

# IRREGULARITY AND PATHWAYS OUT OF IRREGULARITY IN SPAIN

Kayamba Tshitshi Ndouba, Director of Studies, EPIC- Madrid

*European Migration Network conference,  
Oslo 10 october 2011*



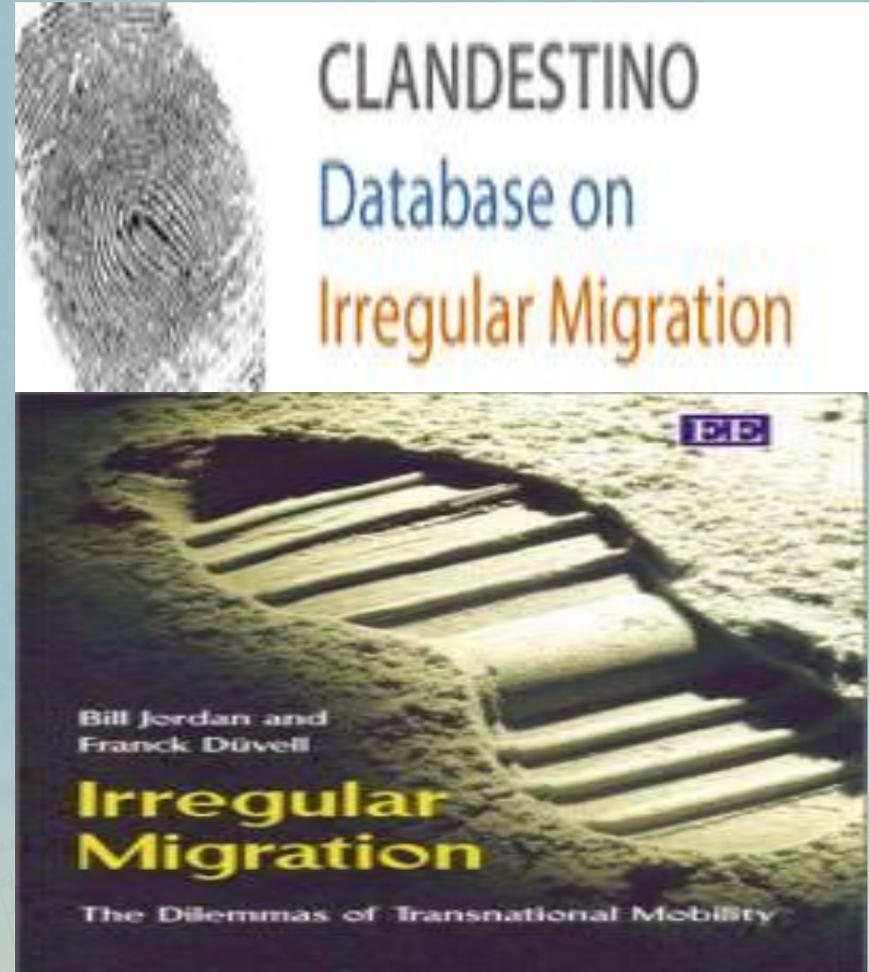
# IRREGULARITY: A DYSFUNCTION TO BE SOLVED

- Although national European governments prefer to manage orderly, legal migration flows, the presence of irregular immigrants on European territory is evident.
- Although Southern-European countries are, for various reasons, the ones with most such irregular immigrants, the rest of Europe must also come to grips with the same phenomenon.



# IRREGULARITY: A DYSFUNCTION TO BE SOLVED

- Various mechanisms are used to solve a dysfunction in managing legal immigration policies
- These mechanisms are adopted to provide, *a posteriori*, a legal status to people who already are in the country.



# THREE REFLECTION POINTS ON ILLEGAL IMMIGRATION IN EUROPE

1. The role of UE role in the management of illegal immigration
2. The incidence of repeating and using regularly and frequently an exceptional instrument of managing immigration flows.
3. The link between illegal work and illegal immigration in Europe

**Towards a common model of regularization in Europe?**

**COM (2004)412 as a startingpoint**

# PATHWAYS OUT OF IRREGULARITY IN SPAIN

1. Six regularization processes between 1986 and 2005
2. In 2005 Spain launched a regularization process based on labor roots.
3. The aim was to fight against the underground economy and attract workers from informal work situation to the formal one.

This concept means that any immigrant who prove to have lived and worked in Spain for a specified period of time could normalize his legal status.



# 2005: FROM REGULARIZATION TO “NORMALIZATION”

- In 2005, the Spanish government began the process known as “normalization of foreign workers” commonly know as "normalization process" which lasted about four months.
- During this period:
  - 690,679 regularization applications were received of which 604,357 were accepted
  - 572,961 were granted.
  - 552,187 were registered in the social security services (which meant that 96.32 per 100 applications resulted in a favorable final approval.)

# APPLICATIONS AND REGULARIZATION APPROVED IN SPAIN (1985-2005)

Regularization process/year	Applications	Applications regularized	% regularized/applications	Immigrants in Spain	
				Total immigrants	% regularized/immigrants
1º- 1985/1986	38.181	34.832	91.2	241.971	14,4
2º- 1991	130.406	109.135	83.7	360.655	30,3
3º- 1996	25.128	21.286	84.7	538.984	3,9
4º- 2000 Appeal	247.598 57.616	163.913 36.013	80.7	895.720	22,3
5º- 2001	351.269	232.679	66.2	1.109.060	21,0
6º- 2005	691.655	565.121	81.7	2.738.932	20,6
<b>Total</b>	<b>1.484.237</b>	<b>1.162.979</b>	<b>78.4</b>		

Source: Lorenzo Cachón: "La España inmigrante" Anthropos, Madrid, 2010, p.196

# PATHWAYS OUT OF IRREGULARITY: THE SPANISH SYSTEM

1. **Extraordinary regularizations (1985 - 2005)**
2. **“Others” regularizations**
3. **“Roots” a permanent way of regularization on an individual basis**
  - Work- based roots
  - Family- based roots
  - Social-based roots
4. **Regularization based on exceptional circumstances**



# PATHWAYS OUT OF IRREGULARITY: THE DEBATE IN EUROPE ON THE SPANISH SYSTEM

## Regularization as a pull effect (2005)

The German Minister of Interior stated that :

*"This process of legalization will impact the rest of Europe because immigrants will be able to move freely to France or Germany,"*

- Rita Verdonk, Dutch immigration minister stated :  
*"We should discuss the consequences of these measures for other European countries "*

Nicolas Sarkozy, French Interior, noted that :

*"I know from my experience that the regularization is not the solution. In France, we had a massive regularization in 1997. This regularization increased by four the number of refugees. When a country regularizes its illegal, is not regularizing for himself but also for others countries of the Schengen area "*

# IRREGULARITY AND PATHWAYS OUT OF IRREGULARITY IN SPAIN

- Thanks for  
listening.....

- [Kayambat@gmail.com](mailto:Kayambat@gmail.com)