions, such as the Maghreb, Southern Europe and the Balkans, which in some cases have a common history that unites them. Even if today the region seems very conflict-riddled, the Mediterranean has never been considered as a frontier. Already during Hellenistic times, the "middle sea" used to be considered as a medium to bridge the gap between other regions, cultures and tribes.[63] Hence, migration movements have never been considered as a serious problem, even if the phenomenon has existed for a very long time. In recent years though, it has become one of the priorities of most affected countries` political agendas. In consideration of the fact, that there are more than 20 million people in North Africa waiting for their possibility to reach the European shores in the coming few years, it is rather not surprising that this is attracting attention throughout all the parts of European societies.[64]

As already mentioned before, the problem is not the native population in the Mediterranean, but illegal migrants that do not originate from one of the MENA countries. A bulk consists of migrants from sub-Saharan and Asian countries such as Afghanistan, Pakistan and even China, which use

[61] Cf.: GCIM: "Migration in an interconnected world: New Directions for Action" Report of the Global Commission for International Migration. 2005, pp.32-40. Online: (Accessed: 11.05.08) http://www.gcim.org/en/finalreport.html
[62] Cf.: Wihtol de Wenden C.: "Migration as an International and Domestic Security Issue", 2003, pg. 443.
[63] Cf.: Demmelhuber T.: "The Euro-Mediterranean space as an imagined (Geo-) political, economic and cultural entity", 2006, pg. 5.
[64] Cf.: Calleya S.C.: "Evaluating Euro-Mediterranean Relations" 2005, pg. 128.

the Northern shore of Africa as transit. _Illustration No.8_ shows their countries of origin. Of course, those figures of 2006 are only estimated and cannot be 100% affirmed as we talk about _illegal_ migration:
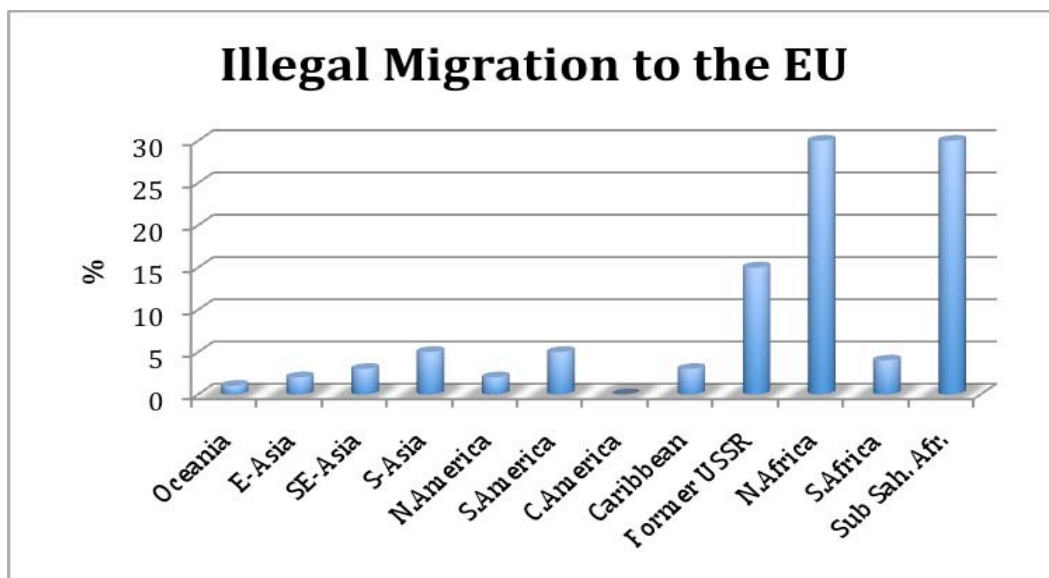
Also referring to the previous chapters, we can clearly assess that Southern European countries have for the first time become a magnet to a steadily growing number if immigrants coming from the South and South East. Hence, many countries in Europe find themselves in an entirely new situation. After more than a hundred years of history as a "sending continent" (with the exception of France)[65], producing a mass migration movement across the Atlantic Ocean, primarily Southern European countries lost their status as labor suppliers and inverted to the most popular recipient countries on the continent. Spain, Italy, Greece, Portugal as well as the new member states Cyprus and Malta have faced an enormous growth of immigration rates and asylum seeks during the last twenty years.[66]

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[65] France has already received many immigrants during its colonial era
[66] In the first years of the new millennium, the fastest growing immigrant groups were situated in Ireland and Southern Europe. In 2003, Cyprus recorded Europe`s largest net gain from immigration followed by Ireland, Portugal, Spain, Malta and Italy.

Illustration No.9 shows the development in Italy and Spain in comparison to central and Northern European states from 1992 to 2003:

Net immigration in several EU countries
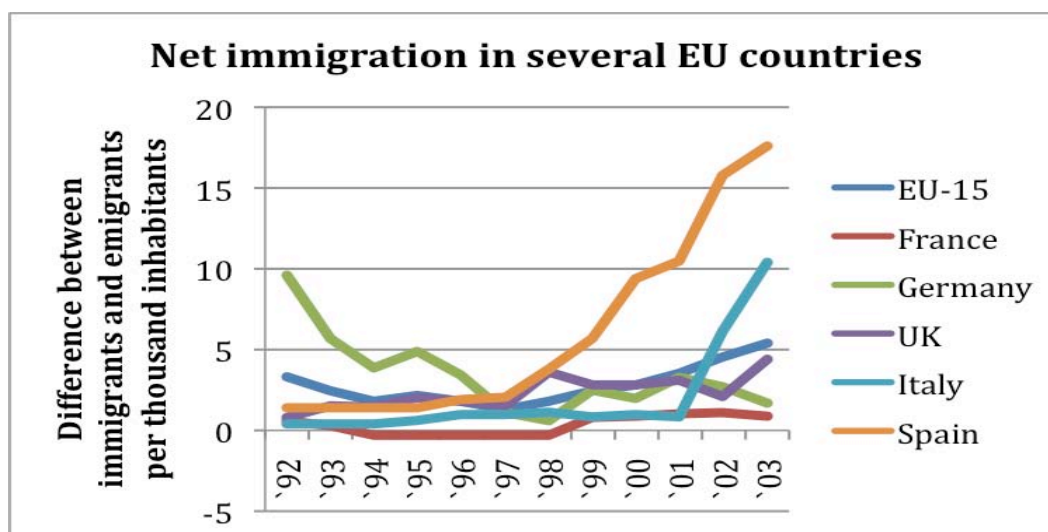
All these countries have one important feature in common: Their extensive coastlines, which are the preferred targets of migrants that want to enter the EU illegally. Sea borders are vulnerable since they are difficult to control and protect, and thus offer the highest probability to enter the continent unrecognized. Due to the fact, that most of the member states had a very incoherent approach regarding their migration policy, the sea border-states had, and have the special responsibility to secure the external borders of the common market of the European Union. For a long time heads of states of Southern European countries have appealed to the different rotating EU presidencies. They have consistently dunned the need to reinforce operational cooperation in the EU`s maritime borders in order to stem the growing illegal immigration. *"*A problem that concerns the entirety of the Union and not only the countries on its external borders"[67]

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[67] Cf.: cit.: Department of Information (DOI) Malta, Dr. Gonzi writes to President Barroso and Prime Minister Vanhanen. Online: (Accessed: 21.04.08) http://www.doi.gov.mt/en/press_releases/2006/09/pr1 286.asp.

Stricter border controls and a closer co-operation among each other and with third countries are actually measures European countries take, in order to combat these developments. Readmission agreements for instance are a striking weapon the European Union possesses, to fight illegal migration. "Readmission Agreements stipulate the obligation to readmit nationals of the country with which the EU has signed the agreement. Also, these agreements contain the commitment to readmit stateless persons or persons of another jurisdiction who entered the EU illegally from the country in question, or vice versa. These might include, for example illegal immigrants in the EU who were also illegal in the country from which they entered, or who had temporary residence permits in that country that have subsequently expired."[68] The Council so far has authorized readmission agreements with eleven third countries.[69] Nevertheless, the author has decided to cover the management of illegal migration in the chapter that deals with the situation in Spain, in order to make it more concrete and to be able to interlink it with debates that actually take place in the different nation states.

However, many European states have decided to go along similar lines concerning their migration policies. The decision to create a common migration policy in Europe is however still far from being realized. Nevertheless, serious preparations have been made along the last decades, on which we will have a closer look in the following chapter.

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[68] Cf.: cit.: "Framework for cooperation with third countries on migration issues.", 06. 2008, Online: (Accessed: 12.05.08) http://ec.europa.eu/justice_home/fsj/immigration/relations/printer/fsj_immigration_relations_en.htm

[69] Morocco, Sri Lanka, Russia, Pakistan (September 2000), Hong Kong, Macao (May 2001), Ukraine (June 2002) and Albania, Algeria, China, Turkey (November 2002).

4. The process of policy harmonization

4.1 Shaping a common migration Policy: From Dublin to De Hague

Throughout the period, that attention was increasingly drawn to questions of migration and asylum in Europe, responding policies have been considered as an issue that only concerns nation states. The multitude of immigrants coming to Europe - whether former members of the colonies or contractual guest workers were dealt with as the exclusive responsibility of their host nations. Since 1985 however, the European Commission considered for the first time the formulation of a common immigration policy. The need to deal jointly with concerns like migration and asylum is a result of the cognition, that it is impossible to tackle this problem independently in an upcoming interdependent unified European market. At the same time the numerous differences in the different member states regarding the content but also the national perception of immigration processes complicate the realization of clear and binding agreements.[70]

The basis for this common policy was created in 1986 with the European Single Act, which included a program for harmonizing immigration policy. Nonetheless it has to be mentioned, that such a development of closer cooperation between member states of the European Union had already happened before, when the governments of Germany, France and the Benelux-States signed the Schengen Treaty on June 14, 1985. Although the agreement has been a clearly intergovernmental agreement, it was closely related to the new approach of the police and judicial cooperation with the objective of the removal of internal and the reinforcement of the external borders of the Union.[71]

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[70] Cf.: Delgado Godoy L.: "Unidad de Políticas Comparadas (CSIC)", Working Paper 02-18: "Immigration in Europe: Realities and policies." University Rey Juan Carlos, Online: (Accessed: 28.05.08) www.iesam.csic.es/doctrab2/dt-0218e.pdf
[71] Since 1990, Italy, Spain, Portugal, Greece, Austria, Denmark, Sweden and Finland have been incorporated.

Another step towards a common migration policy in the Union was the Dublin Cooperation, which was signed in 1991 and enforced on January 1, 1997 by all the member states (EU15). It was designed to ensure that asylum seekers only apply once for asylum in the "Dublin Area." It determined which member state is actually responsible for the application in order to have an equal share of the burden, asylum seeking in the EU causes. Also the electronic fingerprint database (Eurodac) was introduced, in order to identify people that applied more than once and to be able to transfer them to the country that has to deal with their case. Consequently national asylum systems were disburdened and due to that, faster and more efficient.[72]

The Maastricht Treaty or the Treaty on the European Union in 1992 established the three pillars. The so called third pillar is especially dedicated to the cooperation in "Judicial and Home Affairs". The main objectives of this common policy were defined under the headlines of asylum policy, rules concerning the crossing of the common external border and immigration policy.[73] Although the third pillar is an intergovernmental one, which means that the agreements have to be made by unanimous decision, the Union already mentioned in the treaty that certain policies could be transferred to the Community pillar, the supranational entity in the European political system in which decisions can be made by majority voting. Consequently, there was now a possibility to outvote certain states, when it comes to issues related to migration in general. This created expectations, that a common strategy can be achieved in the future. Article K1, or nowadays Article 29 stipulates that the already named asylum policy, the rules concerning the crossing of the

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[72] Cf.: "Cooperation in the fields of police, justice, asylum and migration (Schengen/Dublin)", 04.2008, Online: (Accessed: 12.04.08) http://www.europa.admin.ch/themen/00500/00506/00510/index.html?lang=en
[73] Cf.: Nowaczek K: "Europeanization of domestic policy towards immigration", 2003, pg. 36.

common external border and immigration policy among others, should be the objective of a common policy.[74]

During the period of 1990 until 1997 many declarations, motions and joint declarations have been implemented in order to harmonize migration policies as much as possible and formulate common guidelines for the member states of the Union. However, the first document that brought up measures and changes within a supranational framework was the Treaty of Amsterdam, signed in October 1997 and entering into force on May 1, 1999. Its provision on migration policies in Title IIIa concerning visa, asylum and immigration were now related to the free movement of people as foreseen in the Treaty of Maastricht. In accordance with the Geneva Convention of 1951, certain measures had to be adopted within a period of five years after the entry into force of the Treaty. Among others, the most significant measures regarding asylum were the introduction of minimum standards on the reception of asylum seekers, standards regarding the qualification of nationals of third countries as refugees and the withdrawal of their status as a refugee. Furthermore they agreed on minimum standards for giving temporary protection to displaced persons. Regarding immigration, the member states agreed upon certain conditions of entry and residence and standard procedures that have to be followed regarding long-term visas and residence permits. Also the fight against illegal immigration and illegal residence was touched upon.[75]

With the Amsterdam Treaty, asylum and migration policies became one of the major policy fields of the European Union. It was now partly under community responsibility.[76]

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[74] Cf.: ibid. pg. 47.

[75] All details regarding the Treaty of Amsterdam, Title IIIa, Article 73k, EU Official Journal C 340 (10/11/1997)

[76] Cf.: "The Amsterdam Treaty, a comprehensive guide", 02.2008, Online: (Accessed: 11.02.08) http://europa.eu.int/scadplus/leg/en/s50000.htm#ASILE

But how has the EU migration policy actually been built?

The goal to construct an "Area of Freedom, Security and Justice" was agreed at the EU summit in Tampere, Finland. It was a five-year agenda that was limited until the year 2004. It set new guidelines and goals for the justice and home affairs agenda for the years to come and was followed by the new "Hague Program", which was produced under Dutch Presidency for the years 2005-2010. In the field of asylum, immigration and border control, the Hague Program contains the following key measures:

> "A common European asylum system with a common procedure and a uniform status for those who are granted asylum or protection by 2009;

> Measures for foreigners to legally work in the EU in accordance with labor market requirements;

> European framework to guarantee the successful integration of migrants into host societies;

> Partnerships with third countries to improve their asylum systems, better tackle illegal immigration and implement resettlement programs;

> Policy to expel and return illegal immigrants to their countries of origin;

> Fund for the management of external borders;

> Schengen Information System (SIS II) - a database of people who have been issued with arrest warrants and of stolen objects to be operational in 2007;

> Common visa rules (common application centers, introduction of Biometrics in the visa information system."[77]

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[77] Cf.: cit.: The Hague Program – JHA program 2005-2010,
Online: (Accessed: 29.04.08)
http://www.euractiv.com/de/sicherheit/hague-programme-jha-programme-2005-10/article-130657

The Hague Program sets out the last and most ambitious agenda. Nevertheless it should be clarified, to what extend the common policy deserves its name in practice, a question that the next sequence is going to examine.

4.2 The common migration policy – Reality or wishful thinking?

As shown in the previous chapter, the EU has gained many new competences in the field of migration. EU institutions now officially define how migrant rights have to be protected and how member states should grant visa and asylum. The Commission as well as the European Parliament plays a major role in shaping these policies. On the other hand it has to be taken into account, that theory and reality, especially in a large and complicated entity such as the European Union is, are two different kinds of things. It is still in the hands of the member states to decide upon the most important issues of migration policy. They control migration channels and the integration process, residence permits, citizenship and work permits. All member states of course have agreed on implementing the new measures, the EU is planning to take, but the practical political will remains dubious. Moreover the Treaties in some parts are fragmentary, so that the member states have possibilities to avoid too rigid control by the supranational level. An example is the right of the member states to determine the volumes of admission of third-country nationals to their own markets, although migration issues ought to be under the first pillar.[78]

One very crucial factor for unsatisfying results in the common approach to a European migration policy is the development after the terrorist attacks in 2001 in the US and 2004 in Madrid. As already stated in previous

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[78] Cf.: Cuschieri M.A.: 2007, pp.14-15.

chapters, immigration issues have become a primary concern regarding the security of the continent. It has affected national as well as European policies especially in the field of Home and Justice Affairs. Due to this fact, the EU is constrained in what type of common migration policy could be realized for all the member states. Most EU laws that have been passed at the EU level are mostly restrictive and exclusionary rather than positive, meaning measures that increase the rights and liberties of third-country citizens that reside in the EU community. The national security concerns of the member states hinder the impact of EU immigration policies and the ability of the EU to create a positive environment for migrants. As a result, the inability to create positive rights for legal immigrants, logically leads to increased illegal migration[79] and "feeds the xenophobic dogma of many right wing parties and newspapers, that migrants are thieves, terrorists, criminals and generally undesirables."[80]

Especially in Southern European countries migration became a highly politicized issue. Some states react and try to manage their problems on their own. Italy for instance signed numerous bilateral agreements with Morocco, Libya and Tunisia in order to prevent further illegal migration by linking readmission agreements with development aid and immigration quotas. Moreover, politicians in the European Union gained a lot of experience in dealing with EU legislation. In order to demonstrate their reluctance to implement a new law that they are supposed to, governments protract the implementation process as much as possible and consequently win time in order to fulfill their own objectives. Furthermore, legislation concerning migration is a constant process that needs frequent adjustments which leads to misuse and vulnerability of the

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[79] Cf.: Larsen R.: "Immigrants as a Convenient Security Threat in Western Europe", Paper presented at the annual meeting of the International Studies Association, Hilton Hawaiian Village, Honolulu, Hawaii, 05.2005, Online: (Accessed: 14.03.08)
http://www.allacademic.com/meta/p70990_index.html
[80] Cf.: ibid. cit.

system. Governments are likely to implement their own rules according to promises they made during electoral campaigns by searching for loopholes in the constantly changing migratory environment. In addition it is a matter of fact, that in times of high immigration, issues like unemployment and criminality become very delicate topics and are often abused by mostly right-wing politicians to mobilize voters and foment anti-migrant resentments. [81]

It is very obvious, that there are many difficulties that remain to be solved until we can speak of a truly common migration policy in the European Union. As long as the Union is not able to respond properly to the problems the member states are concerned with, a common policy only exists theoretically. However, the demand for a common approach has increased especially from the Southern members who have big difficulties to cope alone with their problems coming from the other shore of the Mediterranean.

"A truly common European policy on immigration and asylum, which addresses states' interests and needs as well as the reality of migration and refugee movements, is needed, but unlikely to be achieved by the time the Hague Program concludes in 2010. Nevertheless, the agenda the European Council has set out, is ambitious and will surely take the Union another step or two forward."[82]

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[81] Cf.: Cuschieri M.A.: 2007, pp.15-16.
[82] Cf.: Van Selm J.: "The Hague Program Reflects New European Realities. Migration Policy Institute", 01.2005, Online: (Accessed: 23.05.08) http://www.migrationinformation.org/Feature/display.cfm?id=276

4.3 Reasons for a managed immigration approach

"No one today I think questions the need for a European approach to reinforce national policies. Migration is a global phenomenon which is set to continue and as such our response must be coordinated, comprehensive and forward-looking."[83]

European Commissioner for JHA Antonio Vitorino, 2001

Due to the differences among member states regarding links to the country of origin, the capacity of reception and labor market needs, the idea of achieving a regulated immigration policy by establishing an overall framework at a European level is quite promising. A framework means setting common standards, procedures and goals, within which the different member states could develop, their own national policy.[84]

As already mentioned, many countries in Europe are concerned with their demographic development. Europe's societies are ageing and the effect of low fertility on the labor force and the viability of government pension systems are tremendous. Between 2005 and 2025, Europe's population will grow very slowly. Scientists believe that about 10 million will be born, but yet 12 million people will stop working.[85] More than one third of all the regions of the European Union are experiencing a decrease in population and predictions are very similar.

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[83] Cf.: cit.: Vitorino A.: "On the Immigration Policy", 2001, pg. 2,
Online: (Accessed: 01.04.08)
http://europa.eu/rapid/pressReleasesAction.do?reference=SPEECH/01/463&format =HTML&aged=1&language=EN&guiLanguage=en
[84] Cf.: Cuschieri M.A.: 2007, pg.16.
[85] Cf.: Commission Green Paper, Confronting demographic change: "A new solidarity between the generations, Employment and social affairs", 03.05, pg. 3.,
Online: (Accessed: 12.05.08)
http://ec.europa.eu/employment_social/news/2005/mar/comm2005-94_en.pdf.

Illustration No.10 includes current immigration rates:

Population Change in selected European countries 2004-2023
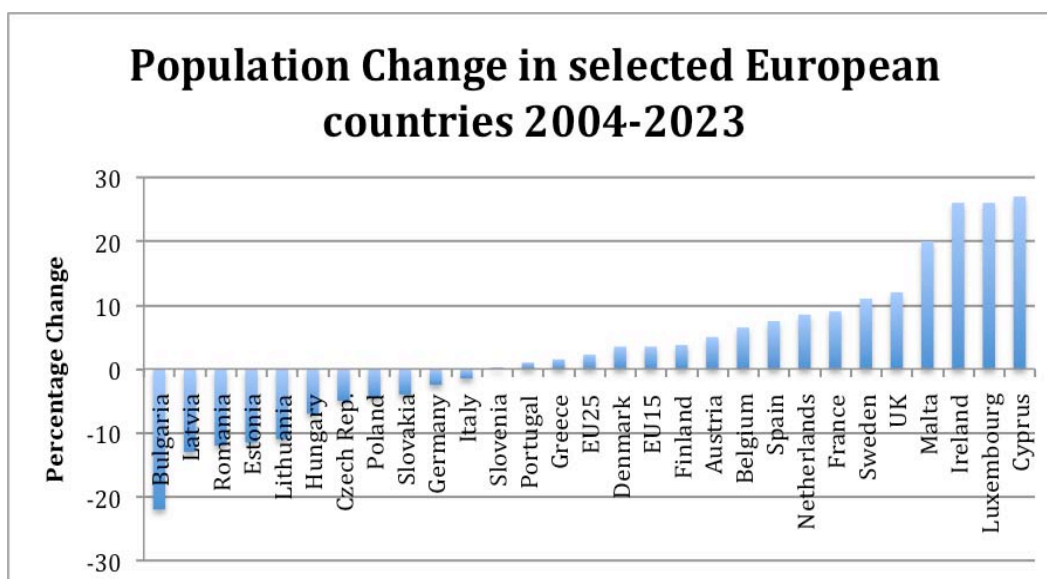
Due to the fact that there are 27 member states, of which not all are equally concerned with this problem, common regulations are rather impossible to implement. Even the ones that are concerned have different approaches and brought up various suggestions including a raise of the retirement age and the increase of payroll taxes. But of course also the increase of immigration in order to stimulate population growth and obtain younger workforce, is an option. Particularly migrants from the Southern Mediterranean shores are on average younger and have more children as Europeans. Managing flows of immigration from the South, where the labor supply is given, to Europe, where labor is and will in the future be needed, is seen as an option including mutual benefits as already explained in chapter 2. The South, with its high unemployment rates could provide the North with the active population it lacks.[86]

Seen from a European perspective, the attraction of skilled workers to the continent is another major feature, the EU can profit from. The Union needs skilled as well as unskilled workers, but in order to achieve the

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[86] Cf.: Cuschieri M.A.: 2007, pp.18-20.

goals of the Lisbon Strategy, which aims at making the EU the most competitive and dynamic knowledge-based economy in the world until the year 2010, skilled professionals of all kinds are highly wanted. In Germany for instance, the so called Green Card, a system that was designed to attract IT workers to balance labor market shortages, has already been introduced at the beginning of the millennium. It is notable, that before these developments, Germany had literally closed the door for economic migrants for more than 30 years.[87]

On the one hand we have these obvious benefits for the EU and the possible benefits that countries of origin gain through remittances and know how backflow. On the other hand, the danger of the mentioned "brain drain" problem is existent. Nevertheless, most European intellectuals argue, that the advantages for the sending countries outweigh the possible disadvantages to be expected. Remittances as indirect, but very effective development aid and the skills, foreigners can obtain inside the European Union are regarded as striking arguments to follow this strategy, despite general concerns coming especially from African countries.[88] Moreover the need for unskilled workers, especially in countries in the South like Italy and Spain are always needed and bring benefits for both sides.

After nearly thirty years of rigid and restrictive immigration policies and more or less unsuccessful attempts to communitarize legislations, most member states consider to follow a new approach. Governments start recognizing the benefit, immigration can have on their demographic and labor market situation. Moreover, "more Europe" will be needed in order to fight against illegal migration, human trafficking and smugglers. However there is still a debate between scholars that are more concerned about security issues and the ones that look at the decrease in available

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[87] Cf.: Salt J.: "Current Trends in International Migration in Europe: Evolution Actuelle des Migrations Internationales en Europe", 2005, pg.30.
[88] Cf.: Cuschieri M.A.: 2007, pp. 21-22 .

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labor and demographic developments and advocate a more liberal approach. National attempts in the nineties, for instance the so called "zero immigration", a very restrictive anti-migration approach, were not able to stop illegal migration across the Mediterranean. Hence an attempt to coordinate or manage policies on a supranational level can be at least an attempt, to make things better.[89] Another fact is, that all the main economic regions in the world are competing for migrants in order to fill the gaps on their labor markets, whilst Europe is ageing. In an economic market that claims to fulfill the five freedoms, namely the free movement of goods, capital, labor, services and persons, it seems very paradoxical that these internal common rules within the common market are not reflected externally.[90] Consequently the EU should open its borders to migrants of all sorts, skilled and unskilled in order to fulfill their needs, overcome their fears and avoid remaining the "Fortress Europe". Propositions have been made and projects have been started. The so called "Blue Card", the European version of the green card was made to guarantee migrants access to the entire Single Market.[91] Migration flows could be better regulated and prospects for a fruitful integration are way more promising. Furthermore human catastrophes, happening every day in the form of migrants on untrustworthy boats trying to cross the "great lake" could possibly be reduced.[92]

4.4 Strategies for the Southern external borders

To a certain extent, all the European member states share the problems international migration causes. However there are big differences among the circumstances in the different nations. The relatively "new" immigration

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[89] Cf.: ibid. pp.17-18.
[90] Cf.: ibid. pg.18.
[91] The Blue Card is a proposed EU-wide work permit allowing employment to high-skilled non-Europeans within the European Union.
[92] Cf.: ibid. pp. 21-22.

countries in the South have to cope with problems, that they have not experienced before.[93] Most of the Southern European member states are "poorer" than their Northern European neighbors but at the same time, have the greatest burden to carry, in terms of the amount of asylum seekers and illegal migrants that want to enter the Union. Especially the refugee problem has not been equally distributed on the different European shoulders by introducing the Dublin Convention. As already stated, the system does not include clear provisions that delineate the possibility to send immigrants to other, actually responsible EU member states. Due to the fact that most migrants enter from the South and the East, these "periphery countries" need special treatment. With the attempt to introduce the European Refugee Fund (ERF) in 2000, the EU tried to improve their financial situation in order to cope with the enormous loads of cases. However, most of the funding went to bigger countries and did not have the effect it was supposed to have.[94]

Secondly, Europe has to think beyond its own borders. In order to stop the enormous migration flows from third countries, the EU has to help solving the problems in the countries of origin. Programs that help their neighbor countries to stimulate their economic growth will automatically lead to a reduction of people, willing to emigrate. A good example is the MEDA program, an initiative that distributes between 800 million and 1 billion € to countries that border the Mediterranean. Today Europe is their biggest foreign investor and trade partner. About 50% of the entire amount trade of the region is with the Union. Moreover the EU is the region's largest provider of financial assistance and funding, with about 3 billion € per year in loans and grants. By assisting these countries with training programs, better border controls and modernization incentives, Europe has to invest, but hopes in the long run, to benefit from further developments.

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[93] Cf.: Pastore F.: "Just another European Dream?", 2002,
Online: (Accessed: 29.05.08)
http://www.cicerofoundation.org/lectures/pastore_nov02.html
[94] Cf.: Cuschieri M.A.: 2007, pp. 23-24.

Nevertheless, these neighbor countries have to implement realistic reform policies that correspond to the realities of global market rules, in order to make the system functioning.[95]

Another very important cooperation agreement between the two continents is the European Neighborhood Policy (ENP). Initially created as a system to prepare candidate states for their accession to the European Union, it developed to a system with the aim of creating a friendly neighborhood around the Union. _Illustration No.11_ shows the member states of the ENP:

Source: European Council

It offers participation in the Common market as well as financial and practical aid. Additionally action plans are being developed to manage legal and illegal migration. The EU provides the third countries with financial and technical support but also training programs to ensure a better management of migration flows.[96]

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[95] Cf.: ibid., pg. 24-25.

[96] Cf.: "The Policy: What is the European Neighborhood Policy?", 04.2008, Online: (Accessed: 23.05.08)
http://ec.europa.eu/world/enp/index_en.htm

This policy is additionally a response to those skeptics that are more concerned about security issues in the EU. Such cooperation fosters friendly ties and detains neighbor countries from acting aggressively. Moreover, through enhanced border cooperation, risks like terrorist attacks and weapon smuggling can be reduced. The ENP still has to prove its efficiency, but if the awaited economic growth and the deepening of the partnership will be ongoing, perspectives are good.[97]

Nevertheless, many problems remain. The fact that most of the countries in the direct neighborhood are upper lower and middle-income countries is problematic. These economic circumstances are predestinating people to migrate. Only when a certain threshold is reached, domestic economies can offer their citizens opportunities at home. These circumstances have not been reached yet in most of these countries. But this should not be misunderstood as an incentive to stop financial and other support. The more economically viable they are, the more stable they are and with the help of the EU, this process can probably be accelerated.[98]

At the same time, the Union has developed agencies like FRONTEX, in order to strengthen the operational cooperation in the Mediterranean. FRONTEX is a coastal patrol network, which is exploring the technical practicability of establishing a surveillance system that observes the Southern maritime borders. "These border strengthening measures will continue in the future and constitute a way to de-criminalize migration and to recognize the legitimacy of those migrants who come to the EU legally."[99]

In order to examine if, and how effective European measures in reality function, the next chapter is going to deal with the case of Spain, one of the countries that is without a doubt one of the most effected regions in terms of migration flows coming from the South.

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[97] Remark by the author
[98] Cf.: CuschieriM.A.: 2007, pp.26-27.
[99] Cf.: cit.ibid.

5. Europe's southern border: The case of Spain

5.1 Spain's transformation to an immigration country

Spain, the country that since its accession to the European Community in 1986, together with Portugal, forms the southwestern border of the European Union, is today one of the major immigration countries on the continent. In the short time of only 25 years, Spain's immigrant population has increased by 1500%. While in the early 80s, the amount of registered immigrants averaged about 220.000, figures today count more than 4 million inhabitants from foreign countries. Regarding the total amount of inhabitants in Spain, which equals 45 million today, the percentage of immigrants can be estimated at about 9%.[100] *Illustration 12:*
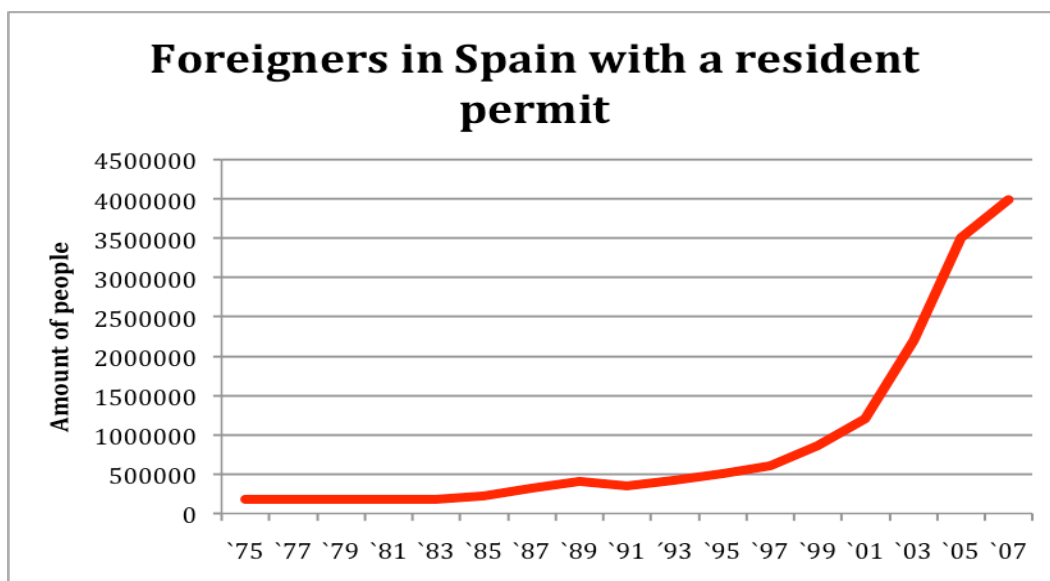
Source: Ministerio de Trabajo y Asuntos Sociales, Instituto Nacional de Estadistica

Nevertheless, it has to be pointed out, that the history of migration movements in Spain during the last 500 years has been characterized mainly by emigration movements. Due to their close colonial ties to the

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[100] Cf.: El PaÌs: "Los extranjeros en Espana son ya mas de cuatro millones y alcanzan el 9% de la poblacion", 09.07.05, Online: (Accessed: 12.04.08) www.elpais.es

South American continent, migration flows headed towards Latin America. During the period of colonialism between the early 16th and the early 19th century, more than 700.000 Spanish citizens left their country to start a new life in the "New World". However Spanish emigration movements have by far not reached their peak at that time. It was only after the independence of the colonies, between 1882 and the 1930s that Spanish emigration flows reached their peak. During this period more than 5 million Spaniards left their country, mainly to cross the Atlantic towards the Americas, but also to Northern Africa (about 250.000), where Spain was still occupying territories like Ceuta, Melilla and Tanger.[101]

During the period of the late 1950s to the mid 1970s emigration flows shifted remarkably. More than 70% of the migrants now chose a Northern European nation as their country of destination. The European guest worker programs had their effect but also the general economic prospects on the European continent and family reunion encouraged Southern European emigrants to stay in their geographical proximity. The Franco regime with its "controlled emigration program" also made a big contribution to this development. Only a limited amount of workers were allowed to leave the country at that time. Moreover it was during this period, that Spain slowly lost its traditional role as e sending country and became a receiving and transition country for immigrants that headed further North.[102]

The accession to the European Union and the following end of the restrictions on the free movement of Spanish workers in 1991 was another milestone for the future development of Spanish migration behavior. About 1.5 million of the 2 million emigrated Spaniards that moved to other European countries, decided to come back to their country of origin.

[101] Cf.: Revista de Historia Económica, VII: Sanchez Albornoz N.: "Una nueva serie anual de la emigración española 1882-1930", 1990, pg. 27.
[102] Cf.: Ortega Pérez N.: "Spain: Forging an Immigration Policy", Universidad de Granada, 02.2003, Online: (Accessed: 13.04.08) www.migrationinformation.org/Profiles/display.cfm?id=97 - 56k -

Furthermore, the combination of a long and steady economic growth and the increasing number of migrants from third world countries, moving from South to North. Due to the steadily growing wealth and standard of living and the movement of the majority of the population to urban areas, Spain experienced a labor shortage in sectors like for instance agriculture, in which many Spanish workers did not want to work anymore. The very loose border controls and the generally underdeveloped migration policy until the mid-eighties encouraged more and more migrants to come to Spain. The already existing family ties and migration networks and the possibility of family reunification, additionally jeopardized the desired effects that restrictions in the nineties originally supposed to have. Another very important factor was the development in the Northern European countries, that started to close down their borders and consequently made Spain a very interesting place to move to, especially for migrants from former colonies, due to cultural and lingual heritage. Moreover, Spain's geographical location at the border between the North and the South, the poor and the rich, is a very crucial factor, that made Spain one of the largest gateways to the EU.[103]

Lastly, Spain today has one of the biggest informal economies in Europe. Informal economies offer a wide range of illegal employment for immigrants without legal papers. Many immigrants that reach the shores of Europe without a legal documentation are forced to accept irregular employment, which creates one of the biggest problems of Spanish migration. Illegal workers, smuggled by traffickers in Africa then have to work in bad working conditions and lower salaries without the full access to social and work related benefits.[104]

But also the rising pressure coming from Africa, whose population has grown from about 220 million in the middle of the 20th century to a level of

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[103] Cf.: Focus Migration: "Country Profile No.6: Spain", 10.2006,
Online: (Accessed 12.03.08), www.focus-migration.de/Spain.1236.0.html?&L=1
[104] Cf.: Castles S., Davidson A.: "Citizenship and migration:
Globalization and the politics of belonging", 2000, pg.181.

about 800 million people today cannot be underestimated. Taking Spain's major source of migrants as an example, reasons become very obvious. More than 20% of their population is still living in poverty and about 40% of their economy depends on agriculture. The demographic pressure and these factors lead to the developments Spain is facing with its closest African neighbor.[105] _Illustration No.13_ compares the GDPs of Africa and the EU, state: 2007:
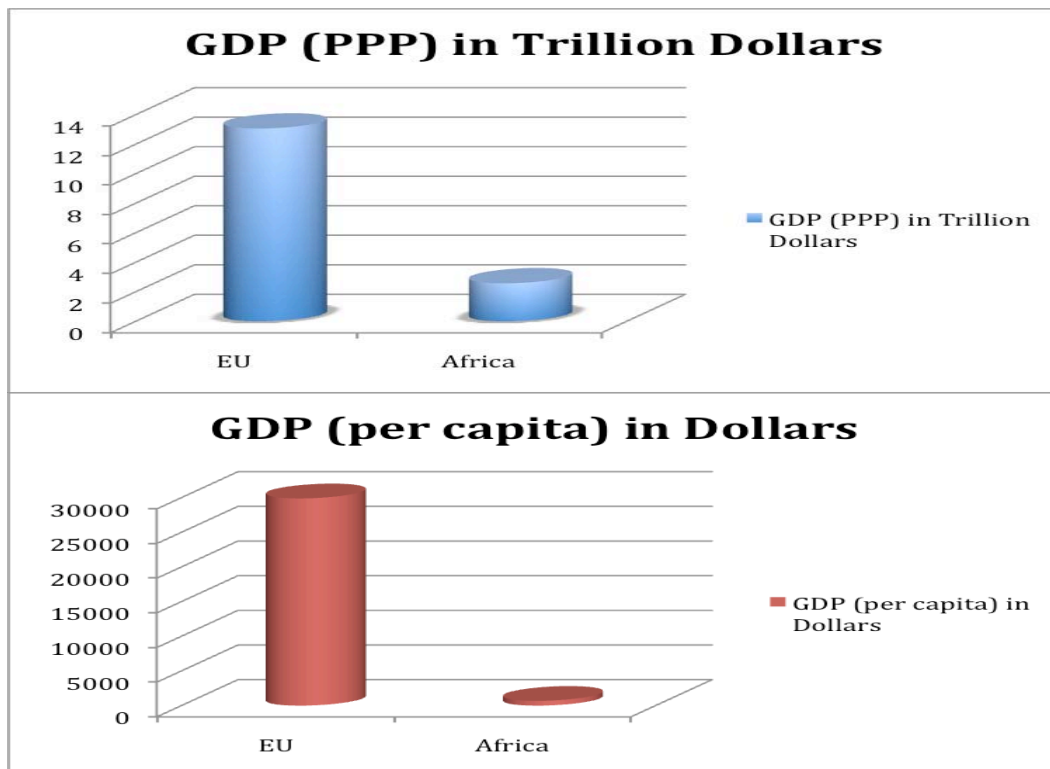
Source: OECD

This list of possible reasons is not supposed to be complete, but tries to give an overview about the main factors that influenced the developments in Spain and will to be the base for further explanations in this paper.

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[105]Cf.: The World Bank, "General overview on Morocco, development progress", 11.2006, Online: (Accessed: 12.06.08), http://www.worldbank.org/

5.2 Countries of origin

The statistical data of immigrants in Spain are mostly related to the part of foreigners that are actually registered in the country. Included are people with a permanent or temporary residence permit, immigrants that possess a so called "tarjeta de residencia". Refugees, asylum seekers and tourists are excluded.

The composition of foreign population in Spain has changed enormously during the last twenty years. While in the mid eighties Europeans formed the biggest representation of foreign population, today South Americans and Africans personate the biggest group. Since the nineties European population has decreased so that they today only represent 36% of the total foreign population among which 57% represent EU citizens. While usually Germans, Dutch and British citizens represented the lion's share; Ecuadorians, Colombians and Moroccans are now the strongest group living on the Iberian Peninsula. About 40% of all foreigners today are Latin Americans.

Due to rising difficulties in immigrating to the US and economic and political difficulties in Latin American countries, like Ecuador (34.4%) and Colombia (18.8%), the classical countries of origin like Argentina (10.6%), Venezuela or Cuba (both less than 8%), were replaced by the two Northwest Territories of the South American continent. Today Ecuadorians represent the second largest foreign population overall. They have been attracted by a special worker agreement contingency, the Spanish government launched in 2001. Asian countries only play a subordinate role. Among them, Chinese represent 47% and Indians, Pakistani and Filipinos account the majority of the rest (37%).[106]

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[106] Cf.: Focus Migration: "Country Profile No.6: Spain", 10.2006, Online: (Accessed: 22.05.08) www.focus-migration.de/Spain.1236.0.html?&L=1

Foreign population, countries of origin 2005

- Europeans
- Asians
- Americans
- Africans
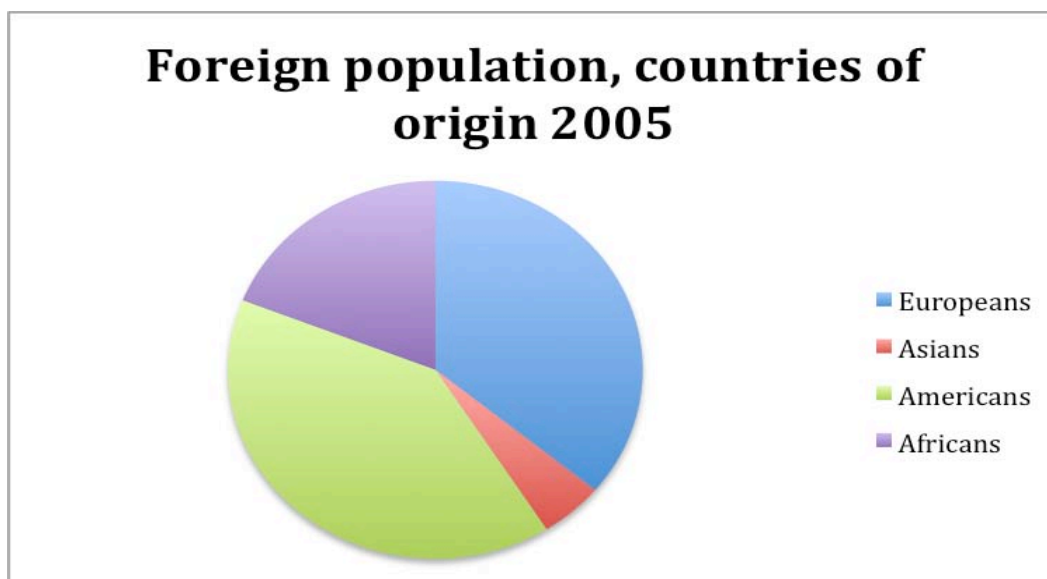
The highest amount of annual growth since the beginning of the nineties however, has been witnessed for the Moroccan population. This group is growing annually at about 17.5%. Until the year 2010, prognoses say that there will be a minority of 1 million registered Moroccans in Spain (compared to about 500.000 in 2006). Additionally to economic conditions, historical circumstances led to the big amount of Moroccans that left their country in order to immigrate to Spain. Until 1956 the Spanish government held a protectorate over great parts of Northern Morocco. In several legalization projects that the Spanish governments launched, Moroccans therefore represented the largest group and widened the pool of migrants coming from the Northern African country.[107]

If we examine the regional distribution of foreigners in Spain, conclusions regarding their occupation and geographical origin can be drawn. Main settlement areas are the big cities like Madrid, Barcelona and Valencia, the islands and all the agricultural regions along the Mediterranean. Out of

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[107] Cf.: Lopez Garcia B.: "Atlas de la Inmigración Magrebí en España", Madrid, 1996, pg.72.

the 17 autonomous regions only 6 can be considered as regions of massive immigration, because 80% of the total amount of immigrants is living here. Catalonia, Madrid, Valencia, the Canary Islands, Murcia, the Baleares and Andalucía are the main receiving regions on the peninsula. Only in parts of these regions, the amount of foreign population exceeds the national average of 8,46%. _Illustration No.15:_

Regional distribution of foreigners in Spain`s autonomous communities 2005

- Andalucia 11%
- Others 16%
- Balears 4%
- Catalunia 22%
- Madrid 21%
- Valencia 16%
- Canary islands 6%
- Murcia 4%

Source: Instituto Nacional de Estadistica, pardon municipal 2005

People coming from Northern regions of Europe usually search for a nice climate in a Southern European country while immigrants from Africa and Latin America are moving to the richer North for new job opportunities and a better life in general. Consequently, Europeans dominate in the Mediterranean region and the Canarias, while Africans and Latinos settle in urban areas or agriculturally rich regions. There is a big gap among the different immigrant groups in terms of economical and social background all over Spain, but for measures that governments usually take concerning migration policy, mostly non-EU citizens are relevant.[108]

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[108] Cf.: Focus Migration: "Country Profile No.6: Spain", 10.2006, Online: (Accessed: 22.05.08) www.focus-migration.de/Spain.1236.0.html?&L=1
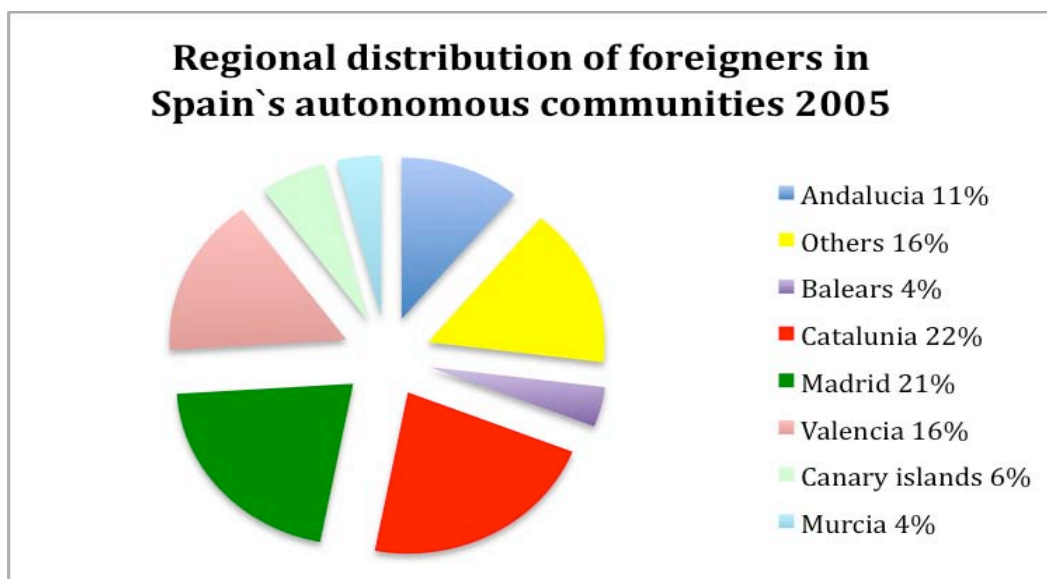
Especially from these countries, illegal migration flows are steadily increasing, a fact that most Spaniards are concerned with and that has drawn their attention to migration issues.

5.3 The development of Spanish migration policy

Talking about migration policy in Spain and a possible moment that actually contributed to the emergence of such a policy, we could think of Spain's accession to the European Union in 1986. But even before this crucial event, policies directed to migration have been established. That, let us say first phase of Spanish migration policy, was developed under the Franco Regime during the late 60s. In Franco's ideology existed a range of countries and regions in the world, that he subsumed under the concept of the so called "comunidad hispana" or "Hispanic community". From Franco's perspective, the "comunidad" included the Latin American continent but also Spain's geographical neighbors like Portugal and Andorra and the former colonies Philippines and Equatorial Guinea. During the sixties, about 70% of all foreigners residing in Spain did not have any kind of legal status. Visa-policy for the countries of the Hispanic Community was very loose and a real migration policy has not been developed yet. Hence, first decrees were formulated in order to regulate the status of workers from abroad.[109]

Also due to EU pressure, to implement the "Acquis Communautaire", the legislation of the European Community, first legal norms were created in 1985. The government of the Spanish socialist party (PSOE)[110] introduced a first immigration law and started a new initiative for a regularization process for the still very big part of foreign population that remained without any legal status. Nevertheless, at that time migration issues did

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[109] Cf.: Foro para la integracion social de los immigrantes: "Informe sobre la Inmigración y el Asilo en España", Madrid, 1997, pg.30.
[110] Partido Socialista del Obrero España (Spanish Worker`s Socialist Party).

not play a role in parliamentary discussions, also because of the fact that during this period, immigration to Spain was not as significant as it is today. Same as in the first phase, Spanish migration concerns were entirely focused on security issues and consequently concentrated on the 50% of foreign workers without legal documentation and border control. Until the early nineties, Spanish authorities maintained a flexible system of border management and at the same time developed a legal framework in accordance with the requirements of EU-law, which can be considered as a restrictive rather than a positive approach. Pressure by NGOs, migrant associations and the church (still a very strong institution in many regions of Spain), helped to bring on the project and persuaded the government to formulate a more positive migration policy during the next phase.[111]

On the basis of a report on the situation of foreigners in Spain, the parliament passed an initiative demanding an "active migration policy". It was supposed to be a guideline for Spanish policies in the nineties. Enacted laws were more differentiated and tried to affect all areas concerning migration. First steps were taken to create an integration policy and regulations concerning family reunifications, and the adoption of residence permits were implemented. Nonetheless, regulations on visas, border security, asylum policy and quotas for workforce were expanded and harmonized with European legislation. Especially the Alien Act of 1996 and Spain's entry to the Schengen Agreement in 1991 encompassed the mentioned regulations, which can be considered as a response to the emerging of a European policy that brought a number of obligations with it. For instance the, until that time loose visa obligations for citizens of the Maghreb countries became very restrictive. As a precondition to join the Schengen Area, Spain had to introduce visa obligation for countries like

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[111] Cf.: Pérés H.: "L'Europe commence à Gibraltar. Le dilemme espagnol face à l'immigration", Pôle Sud. No.11, 1999, pg.15.

Tunisia and Morocco with which they had mutual agreements for the suppression for those visas since 1966. [112]

Following these developments, another phase began in the year 2000, as the "Law concerning the Rights and Freedom of Foreigners and their social integration" (or Ley Organica), was implemented by the socialist government. It was the first model in Spain that could be seen as a modern and flexible approach to the new migration era, Spain had to face. The purpose was to make legal migration easier and shift the focus on social integration issues, while retaining all the existing control mechanisms. It was during this period, migration policies, due to the growing interest of public opinion, actually became a political issue and also a political populist tool. Proven so after the elections of March 2000, when the more conservative People's Party (Partido Popular or PP) won the elections by absolute majority, after having conducted an anti-immigration electoral program. The eight "Ley Organica", tightened the legal framework and led to a more restrictive direction again. Various rights afforded by illegal immigrants were annulled and stricter measures regarding deportation and family reunification implemented. Moreover, the government shifted the responsibility for integration policies towards the regions and the local levels, by implementing the "Plan Greco".[113]

Many scholars argue that this development was another response to EU legislation and the obligations Spain had to fulfill. Moreover the 9/11

[112] Cf.: Alscher, S.: "Knocking at the Doors of "Fortress Europe: Migration and Border Control in Southern Spain and Eastern Poland." CCIS Working Paper 126, 2005, pp. 8-9.
[113] Plan Greco was designed to address four key areas: Global, coordinated design of immigration as a desirable phenomenon for Spain, as a member of the European Union; Integration of foreign residents and their families as active contributors to the growth of Spain; Admission regulation to ensure peaceful coexistence within Spanish society, and management of the shelter scheme for refugees and displaced persons.

attacks and the incidents in Madrid in 2004 had created a focus on security issues again, that justified such measures in the public.[114]

The ruling party since 2004 (PSOE) has not introduced any new law, although they are constantly working on new concepts to deal with migration. The focus still lies on protecting borders and the integration of immigrants to the Spanish labor market. Moreover more and more bilateral agreements have been signed in order to cover also the external dimension. These should provide the countries with better tools to manage readmission and labor flows, but also improve aid cooperation and collaboration.[115]

Nonetheless we can conclude, that for all the different governments the focus laid on the same topic: How to fight illegal migration. The topic, the next chapter is going to deal with.

5.4 Illegal migration

The history of illegal migration to Spain goes back to the 1960s. As already mentioned, many North Africans crossed the European borders, which at that time were only marginally controlled. At that time illegal migration was tolerated because the need for labor was very high. Also today the EU receives thousands of mostly young people with a low or average level of education, dreaming their dream of a better future and the possibilities Europe could offer them.

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[114] Cf.: ibid.: pp. 8-9.
[115] Cf.: Pinyol G.: "The external dimension of the European Immigration Policy: A Spanish perspective", 10.07, pg 26-27, Online: (Accessed: 22-04.08) www.idec.gr/iier/new/EN/PINYOL%20Paper.pdf

They sell their properties or go into debts to be able to pay the human traffickers that try to smuggle them on old, rotten boats to the shores of the European continent.[116]

However, Africans but also Eastern Europeans, Latin Americans and Asians try to get illegal access to Spanish territory. Even some citizens from EU member states live in Spain without any residency status as long-term tourists. Even though our attention is always drawn to the spectacular landing attempts across the street of Gibraltar or at the Canary Islands, which usually result in dramatic pictures distributed by the media, the amount of immigrants entering the country this way is much smaller than many people expect. The usual illegal migrant enters the country on a legal way, as a tourist or short- term worker and then extends his or her stay beyond the stipulated duration. A way that most Latin Americans choose after they have arrived in one of the airports of the big cities. During the nineties, the government created a monitoring system (Sistema Integral de Vigilancia Exterior, SIVE), which included high-tech surveillance by helicopter, radar, night vision equipment and so on, in order to prevent further movements on the sea channel. Although the project has been partly successful, illegal migration by crossing the Mediterranean has not come to an end. Many traffickers found other routes, often involving higher risks and costs. Many boats now leave from Senegal or Mauretania to deliver their load. In 2006, the police captured eleven thousand illegal migrants on their way to the Canary Islands.[117]

Another special way to access Spain from Africa is passing the barrier surrounding the two Spanish enclaves in Northern Africa, Ceuta and Melilla. From the eighties on, their borders were reinforced with

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[116]Cf.: Ennaji M.: "Illegal Migration from Morocco to Europe", University of Fes. 2004, pp. 1-3, Online: (Accessed: 09.06.08)
http://international.metropolis.net/events/Metromed/Ennaji_e.pdf
[117] Cf.: Focus Migration: "Country Profile No.6: Spain", 10.06, pg.6.,
Online: (Accessed: 22.05.08) www.focus-migration.de/Spain.1236.0.html?&L=1

surveillance technology and barbed wire until they were completely enclosed by walls surrounding the cities in the mid nineties. These little cities on the African continent are Spanish territory and part of the European Union. Actually this was a very easy way to cross borders until the eighties, when migration issues were not yet on the daily agenda of western politicians and controls were only loose. In 2005 thousands of illegal migrants tried to overcome the walls in a collective attempt. Hundreds were wounded and 14 were killed by the Spanish and Moroccan border controls.[118] The author will elaborate on this in the one after the next chapter.

5.5 Managing illegal migration in Spain

The different Spanish governments have tried to fight illegal migration since the eighties. The most frequent used measures were the Regularization programs. They have regularly taken place between 1985 and the most recent campaign in 2005.[119] The purpose was to make irregular migrants visible and try to find better solutions to integrate them into the society. Everyone that arrived recently illegally, or had worked and failed to renew his residence permit was allowed to apply. Successful applicants were then allowed to stay officially for at least another year.[120]

The 2005 campaign however, which is the most extensive regularization program in the history of Spain and the European Union until today, included some additional requirements. Applicants for the first time had to prove, that they had already an employment contract and the approval that the work would be continued. Moreover, the employing enterprise had to be officially registered in the social security system. This certainly can be

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[118] Cf.: ibid.
[119] others took place in 1991, 1996, 2000 and 2001
[120] Cf.: Tapinos G.: "Irregular Migration: Economic and political issues" in the OECDs publication: "Combating the illegal employment of foreign workers", 2000, pp. 84-87.

seen as a reaction to the major criticism expressed by the opposition parties as well as other European countries that feared illegal migrants to come to Spain in the hope of getting a legal status in the EU.[121] *Illustration No.16 :*
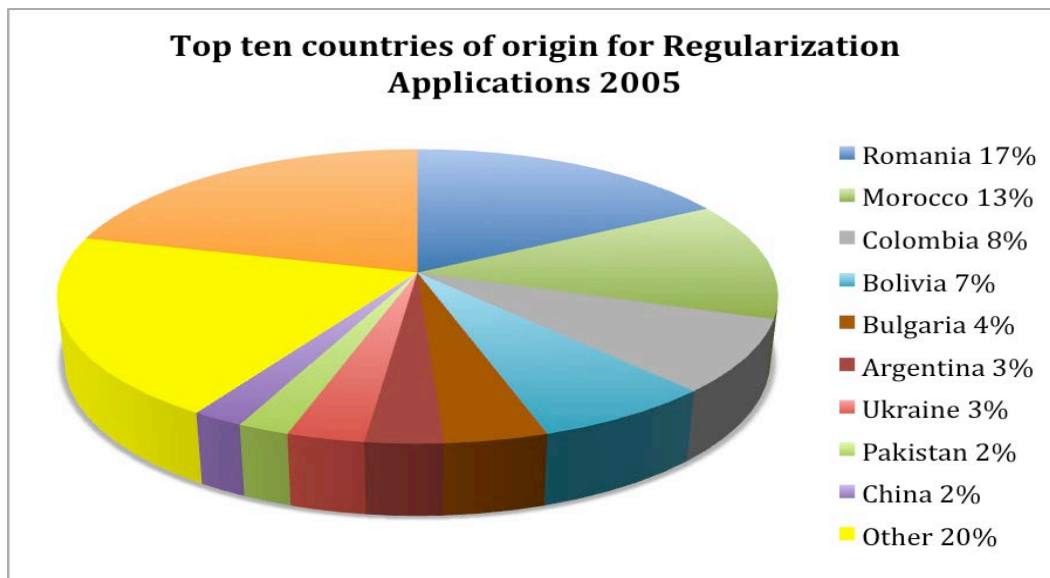
Nevertheless, many Spanish markets suffer a labor shortage and therefore, the Spanish government introduced a so called "Labor Quota System". It allows a certain amount of migrants to come to Spain in a controlled manner, in order to supply the demand of workforce. The system determines the amount of workers, as well as the regions and sectors, the foreign workers are officially allowed or wished to work in. Initially, the quotas were invented for illegal persons that were already resident in the country, but after a reform in 2002, firms were forced to search their labor directly in the countries of origin. This measure should diminish the incoming flows of clandestine migrants hinder them from taking their dangerous journeys, to come to Spain.[122]

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[121] Cf.: Arango J.: "Regularizing Immigrants in Spain: A New Approach", Complutense University of Madrid, 09.05, Online: (Accessed: 15.05.08) http://www.migrationinformation.org/Feature/display.cfm?id=331

[122] Cf.: Pérez, Nieves, Ortega: "Spain: Forging an Immigration Policy", 05.2006, Online: (Accessed: 11.04.08), www.migrationinformation.org

However, it cannot be considered as very easy to obtain a work permit in Spain. As a constraint i.e., the Spanish government proves first, if there is any local Spaniard, EU citizen or legal third country resident that could do the work before an illegal worker gets a chance.[123]

But also externally the Spanish governments collaborated with third countries that had major influences on the inflow of migrants. Spain has signed readmission agreements with African states like for instance Morocco, Alger, Nigeria, Ghana and Mali in order to remind them of their responsibility for current migration flows. These agreements lay down the duty to take back irregular emigrants originating from their country or even those nationals who used their territory as a transit country. These measures have been constantly criticized by many international organizations, including the UN, because they claim that even people with a regular refugee status have been unrightfully sent home.[124] Additionally, Mauretania signed a cooperation plan in 2006, which included technical and financial support (regarding migration control) of the Spanish side as well as the reactivation of the readmission agreement both countries had signed in the former decade. Furthermore the so called "Atlantis" project with Morocco has been realized, which aim is to create a common patrol to survey their coastlines.[125]

Spain has also recognized, that it is necessary to resolve the problem, by acting where it has its roots. In 2006, the financial aid given to African countries increased from 40 million Euros to 80 million in 2006. Moreover a new plan for the Spanish-African relationship has been approved, which has been created to strengthen the diplomatic relations and create new embassies in the concerned states, in order to encourage development

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[123] Cf.: Geoforum No.32, Mendoza, C.: "The role of the state in influencing African labour outcomes in Spain and Portugal", 1999, pp. 167-180.
[124] Cf.: Alscher, S.: "Knocking at the Doors of "Fortress Europe", 2005, pg.11.
[125] Cf.: La Moncloa: "El Gobierno completa las primeras 170 repatriaciones de Subsaharianos a Muritania", 04.06., Online: (Accessed: 23.05.08) http://www.lamoncola.es/default.htm

and continue their policy using readmission agreements as a legal measure to fight irregular migration.[126]

Border control is another measure Spanish governments use to keep illegal migration manageable. The reinforcement of the security measures at the frontiers towards the south has been especially realized in the two border- crossing hotspots, the Canary Islands and the Spanish enclaves in Morocco, Ceuta and Melilla. Two crucial spots that the following two chapters are dedicated to.

In the European context, especially Spanish Regularization Processes have been criticized as counterproductive, because they were regarded as an additional attraction for immigrants without legal paperwork, that are hoping to become legalized as soon as they would reach Spanish territory. The Spanish legislation is regarded as too liberal and too vague to respond to the threat, illegal migration poses in the opinion of many European Union leaders.

5.5.2 The enclaves Ceuta and Melilla

Ceuta and Melilla are two small enclaves on the coast of Morocco that actually belong to Spain. Ceuta is a city and seaport in northwest Africa, located on the Strait of Gibraltar. Bordered by Morocco, it is governed as part of the Cadiz province in Spain. Its total area covers about 23 square kilometers. Melilla is located slightly more than 150 nautical miles east of Ceuta and stands on a large cape, which extends some 15 miles out from the coast. The area of Melilla is about 10 square kilometers and is administered by the Spanish province of Malaga.[127] Although the territories are very small, they have crucial strategic importance for Spain

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[126] Cf.: El País, 2006: "El Gobierno aprueba hoy el Plan África en medio de la avalanche de Cayucos a Canarias", 05.2006, Online: (Accessed: 07.05.08) www.elpais.es

[127] Cf.: Online: (Accessed: 12.05.08) http://www.sotogrande-spain.com/ceuta.htm

and the European continent. As for instance Ceuta is only 20 km from the Spanish coast, the enclaves serve as beachheads between the two continents.

Spaniards and Europeans in co-operation tried to secure these vulnerable entry points to the EU with a very simple strategy, they built fences along the borders and secure them night and day. Here Africans can reach European territory on their continent, in order to seek asylum. However their motives are diverse. Of course there are many Africans arriving because of civil wars or persecution in their countries which would give them the official status as a refugee, but most of them come there because of poverty and the economical perspective, Europe has to offer. NGOs estimate, that there are currently 30.000 refugees in Morocco, determined to cross the borders at Ceuta and Melilla. In the year 2005, when several thousands of immigrants tried to break down the fences to get access to the two enclaves armed border guards killed eleven people. Many others died of the injuries they suffered when they tried to climb the fences. These events started a wave of protests all around the world and at the same time promoted the expression of the "Fortress Europe". Ceuta and Melilla had become famous and a symbol of failed immigration approaches in Europe.[128]

The readmission agreement that had been signed with Morocco in 1992 is still valid and functioning as long as it is concerning Moroccan citizens. The duty to accept Africans from third countries however is not being taken seriously. The Moroccan administration is not willing, nor capable to cope with the huge amount of refugees and emigrants of other countries. Often illegal readmissions can be observed directly at the gates to the enclaves. People are abandoned and left on their device outside the fences, an exercise, which violates Spanish and international human rights

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[128] Cf.: Pro Asyl: "Ein Jahr nach dem Flüchtlingsdrama in Ceuta und Melilla", 10.2006, Online: (Accessed: 13.03.08)
http://www.proasyl.de/de/archiv/presseerklaerungen

laws, as stated by numerous human rights organizations.[129] The EU`s and the Spanish reaction to these problems are remarkable. A third fence has been built up, surveillance controls reinforced and funded with an additional amount of 40 million Euros. _Illustration No.17 shows the configuration of the fence apparatus (SIVE):_
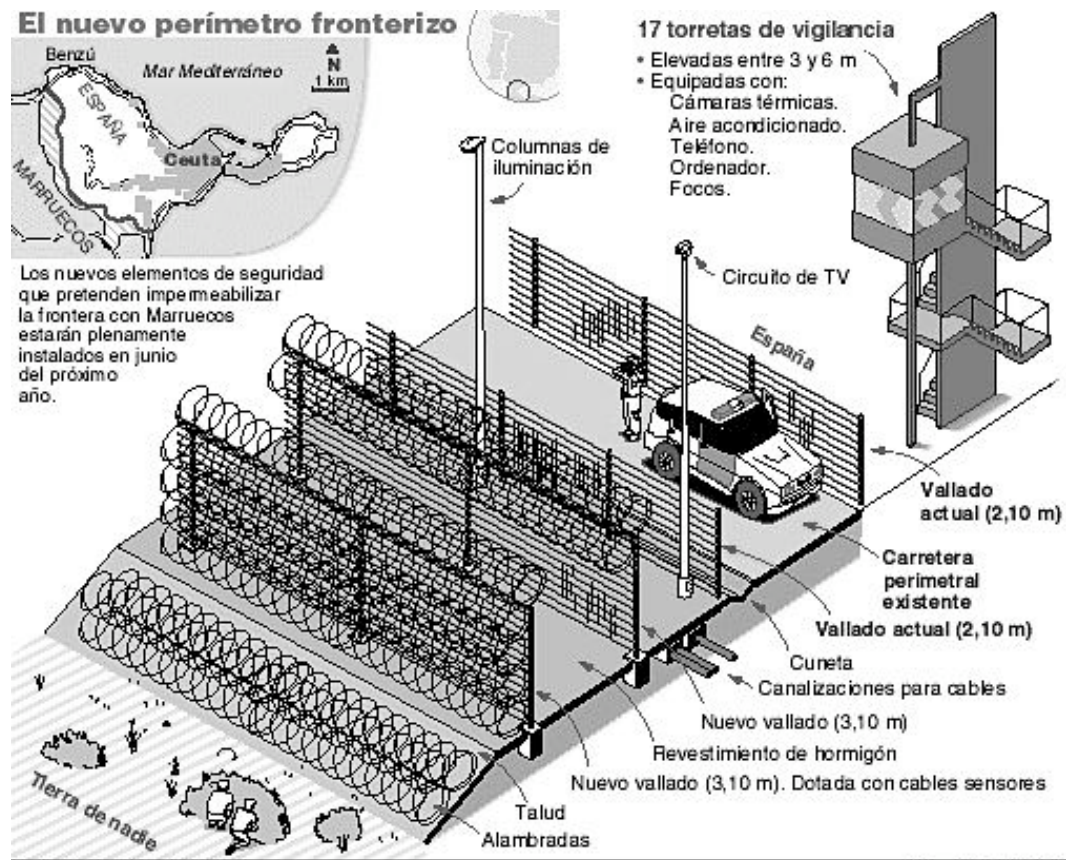
Source: The Center for Comparative Immigration Studies CCIS
University of California, San Diego

The success of these further restrictive measures can be doubted. Scholars agree that migration flows will increase also in the future and that a simple fence or the fear to be killed will not hold Africans back. Many of the emigrants would rather die than go back to their countries. The problems lie in the countries of origin and Europe is aware of this fact. Consequently common strategies as already stated in previous chapters,

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[129] Cf.: Forschungszentrum Flucht und Migration Berlin: Dietrich H.: "Das Mittelmeer als neuer Raum der Abschreckung", 2004,
Online: (Accessed: 12.6.08) http://www.ffm-berlin.de/mittelmeer.html

are necessary to cope with the problems that occur for instance in cross-border hotspots as the Canary Islands or the two enclaves this chapter has been treating. However, the interesting question will be, if the different nation states are ready to overcome their own vital interest in order to make common legal frameworks possible, which probably can find better responses to problems that are not only Spanish but European ones.[130]

5.5.1 The Canary Islands

The Canary Islands are an Autonomous Community that is part of Spain. The Canarian relationship to Spain is similar as Hawaii's is to the United States. Canarians are Spanish citizens, the Constitution of Spain fully applies to them and they exercise the right to self-government recognized by the Spanish Constitution.[131] As a part of Spain they are logically part of European Union territory and at the same time one of the Union's major security concerns. Despite the fact, that the tragedies of arriving illegal boat people from Africa are more and more in the public eye of European societies throughout recent years, Canarian newspapers usually only dedicate small side notes to issues concerning migration on their islands. People got used to see images of hungry, weak, supercooled and, very often, dead Africans who got picked up by the coast guards.

During the last year 2007, about 18.000 want to be immigrants arrived this way on the holiday island.[132]

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[130] Cf.: Europolitan: "Gegen Migrationsstürme hilflos", 10.2005,
Online: (Accessed: 12.04.08)
http://www.europolitan.de/cms/?s=ep_artikel&artikelid=950&
[131] Cf.: Crime and Society: "A comparative criminology tour of the world: Canary Islands.", 05.2008, Online: (Accessed: 23.05.08)
http://www-rohan.sdsu.edu/faculty/rwinslow/africa/canary_islands.html
[132] Cf.: Wochenblatt.online: "Immigration im Blickpunkt - Das Drama wird zum Alltag", 03.2008, Online: (Accessed: 21.04.08)
http://www.wochenblatt.es/1000003/1000013/0/17566/article.html

Since, due to the more rigid controls on the Gibraltar strait, the routes of the boats changed, the "Canarias" have become the most popular site in Europe to land on. The first boat arrived in Fuerteventura in 1994 from the Senegal. In the season of 2006/2007, inflows reached their peak with about 30.000 Africans arriving at European shores. Most of them come from Mauretania and Senegal, are between 20 and 45 years old and are usually welcomed by the Spanish Red Cross. After having taken care of them, the police exercise their usual procedure. People with legal papers are to be sent home directly. The ones who do not or pretend not to have any documentation are held in one of the overloaded reception camps, to usually be released after the 40 days, law obliges them to stay. After this period, they are allowed to go and try their luck on Spanish territory.[133]

Nevertheless, the African immigration is not the only phenomenon. Immigration has intensified during the last decade, with particularly high growth of non-EU origins like Latin America, Africa and Eastern Europe. The Canary Islands are one of the Spanish regions with lots of European immigrants, particularly English and Germans who enjoy their lives after retirement, or work in the service sector, particularly in tourism. However, illegal migration from the "black continent" remains the biggest unsolved problem. Spain's very liberal migration law, which makes it very difficult to deport illegal migrants to their home countries, is a problem for Spanish as well as European authorities. The European Union's border security authority, FRONTEX has been steadily reinforced with boats and aircrafts to join the Spanish border controls in their efforts to curb the fatal trend. Moreover the "Guardia Civil" conducts joint patrols with Mauritanian and Senegalese gendarmes between their sea territories.[134]

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[133] Cf.: Café Babel: "Rückfahrt inclusive. Immigranten auf den Kanaren", 05.2008, Online: (Accessed: 12.05.08) www.cafebabel.com/ger/article/24786/ immigration-einwanderer-kanaren-europa.html
[134] Cf.: Spiegel online: "More Africans Risking Deadly Passage to Europe", 08.2006, Online: (Accessed: 12.06.08) www.spiegel.de/international/0,1518,434349,00.html

The Canary Islands are the current hotspot for illegal immigration and will probably be in the focus of Spanish and European border securing forces in the future. But again, only an adequate response to problems in the countries of origin will on the long run avoid the perilous journeys, many Africans accept in order to reach European territory.

5.5 Migration from Latin America

After focusing mostly on the phenomenon of immigration flows coming from the African continent, the author now wants to take a look at a development that can be considered a Spanish particularity, namely the immigration coming from Latin America. As many former colonial empires, Spain still has maintained very special relations to their former occupied territories. We can logically find common grounds in terms of language, culture, religion and traditions, which keep the strong interrelationship alive and sustain a close collaboration also in political issues. The Iberia - American community of nations, which holds an annual meeting of all the heads of states, and generally very close diplomatic connections, are examples for their intensive cooperation. Talking about migration issues, these developments have been already very obvious during the 19th and 20th century, when the mass migration waves from Europe towards the South American continent initiated. When migration flows started to turn the other way round due to the already mentioned economical changes on the globe, Latin American immigrants mainly headed northwards to the US and Canada. This dominance of South - North migration has been going on until today, easily explainable by the geographical proximity and economical dominance of the North American continent. Nevertheless colonial and historical patterns influence, led the maintenance of flows moving towards the European continent as well. Moreover, stricter US visa requirements and border controls as well as increasingly favorable economic developments, especially since Spain's and Portugal's access to the European Community, promoted Southern Europe as a very popular

region of destination for all sorts of immigrants around the subcontinent. Furthermore, Latin America has been exempted from tourist visa obligations in Spain and Portugal and consequently in the entire Schengen Area until 2003, when visa requirements have been restricted especially for Ecuadorians and Bolivians (in 2007), because of too many unauthorized Latin American citizens that stayed beyond the expiring date of their visa. Spain also focuses its labor recruitment programs mainly on this part of the world and makes it very easy for those, to obtain a European citizenship. An Argentinean for instance, who can prove that some antecessors had for example Spanish roots is likely eligible for the Spanish citizenship. This facilitates a legal entry to European territory for many European descendants, which exist numerously on the South American continent.[135] _Illustration 18_ shows the share of obtained Spanish citizenship divided in regions of origin:

Naturalization in Spain 1975-2004
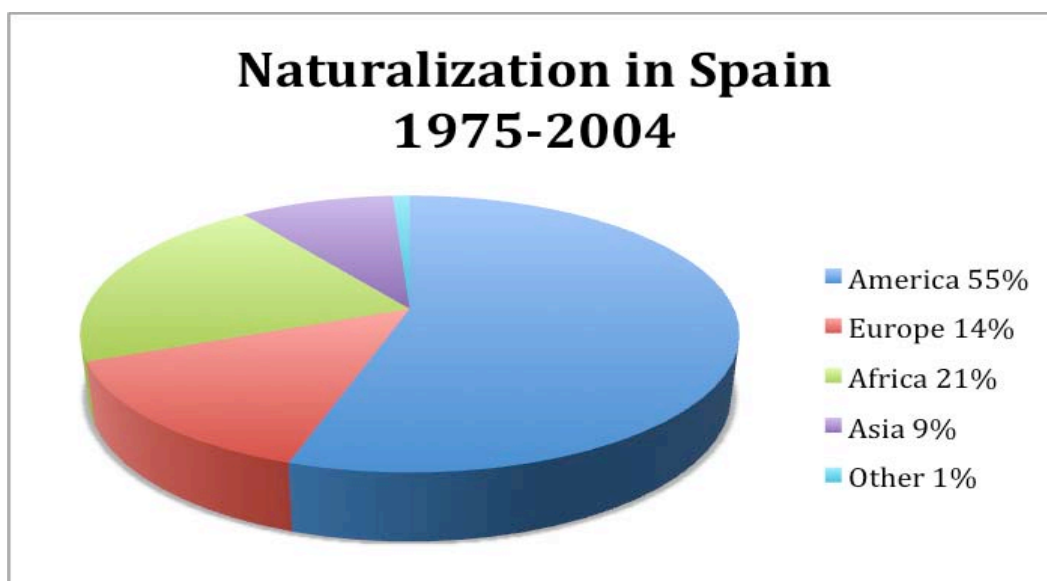
- America 55%
- Europe 14%
- Africa 21%
- Asia 9%
- Other 1%

Of course cultural similarities also play a big role in facilitating the acceptance of these immigrants by the host country.

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[135] Cf.: Padilla B.: "Latin American migration to Southern Europe", 06.2007, Online: (Accessed: 01.06.08)
http://www.migrationinformation.org/Feature/display.cfm?id=609

Latin Americans play a very important role in the social system of Spain. Many are employed in the social sector in which labor is scarce. Taking care of elderly people and general works in the domestic sector are the major fields in which Latinos, above all women, are working. As already stated, this contribution has two very important effects: on the one hand labor scarcity in the social sector can be avoided and one the other hand the endangered social security system, which is the result of the steadily ageing society and the resulting lack of net payers for pensions of older generations, is being supported by the additional net payments of regularly employed immigrants. To keep up these contingents in a steadily changing legal framework of Spanish immigration policies, migratory networks today play a very important role. They insure the provision of information and help applicants to find solutions to get legally into the country, by explaining them their rights and duties before being able to cross borders. Moreover, these organizations support immigrants as soon as they enter the country, by creating networks in order to find appropriate housing and possibly a workplace.[136]

The Latin American community in Spain is the immigrant group that probably is the least discussed in the whole country. Usually, public debates centre more on the problems with their African neighbors and the illegal immigration they cause. The already mentioned cultural and linguistic ties, as well as the fact that many Latin Americans are highly qualified and recruited workers, that are concentrated on specific sectors where labor is needed, are decisive factors to facilitate their general acceptance in the Iberian society. Furthermore social and family networks in the country allow these people a fast social integration and a high mobility in terms of occupation.[137]

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[136] Cf.: Martínez, J.: El mapa migratorio de América Latina y el Caribe, las mujeres y el género, CEPAL, Santiago de Chile, series Población y Desarrollo. 2003, pg. 44.

[137] Cf.: Martínez Buján, R.: "La reciente inmigración latinoamericana a España", CEPAL, Santiago de Chile, 2003, pg. 40.

5.6 Integration

Spain as a relatively "new" immigration country has without a doubt not yet resolved the problem of integrating their immigrants into society. As described, Spain's policy was mainly focused on regularization of illegal residents and the incorporation of immigrants into the labor market including access to social welfare services. With the "National Action Plan for Employment" in 2004 the Spanish government has made improvements. Its aim was to fight discrimination and promote the integration of "disadvantaged people" into the domestic labor market.[138] The "Migrant Integration Policy Index"[139] rates Spain on the 2nd place in Europe in terms of possibilities on the labor market. Most of the work permits are renewable and migrants can usually stay in Spain to look for another job after the end of a contract. They have the possibilities to join Trade Unions and the system allows quick changes concerning their permit status and profession. Nonetheless, improvements in promoting language skills and general information about the recognition of qualifications through agencies or information centers could be made.[140]

The "Spanish National Plan for Social Inclusion" from 2003 has been created to enhance the social integration of foreigners in Spanish society. The plan has been drafted in order to create educational programs, facilitating the access for immigrants to regular work. However, this plan has been addressed to people with resident or work permits and not to

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[138] Cf.: Niessen J., Schibel Y., Thompson C.: "Current migration debates in Europe, a publication of the European Migration Dialogue: Spain", CIDOB Foundation, MPG, 2005, pg.15.

[139] The Migrant Integration Policy Index (MIPEX) measures policies to integrate migrants in 25 EU Member States and 3 non-EU countries. It uses over 100 policy indicators to create a rich, multi-dimensional picture of migrants' opportunities to participate in European societies. MIPEX covers six policy areas which shape a migrant's journey to full citizenship: Labor market access - Family reunion - Long-term residence - Political participation - Access to nationality - Anti-discrimination.

[140] Cf.: British Council: "Migrant Integration Policy Index 2007",
Online: (Accessed: 12.04.08)
http://www.integrationindex.eu/integrationindex/2533.html

illegal migrants, which are under the administration of local governments like all topics that are related to cultural and social integration. Legal residents are provided with basic social and health care and their children have a right to visit Spanish schools. Above all, the children are the ones that benefit most from being included in the national education system. They learn the language and cultural habits, which supports their opportunities in the host country in the future.[141]
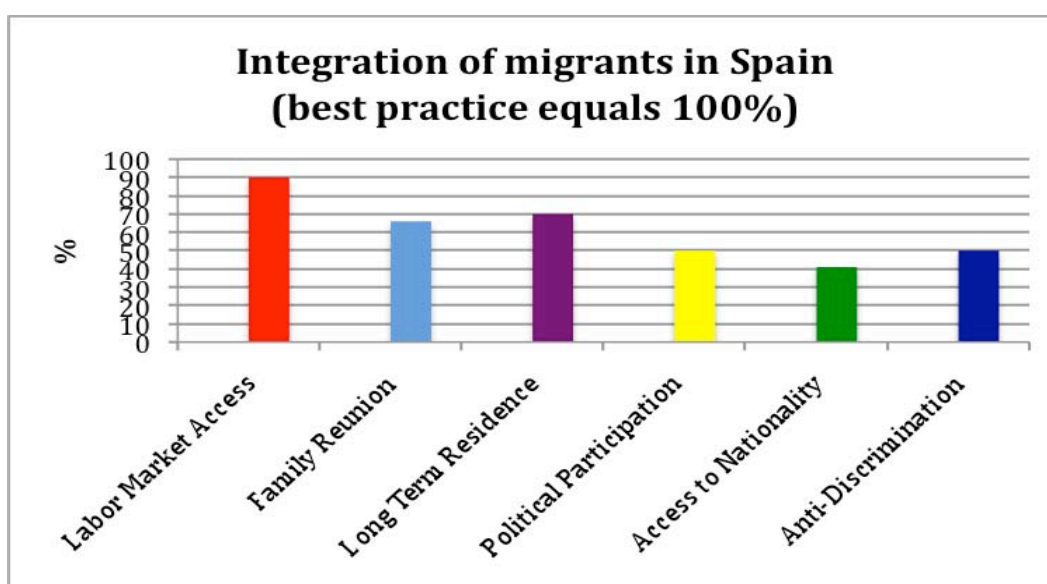
Also family reunions find support in Spanish legislation. Immigrants that have stayed for at least one year legally can sponsor relatives if they can prove that their income and housing situation is sufficient. After a five years stay the sponsored family member is allowed to have an autonomous status from his personal sponsor. Since 1996, all third country nationals can obtain the right to long-term residence after a legal stay of at least five years without any references in their criminal record. These long-term residents then enjoy the same rights as Spaniards regarding housing, employment, social protection, social assistance and health care. If the application period of 3 months would be free of charge, Spain could reach the best assessment of all the 28 states in this field considered in the MIPEX, according to their study of 2006. Also political participation for immigrants in Spain is quite developed, although based on the principle of reciprocity. Only countries that actually have such agreements with the Spanish government make it possible for their citizens living abroad, to participate passively as well as actively in the electoral process. However representatives are elected by the state and can only get funding if they meet special criteria[142]

This citizenship policy however can be regarded as a discriminatory one, as it clearly favors Latin Americans to be naturalized. While other applicants have to be residents for at least ten years, Latin Americans just have to confirm two years of residence on Spanish territory. Moreover

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[141] Cf.: Niessen J., Schibel Y., Thompson C.: 2005, pg. 15.
[142] Cf.: "Migrant Integration Policy Index 2007".

many Latin American countries have bilateral agreements with Spain that allow dual citizenship. To be qualified for citizenship, applicants have to proof that they are sufficiently integrated in society, that they have legal papers and no criminal record. In order to test the level of integration, language tests are required, which clearly places South Americans an advantage. Hence as seen in Illustration No.16, 55% of all naturalized immigrants are from the South American continent, only 21% from Africa and 14% from Europe. *Illustration No.19* gives an overview of the results of the MIPEX:

Despite all the efforts made, many Spanish citizens are still very skeptical and many of them reject further immigration. Xenophobic feelings or the simple fear of losing their job to one of the immigrants, often lead to prejudices and false assumptions and as an outcome to a general rejection of foreigners. Nevertheless, "63% of Spaniards believe that diversity enriches their national culture. 71% believe that ethnic discrimination is widespread and 61.5% believe foreigners receive unequal opportunities in the labor market. Yet only 39.9% think that more should be done to fight discrimination, and 30% knew that a law punished ethnic discrimination in the labor market. After the Portuguese, Spaniards

(81.3%) express the greatest support for positive action measures based on ethnicity in the labor market. Over two-thirds of Spanish people support equal social rights for legally resident third-country nationals, one of the highest levels of support in the EU-27. Three quarters support migrants' right to family reunion, which ties for the highest support with Greece (75.2%). 46.9% agree that they should be able to naturalize easily. However, 42.1% of Spanish respondents agreed with the idea that unemployed migrants should be deported, the eighth highest figure in the EU-27."[143]

As we can see perceptions of immigration in Spain in general are very ambiguous and hard to define. The very unclear and constantly changing policies during the last three decades created an environment of insecurity and also fear. Used by many politicians as propaganda, the migration issues have often been promoted negatively and presented as one of the major security threats of the country. However, Spaniards begin to accept their "new" status as an immigration country and grapple with the new circumstances, immigration has caused.

5.7   Challenges for the Future

Regardless of the fact that many measures have been taken in many fields, Spain is still facing major problems when it comes to illegal migration to the country. As long as the big amount of illegal immigrants that work in the underground or informal economy exists, Spain will have a hard time to defend their measures taken in the field of immigration policy. The existence of this informal economy jeopardizes the invented quota system. Without a formal job contract, those people are not allowed to apply for job openings. The Regularization Processes in the short run helped to suppress current developments but did not solve the problems.

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[143] Cf.: cit. ibid.

Once legalized, many former "illegal" submerged again after the deadline they were given to get a formal work. Moreover undocumented migration will continue to exist, regarding the strong demographic pressure coming from the North African and Sub-Saharan countries. The problems here lie in the countries of origin themselves, as a growing young population is searching for jobs on labor markets that cannot satisfy the demand. Consequently. A whole range of youngsters sees their last chance in leaving their country to hit the road towards Europe. Improvements can only be achieved, if the member states of the EU recognize the need of preventing the causes of the flows from South to North. Local social and economic developments have to be supported and the respect for human rights and good governance taken as preconditions, in order to realize serious and productive policies in African countries. Furthermore it will be interesting to see, how the Spaniards will handle the steadily increasing numbers of migrants in certain regions that are especially attractive. Above all the coastal regions with their geographical proximity to Africa and the big industrial centers like Madrid and Barcelona are already struggling with the increasing percentage of foreign population. In some areas the living space is very small and many regions suffer from a lack of schools and hospitals that could cope with the amount of arriving people. It will largely depend on the ability to use the integration funds appropriately and addressed to the right areas. Hence it is also the responsibility of the immigrants themselves to make efforts learning the language and integrating into Spanish customs and traditions. Spaniards are currently facing the challenge to answer responsibly to the transition of an ethnically relatively homogeneous society to a diverse and multicultural one. Xenophobic ideas and racism have to be fought by creating debates, and the handling of information about the real impacts and results, immigration in Spain causes. Spain needs immigration, and in order to make their citizens understand, the government has to develop better strategies to cope with the difficulties and skepticisms that are directly related to it. It is a necessary debate, but one that has not yet begun.
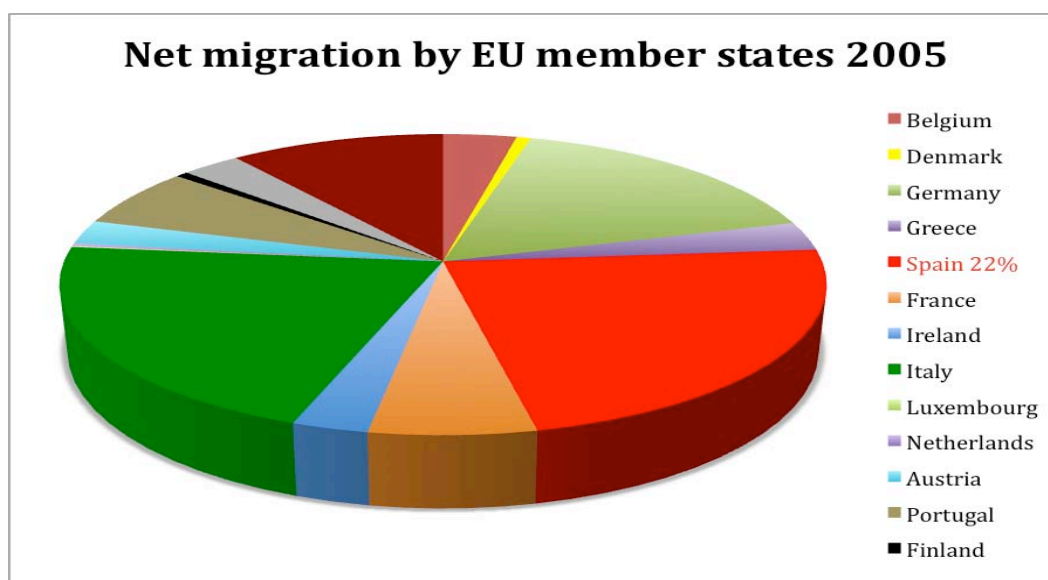
6. Interrelation between Spanish and European debates

6.1 Spain`s role in the European Union

Although Spain has been in the focus of European Union observers in this field since their accession in1986, the striking events that happened in 2005 drew even more attention to migratory movements towards the Iberian Peninsula. In this year Spain became the member state with the highest illegal immigration rate on the continent. The amount of people "sin papeles" that tried to cross the Street of Gibraltar rose 190% compared to the previous year. Moreover the events in Ceuta and Melilla, when thousands of Africans tried to break down the fence that separates the "poor" African continent from the "wealthy" European continent, events that are described in the previous part of this paper, alerted Spanish as well as European officials of that time. The measures taken to reinforce the border controls and protection measures did not have the desired effect, but animated the "illegals" to find new paths to reach European shores. The Canary Islands became the final destination and represent today the third most important border crossing of the southern external borders of the EU after Lampedusa and the Street of Gibraltar. This increase in international irregular migration, especially from the "Black Continent" is challenging Spain-EU relations. But not only in illegal migration matters, Spain plays a leading role in the European Union. According to Eurostat, about 20 million of the 460 million inhabitants of the European Union are citizens from third countries, which represents about 5% of the total population. Most of them are coming from the Maghreb countries, which leads us to the assumption, that Spain has become one of the most important host, but for the European context more importantly, a transit country to other member states.[144]

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[144] Cf.: Eurostat., Online: (Accessed: 09.06.08)
Eurostat.http://epp.eurostat.cec.eu.int/portal/page?_pageid=1996,39140985&_dad=portal&_schema=PORTAL&screen=detailref&language=en&product=Yearlies_new_population&root=Yearlies_ne_population/C/C1/C11/caa14608

Illustration No.20 shows that Spanish net migration was the highest compared to the other EU member states in 2005:

Net migration by EU member states 2005

Legend:
- Belgium
- Denmark
- Germany
- Greece
- Spain 22%
- France
- Ireland
- Italy
- Luxembourg
- Netherlands
- Austria
- Portugal
- Finland

Lately, the disquiet among the member states in then EU has been growing, when it came to immigration and strategies to handle it. As nowadays the big majority of immigrants is entering the Union through their Southern European member states, especially member states like Germany, the UK and the Scandinavian nations are concerned, states that are usually the ultimate destination for third country citizens, that use the Southern European states only as transit countries.[145]

Until 2005, despite all the developments the "Justice and Home Affairs" pillar of the Union has made, solutions have not been found and measures have been limited to tighter controls of the borders, readmission agreements and an efficient application of asylum agreements. The security debate is without a doubt still the dominating issue when it comes to European immigration policy measures. But even if the EU contributed to a certain extent to the measures taken, in terms of border control by reinforcing their FRONTEX body in order to support Southern European officials, the member states had compensate the costs. It should not be

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[145] Cf.: The Economist: "Still they Come", 13.05.06.

forgotten, that all the policies, Spain is developing in this field have to be in accordance to European requirements. Of course, it is in the interest of European as well as Spanish politicians to attract qualified workers and "know-how" to the Union. The "Blue Card" initiative of the European Union, a project comparable to the American "Green Card" model, is probably the best example. Future immigrants can apply for such a Blue Card in order to have legal entry into the Single Market instead of applying for visas.[146] But European and Spanish interests do not always coincide. The European focus on skilled migration is also a Spanish approach, nonetheless Spanish agriculture, services and its social system have a high demand of unskilled labor, legal *or* illegal, that would not be satisfied by those kind of restrictive and excluding policy making.[147]

We should not forget that a big amount of the fruits and vegetables that Europeans buy in supermarkets throughout the year, are coming from agricultural regions in the South and South-East of Spain, where those migrants from Northern Africa and Latin America are actually working. They work under horrible conditions with high temperatures and insalubrious fertilizers, eight to nine hours a day for 20-30 Euros. Officials estimate, that about 80% of these workers are illegally employed but needed, in order to be able to cope with the demand coming from the rest of the European states. Existing entry requirements to the EU are in many ways counterproductive because it provokes more illegal migration and produces vulnerable and cheap labor that then can be used by corrupt employers of the Spanish agricultural sector.[148]

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[146] Cf.: Fraerman A.: "Migration-Spain: Picking and Choosing the favoured Few", 09.2007, Online: (Accessed: 12.05.08)
ipsnews.net/news.asp?idnews=39386

[147] Cf.: Huntoon L.: "Immigration to Spain: Implications for a Unified European Union Immigration Policy", in: 4/1998, pp. 423-450, here pg. 431.

[148] Cf.: Alscher S., Hönekopp E.: "Migration in Europa-Ängste, Realitäten und politische Irrtümer", 04.2006, Online: (Accessed: 29.05.08)
www.weiterdenken.de/download/doku2006-04-28-alscher.pdf

Regulations and measures that favor developments like this show that the EU is not yet sufficiently able to respond to individual problems in their effort to create a common immigration policy and even act hypocritical by not considering possible consequences of their acts for the different member states.

6.2 Developments since 2005 and the external dimension

From the year 2000 to 2004 the Spanish immigration law has been changed four times and four regularization processes have been realized. Not only that this gives us an idea of how difficult it is to find a political consensus when it comes to immigration issues, but also shows how important irregular immigration used to be, and still is. When in 2002, the Spanish government held the Presidency of the European Council, the focus in the agenda was the combat against illegal migration. By linking measures to the results of the summits in Tampere and Laeken, the Presidency brought up a new suggestion during the Council meeting in Seville. The proposal to apply sanctions against third countries that refuse to cooperate with the EU when it comes to combating illegal migratory movements was widely accepted among the 15 member states. However, France, Sweden and Luxemburg refused the Spanish proposal that foresaw the revocation of aid agreements with non-cooperating states. They argued that only the ongoing economical development of these states, supported by European aid, could prevent further mass immigration towards the West. Sanctions would only lead to a worsening of the situation and could lead into a humanitarian disaster.

Seville can be considered as an important experience for Spanish officials and a general declaration made by the EU not to use "negative conditionality" for immigration issues. They made clear that a balance has to be found to equalize the efforts third countries make, to secure their borders and fulfill their readmission agreements with their European

partners. Collaboration, especially with their African neighbors is a necessity and has to be combined with a positive conditionality, meaning giving them a motivation to fulfill their duties. As usual in international politics, the right balance between carrot and stick has to be found.[149]

After the events of 2005, the European Commission for the first time recognized the link between migration control and development. In September 2005 the communication 390 on "Migration and development: some concrete orientations" was adopted. It describes the impact that assistance in economical and social affairs, but as well in the field of protecting civil rights, could have on the reduction of immigration flows to Europe.[150]

In October of the same year, the Commission presented the communication 491, "A Strategy on the External Dimension of the Area of Freedom, Security and Justice." The paper highlights illegal migration as a major problem that should be dealt with by the external dimension of the AFSJ:

"Illegal immigration is set to continue, confronting the EU with the need to elaborate a comprehensive approach. It must address not only issues such as admission and reception, but also the root causes of immigration and its impact on countries of origin and transit."[151]

Consequently the member states agreed orally, that it was necessary to build up the capacity in third countries, to secure borders but also develop the domestic market in these states.

Finally, after the Hampton Court Summit at the end of October, the Commission approved its third communication (621) on "Priority actions

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[149] Cf.: Online: BBC News: "EU fails to agree immigration stance",
06.2007, (Accessed: 11.06.08)
http://news.bbc.co.uk/2/hi/europe/2050233.stm
[150] Cf.: COM (2005) 390 final., pg.4
[151] Cf.: COM (2005) 491 final., pg.4

for responding to the challenges of migration" This paper pointed out the importance and necessity of managed migration both for Africa and Europe and the benefits it can have on their mutual development.[152]

The Commission points out the effect that the promotion of good governance, generous support for economic development and the protection of human rights could have, in order to diminish push factors in the countries of origin. Moreover the Commission expressed its purpose to foster further cooperation between the member states in the FRONTEX framework and the creation of rapid reaction teams to support the members at the external border of the Union and provide them with financial assistance. The third point included an enhanced dialogue between EU member states and sub-Saharan countries, in order to improve their capacity to deal with the outflows of human capital they are facing.[153]

In 2006, the "Euro-African Ministerial Conference on Migration and Development" took place in Rabat. For the first time, European and African countries of origin, -destination, and –transit came together to discuss international migration problems. The results were more or less in line with the proposals the Commission had made in their previous communications, meaning an enhanced cooperation in border controls, increasing development assistance but also the proposal for temporary migrant labor mechanisms like the "Blue Card".[154]

Especially Spain together with France and Morocco had a major influence on the outcome of this first official Afro-European meeting about migration. The strengthening of the external dimension of immigration policies was

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[152] Cf.: COM (2005) 621 final. pg.5.
[153] Cf.: ibid. pp. 5-6.
[154] Cf.: European Parliament: "Illegal immigration: "Close partnership' needed", 07.2006, Online: (Acessed: 22.05.08)
http://www.europarl.europa.eu/news/public/story_page/018-9892-184-07-27-902-20060717STO09891-2006-03-07-2006/default_en.htm

considered a Spanish initiative and a big step towards a common position among the Spanish government and the other European heads of states, which rarely agreed on common strategies fighting illegal migration. Of course, the traditional way of handling migration through labor quotas and readmission agreements continued but after the summit, Spain has additionally signed several migration cooperation agreements with Gambia, Guinea, Senegal, Conakry (all in 2006), Mali and Cape Verde (in 2007), which makes the Iberian state a part of the new way to deal with migration issues. Furthermore, Spain presented the so called Africa Plan in 2006 which was created "To encourage co-operation to adequately regulate migratory flows coming from the sub-Saharan region and to combat illegal trafficking in persons."[155]

Spain in recent years has developed to one of the main promoters of a common European immigration policy approach. The country considers its own borders also as European frontiers that have to be protected by Euro-lateral agreements and an enhanced FRONTEX cooperation.

Spain has additionally promoted a more visible role of the Union in migration management and the strengthening of the cooperation with third countries, which could be understood as a very important Spanish contribution to the construction of a future Common European Immigration Policy.

On the other hand, already established policies, like the European Neighborhood Policy (ENP) and the Euro-Mediterranean relationship (MEDA) have been increasingly deepened and enriched with new agreements concerning international migration. The ongoing development aid, coming from the EU has been linked to several conditions regarding border controls and migration management in participating countries, which actually represent the majority of the states that the EU is concerned about when it comes to migration issues. An approach, that

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[155] Cf.: Africa Plan 2006-2008. Executive Summary. Spanish Ministry of Foreign Affairs and Cooperation. (Brochure)

especially the new President of France, Nicolas Sarkozy, will try to elaborate on, during the French Presidency in the second half of the year 2008.

6.3 An outlook: French Council Presidency in 2008

"For Europe, as for other countries, there is a demographic evolution taking place, and, therefore, a management of migratory flows is to be conceived among the 27 taking a global approach which brings together all the different dimensions: co-development, integration, economic, social and cultural factors. In Europe there needs to be a more convergent approach to these subjects, and one that is balanced. That is the premise of the European Pact for Immigration and Asylum which will be brought forward by France during its Presidency. Regarding the issuing of visas, exchanging experiences of integration or the law and the rules relating to asylum policy, we want it to be not the vagaries of life which decide things, but a number of better coordinated procedures."

Jean-Pierre Jouyet, French Europe Minister, speech, Brussels, 26 February 2008.[156]

From July 2008 on, the Presidency if the European Council will be passed to the French government. One of Mr. Sarkozy`s major requests is to move ahead with the realization of a common EU immigration and asylum policy, since France similar to Spain, is one of the member states that is quite familiar with the problems, illegal migration has caused during recent years. France will present its idea for the "European Pact" on Immigration and Asylum. Even if concrete measures will only be announced and negotiated during the actual period of office, some general guidelines have been published already and also presented by Jouyet in a speech on the

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[156] Cf.: cit.: France Diplomatie: Jouyet M. J.: "Deplacement a Bruxelles, Intervention du secretaire d`etat charge des Affaires Europeennes devant le "Think Thank" "The Centre", Extraits, Bruxelles, 2008, Online: (Accessed: 07.06.08)https://pastel.diplomatie.gouv.fr/editorial/actual/ael2/bulletin.asp?liste=20080228.html#Chapitre5

6th of March 2008. A "harmonization of asylum regimes", "the refusal of mass regularizations", the reinforcement of border controls and new "negotiations on readmission agreements" will be part of the proposal. However, he also stated, that the focus cannot be exclusively on the combat against illegal migration:

"We must also organize legal immigration according to the EU's economic and social situation. There are proposals from the Commission in this area that we support and we must ensure that these proposals, which are balanced, can succeed under the French Presidency and that there is a single procedure for the application of residence and work permits,"[157] (presumably the "Blue Card" Initiative.)

The efforts stimulated by the French, to increase the amount of legal economic migrants to the EU, has found support from the Spanish officials that, as already stated, are very much in favor of a enhanced legal migration due to the labor shortages they had in recent times.

"We must work to reach a balanced management of migratory flows, and that cannot be done without co-development. And it must be done with the help and support of the EU."[158]

However, measures on illegal migration including visa policies are on the top of the agenda:

"We must also organise active cooperation in the fight against illegal immigration. For that, we need common practices in the field of issuing of visas. There are different attitudes among European countries. We will endeavor to define common standards for the issuing of visas for the nationals of a certain number of countries." He said, "We must develop a common European approach regarding countries of origin – I am thinking of Africa, the Maghreb, and also our Mediterranean and central Asian neighbours."[159]

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[157] Cf.: cit.: Jouyet J.P.: Speech, Brussels, 26.02.2008
[158] Cf.: cit.: Spanish Immigration Minister Jesus Caldera: Speech, Brussels, 26.02.2008.
[159] Cf.: cit.: Jouyet J.P.: Speech, Brussels, 26.02.2008

The French government practically follows all the proposals made by the Commission in earlier statements and even goes beyond them in the field of asylum rights. The asylum burden sharing arrangement among all the member states that has been suggested would amend the existing "Dublin System". The new system would support countries with poor reception facilities with a large number of applicants like Greece, Italy, Spain or Malta, that would be able to transfer many of their cases to countries with less applicants and better facilities like Germany or the UK. The measure is very fragile because of the possibility of the UK to opt out of asylum measures, a result of the negotiations of the new "Lisbon Treaty".[160]

Nevertheless, also due to the new legislation of the Lisbon Treaty, the UK would risk to be thrown out of the new legal framework, which also includes new standards for reception conditions. If the UK wants to risk losing its voice in such an important legal field, is doubtful. It can be stated, that the French approaches go very much in line with Spanish policies that favors more legal migration and continues combating illegal migration rigidly. A combination of this new policy framework and the efforts that have already been done to strengthen the direct cooperation with the countries of origin, have the potential to be fruitful. Nonetheless, much will depend on the outcomes under the French Presidency, their ability to act as a good mediator between the different member states with their very different interests, and lastly the political will of all the member states to take a step forward towards a common immigration policy.

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[160] Cf.: The European Commission: Report from the Commission to the Council and the Parliament: "On the Application of Directive 2003/9/EC of 27 January 2003, laying down minimum standards for the reception of asylum seekers", Online: (Accessed: 08.06.08)
http://eur-lex.europa.eu/LexUriServ/site/en/com/2007/com2007_0745en01.pdf

7. Conclusion

"Migration is the oldest action against poverty. It selects those who most want help. It is good for the country to which they go; it helps breaks the equilibrium of poverty in the country from which they come. What is the perversity in the human soul that causes people to reject so obvious a good?"

J.M. Keynes

There is certainly a lot of truth in the words that the famous economist John Maynard Keynes stated at the beginning of the 20th century. The scientist, whose ideas were called "Keynesian economics", always advocated interventionist government policy in economics. He actually considered international migration as an economic opportunity that should be supported by the governments, and not perceived as a menace to societies of nation states.

Nevertheless, even Mr. Keynes could not foresee the development, migratory movements have made throughout the last century. Especially the amount of people willing to move, their direction of impact and the attendant circumstances, have changed significantly since then. Never before in history, as many people as today were on the move. Never before the disparities between the rich and the poor were as big, and consequently, never before so much attention was paid to make sure that the growing displeasure about discrepancies will not negatively affect or even endanger the lifestyle the "haves"[161] have acquired today. The closure of external borders and very restrictive immigration legislations in developed countries is nowadays, normal case. In particular the European Union, that with its growing importance as a region of destination for

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[161] E.H.Carr was a European writer whose experiences of the inter-war crisis did an enormous amount to shape the contours of International Relations in the United States in the post-war period. He argued that the academic discipline as such was little more than an ideology of the powerful deployed to both masquerade and justify their continued dominance in a world of haves and have-nots. Haves are the strong, dominant and rich ones, while have-nots are the underprivileged and poor ones.

people on their pursuit for a better life, has become the second biggest hotspot after the United States of America in terms of international migration flows, is affected. Fears grow in large parts of European societies and the walls of the "Fortress Europe" are being constantly reinforced.

However, most Europeans have understood that there is more than threat and competition related to immigration. Europe needs immigration. In spite of the recent enlargement, which brought the total population to some 490 million, Europe will decline in the coming decades. By 2050 every third EU citizen will be over 65 years of age and the need for workers in many member states is already evident, especially in the health care and agricultural sector. Of course, a higher net immigration alone will not be the solution to an increasingly ageing European population or labor shortages. In fact, policy makers have to make structural changes and help to lay foundations in European societies for a more family-friendly environment that is in accordance with the expectations of the employment market.

The approach to migration therefore has to be realistic and should lead to its effective management. Legal migration has to be supported and labor force attracted while preconditions for a successful integration have to be created. The EU has to introduce common policies to ensure labor mobility and cross-border movement, for instance with its Mediterranean neighbors. Closing down the gates would certainly not be the optimum solution. Illegal migration is a very serious concern for that no ideal response has been found yet. Even public opinion oscillates between the wish for humanitarian solutions and the call for more rigidity towards potential stowaways. It is therefore necessary to explain why- and how managing, not preventing, future immigration flows in the best interest for both foreigners and European citizens. We all must acknowledge that migration will continue and that it has to be managed in the best possible way.

Moreover, the EU-typical "carrot and stick" strategy toward third countries with an accession perspective has already proven its effectiveness in countries that are for instance included in the European Neighborhood Policy. The EU´s external relations and its development policy have to be used as instruments, in order to improve the economical, social and political situation of those countries, which can be considered as the main push factors for most of the emigrants.

The case of Spain has shown, how difficult it is for countries that are eminently affected by growing migration flows, to cope with the great demands the phenomenon causes. Although each and every country has different needs and expectations regarding the issue, which have not been taken sufficiently into consideration in the past, no state is able to deal with the current situation independently anymore. Member states must be ready to delegate more powers to the supranational level, bearing in mind the special needs of countries at the Union's external border. In today's world of high-speed technology and transport facilities, traditional borders are no longer existent and new measures request new approaches. Events in one country will automatically influence others, especially in regions like the Schengen Area, where cross border movements are no longer under internal control.

Putting together migration profiles, creating cooperation platforms among member states and migration support teams are some of the actions that have been brought up recently by the Commissioner responsible for Justice, Freedom and Security, Franco Frattini for instance. Moreover the Labor Quota System seems to find more and more acceptance among the Heads of States of the Union.

In addition to actions, which support he tighter cooperation with third countries, the border controls on the shores cannot be abandoned from one day to the other. As long as the inrush stays on equally high levels the

Union has to take the responsibility and avoid the human tragedies happening weekly on the Mediterranean Sea. At the same, European officials have to find solutions in order to improve the humanitarian situation in reception camps on external territories. Many NGOs claim that current conditions are unacceptable and not inline with the internationally accepted human rights standards. A matter the EU should take care of as soon as possible in order to remain credible.

Nonetheless, Europe has to tackle the problems illegal migration causes by channeling all the forces, which drive people to seek work abroad, into legal programs. Maybe one day, we do not have to read about drowning, and of thirst dying Africans anymore, that tried to cross the waters, that today for many represent the frontier that separates hope and fear.

How long the way to this day could possibly be, showed the abortive referendum on the Lisbon Treaty in Ireland, two days ago. Without the new Treaty, the Union's abilities to reform and bring on new ideas will continue being very limited. No one knows how the European project will now go on in the future, but without a new framework, also migration policy reforms will be difficult to put through. The author hopes, that the current events will not cause another major crisis, as observed after the failed ratification of the European Constitution in 2004, that could jeopardize the definitively promising ideas, the European Union has brought up in recent years. Especially Europeans should not forget that solidarity is the tenderness of the people and that only together we can cope with the challenges in a globalized world that we face everyday.

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