

The Migration Policy of the Municipality of Madrid

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ABSTRACT

In Madrid, the capital city of Spain, the number of immigrants has strongly increased during the last years, since 325.877 in 2002 until 566.392 in July 2008 (when the whole population is 3.23 million inhabitants), representing today 17.49% of the City.

In this context, the Government of the City has designed and implemented a strategic planning for the integration of the immigrants called “Madrid Planning for the Social and Intercultural Coexistence” (“Madrid Convive” or “Madrid Living-Together”).

This planning includes the establishment of an Observatory of the Migrations and the Intercultural Coexistence in the City of Madrid.

The Madrid’ Planning for the Social and Intercultural Coexistence has a conceptual and theoretical framework that takes into account the experiences of other cities and addresses to adapt the municipal services and the local staff to the cultural and ethnical diversity, as well as to implement programs addressed to facilitate the incorporation and participation of immigrants in the Madrid’ Society (including the labor market), the prevention of conflicts and the fight against discrimination, racism and xenophobia. Also specific programs have been designed for some neighborhoods.

This paper addresses to analyze the political and administrative goals of this Strategy and why the Local Government has hardly engaged in its design and implementation.

I. INTRODUCTION

Things have changed very quickly in Spain during the last decade in terms of immigration and composition of the Spanish Society. Due to a strong and deep process of modernization and economic development, the country has changed from being a traditional emigration country, to become a massive immigration receptor since the late 1990'. In 1990 ... Spain foreigner population was people , in 2000 and in 2008 Spain has received during the first years of the new Century almost a half of the total immigration in the European Union, and is the second country in the world in terms of immigration, just behind the USA.

The City of Madrid, with almost 17.5% of foreigners (27.6% in downtown) on 1st January 2009 (574.869 people), is one of the most evident examples of this change: in 1991 the foreign population in Madrid was 36.092 people, and 156.604 in 2000. Probably what should be stressed in this process is that immigration has peacefully and quickly integrated in Spain, even if the change has been dramatic in terms of population. Spain has learnt from the other Western Europe countries, and this integration has been an obsession for public authorities at all levels. The xenophobic reactions have been anecdotal and isolated, and public campaigns demonstrating the citizens the positive effects of immigration in the enlargement of the Spanish economy and population (in the country with the lowest birth rate in Europe) has been the rule.

All the governments (the national, the regional and, at the local level, the big cities) have drafted strategies for the integration of the immigration. The study of the case of Madrid shall be done in this context in which the Spanish public powers have tried to overcome a reactive approach going towards a proactive one. Spain has implemented since the late 90' five processes of amnesty and legalization for foreign migrants (under different governments right and left

wing), and even if some of these processes have been controversial, the real effect has been a more effective integration of migrants in the Spanish economy, social security system (whose sustainability have strengthened with their contributions) and society. Nobody questions today in Spain that the inner market has significantly enlarged thanks to the immigration.

In this paper I will expose the main facts of the immigration in Spain and Madrid, the mainstream national policies in this arena and, within this context, this specific immigration policy of the City Hall of Madrid, whose main document is the II Plan Madrid Living-Together (2009-2012) or “II Plan Madrid of Social and Intercultural Coexistence”.

II. THE EVOLUTION IF THE IMMIGRATION IN SPAIN

Since its entrance to the European community, Spain has acquired a crucial geopolitical importance in Europe as the border dividing the economically developed North, represented mainly by the Western European nations of the European Union, and the less developed South, which begins in Northern Africa.

Along with Italy, Spain has the lowest fertility rate of Western Europe: 1.26 children per woman- (Ministerio de Trabajo y Asuntos Sociales, 2007). A rate of 2.1 children per woman is considered necessary to guarantee a stable reproduction of the population. For that reason, immigration had become a solution for this country’s expected population drop. Furthermore, at least until very recently, immigrants have also been perceived as contributing to the welfare state rather than as its beneficiaries; and while the Spanish economy was growing, they became an important engine of its economy, rather dependent on the construction and service sectors where immigrants generally work, in addition to the agricultural sector. Despite these evident facts, its elites could have chosen to oppose immigration as have those of other developed countries where the rapid aging of population is a major problem. Instead, they have decided to pursue a policy of openness toward immigration, although

important differences can be found in the policies of the two main parties – the PSOE and the PP.

From the 1850s to the 1970s Spain was a country of emigration. In the nineteenth century Spaniards left as temporary labourers to the Americas (Argentina, Uruguay, Brazil and Cuba) and later to North Africa (Morocco and Algeria). In the twentieth century around six million Spaniards left their country, first to the Americas due to its civil war, and after the 1950s to Northern Europe due to its economic backwardness compared to other countries of similar size within Western Europe (Arango and Jachimowicz, 2005). By the 1980s, however, this pattern started to shift and Spain, like Portugal and Italy, became a country of immigration as other European nations that had received guest workers after the Second World War and until the 1970s confronted economic crises and became very restrictive to the arrival of newcomers. Through the 1990s, when Spain experienced a large economic expansion, it attracted immigrants predominantly from North Africa and Eastern Europe. In the new century, this country has also attracted large numbers of immigrants from Latin America, especially from countries confronting major economic crises such as Ecuador, Colombia and, a few years later, Peru and Bolivia. These last immigrant groups, and especially the Ecuadoreans, have almost surpassed those from Morocco as the largest immigrant contingent. It is expected that the Latin American contingents will surpass those from any other region of the world in the next few years. This is related to the fact that Spanish law grants Latin American immigrants citizenship in two years, compared with ten years for the rest of the world, due to historical and cultural connections. This obviously has acted as a magnet for these groups who perceive Spain as more welcoming than other developed countries.

Table 1. Evolution of the total immigrants residing in Spain according to the census (legal and illegal immigrant registered in the census) (1981-2008)

Year	Number of immigrants	Total population	Year	Number of immigrants	Total population

		of Spain			of Spain
1981	197,942	37,683,362	1996	542,314	39,852,651
1987	334,936	38,725,115	2000	923,879	40,499,791
1990	407,647	39,887,268	2003	2,664,168	42,717,064
1993	430,422	39,790,955	2005	3,730,610	44,108,530
1995	499,773	40,460,055	2008 (31 March)	5,220,557	46,063,511

Source: National Institute of Statistics

A large number of immigrants who have arrived in Spain in the last few decades have done so illegally, generally reaching Spanish territory by air and land (with a few arriving by sea) then never leaving the country. This has forced Spain to require visas, especially from countries that have provided large numbers of immigrants such as Morocco and more recently Ecuador and Colombia. This however, has not been the only response adopted to the large presence of unauthorized immigrants. Over a period of more than twenty years Spain has implemented six amnesties, with various approaches and results (Aguilera Izquierdo, 2006). Over this long span it is possible to identify two periods distinguished by the guiding elements compelling the government to regularize the unauthorized populations within Spanish territory.

a) First period, following the imperatives of the European Community and the needs of the business sector

In a first period under the Socialist government of Felipe González, the main national goal was to modernize the country under democratic rule and to become part of the European Community (EC). González also wanted to project the idea that his was a moderate but progressive government not very tilted to the left in a country that had a long history of being controlled by the right. This last attitude, however, sometimes made tense his relationship with the main

unions, and especially the socialist *Union General de Trabajadores* or UGT (General Workers Union), since they expected him to follow a more socialist agenda.

In a context in which the left wing sectors within its government had a smaller input than at other times, and in which the goal was to satisfy the requirements imposed by the EC, the González administration produced in 1985 the first law on the Rights and Liberties of Foreigners in Spain. Popularly known as the *Ley de Extranjería* (Law on Foreigners) this law focused more on restrictions than on defending the rights of immigrants, even though it was implemented by the Labour Ministry rather than the Interior Ministry, reflecting the fact that “immigrants were broadly conceptualized, first and foremost, as workers (Ortega Pérez, 2003: 4).” This last aspect is interesting because over the years these two ministries have competed intensely over the agenda setting process on immigration. As mentioned earlier, the Labour Ministry has tended to focus more on the labor side of immigration, whereas the Interior Ministry has focused more on the national security side.

The main goal of the law was to control the access of immigrants to the labor market, and made stable residency very difficult. Newcomers could attain residency permits only once they got a job offer, and after getting the permit they were forced to renew it and to meet numerous requirements to do so. This contrasted, for example, with the contemporary American approach to immigration, where the immigrant who acquires residency can keep it permanently and regardless of her situation in the labor market.

Because of these limitations many immigrants ended up in an irregular status. Furthermore, in contrast to the United States, where family reunification had been the guiding principle of immigration law since 1965, the Spanish law made family reunification very difficult. This situation was corrected only in 1996 when an amendment to the law was introduced recognizing immigration as a structural phenomenon and acknowledging that newcomers had a set of rights, including that of being able to reunify their families.

As a compensation to its many limitations the law also previewed the possibility of regularization although, as noted above, only under temporary

conditions. Immigrants could attain regular status by applying on an individual basis or through their employers. They had three months to present the necessary documents. Because the foreign population in Spain was still relatively small, this regularization was not very significant in terms of numbers - only 38,131 benefited from it- and also did not require the involvement of major social actors such as the unions and the business organizations, who in the 2005 amnesty, as we shall see, played a key role.

Because of the harsh immigration policies introduced in 1985 many immigrants were left without the possibility of securing the proper documentation to attain a legal status. This situation left the doors open for further regularizations in 1991 and in 1996, still under the government of Felipe González, although the 1996 regularization was designed but not implemented by the socialists since the PP took control of the national government that same year.

In the years 2000 and 2001, the PP was forced to implement yet two more amnesties because the flaws of the 1985 law, despite the 1996 reforms, were still making it very difficult for foreigners to attain a legal status. Because there were larger migratory flows to the country, however, the regularizations were becoming bigger and thus creating more tensions. Labor unions started to perceive these amnesties as going against their interests, as expanding the pool of legal workers and thus pushing wages down. In contrast, the business sector not only did not experience real sanctions for hiring unauthorized immigrants, but also was not forced to register workers in the social security system. Because the amnesties only required for immigrants to get a job offer (and in many cases even this was not necessary) rather than an employment *contract*, in many cases they got offers but went back to their irregular status within the labor market.

[Insert Table 4]

The tensions the amnesties created were reflected in a conflict between the PP government of José María Aznar and the opposition in the parliament when a new law on foreigners was being negotiated.

In January 1998 the opposition -- including IU, the Catalan Nationalist Party *Convergència I Unió*, and *Grupo Mixto* but not the PP -- introduced an initiative to create a new Law on Foreigners. This law was finally approved in January 12, 2000 with a broad political consensus; all political parties voted in favor, including the PSOE and the PP. The PP, however, was forced to do so against its interests since it did not have an absolute majority in the parliament.

The legislation called the Law on the Rights and Freedoms of Foreigners in Spain and their Integration –technically Organic Law 4/2000--, marked a drastic shift in Spanish immigration policy which would have repercussions in the future, especially in 2005. Until then the main function of Spanish immigration law had been controlling immigration rather than integration. The law would grant more rights to immigrants regardless of their legal status, including the right to associate, to rally, and to unionize. This last right was a triumph for the two main Spanish unions including UGT and *Comisiones Obreras* or CC OO (Workers Commissions). The law also recognized the immigration phenomenon as a global and permanent one, and accordingly emphasized the importance of incorporating newcomers into the needs of the labor market. This would become a key issue of the 2005 amnesty. In addition it introduced for the first time in Spanish legislation the notion of co-development, which implied that to control the migratory flows coming in to Spanish territory, Spain also had a responsibility to help in the economic and social development of sending areas.

After the March 2000 elections the PP recovered its absolute majority in parliament and passed Organic Law 8/2000 to amend the previous legislation just a few months later. This law was less generous than the one approved previously. Among other things, the new Organic Law granted the rights of association, rallying and unionizing only to legal immigrants¹. Nonetheless, it

¹ In 2007 the Constitutional Court declared that the limits introduced by the Organic Law 8/2000 to the rights of association, rallying and unionizing were unconstitutional.

kept the integration principle as a key to Spanish immigration policy. This law was the base of what was known as the Plan Greco. This program presented immigration as a desirable phenomenon for Spain and argued that foreigners should become active contributors to Spanish economic development. However, the PP argued that Spain should follow the principles of the European Union on immigration, including the emphasis on security. On those grounds, the regulatory functions on immigration were passed from the Labor Ministry, where they had been until then, to the Interior Ministry, emphasizing the national security aspect of the subject.

An important contribution of the Plan Greco was that it recognized the vital role that regional governments play in the integration of newcomers; this recognition would become very important in the integration policies implemented by the Spanish state thereafter. In addition, as part of a broad policy on immigration designed by the PP, Spain has concluded guest worker program agreements with sending countries since 1997. After the first such program was adopted with Morocco in 1997, in 2001 Spain concluded a similar agreement with Romania and Bulgaria, which at that time were only negotiating their entry into the European Union and thus sent a lot of undocumented immigrants to Spain. An interesting aspect of these programs is that they provided workers access to Spanish citizenship after a certain period of time if they returned to their countries of origin when their contract agreements ended. A worker having thus duly returned to her country of origin was able to come back to Spain the following year, subject to agreement with her Spanish employer.

These guest worker programs were important because they showed the business sector that there was a pool of workers that they could hire legally, without running afoul of the law. This facilitated the support of the business sector for the 2005 amnesty.

A few years later, Spain also signed similar agreements with Senegal and with Latin American countries such Ecuador, Colombia and Peru.

b) The second period: the neo- corporatist model, fortifying the welfare state

In 2005 Spain implemented a new but very different amnesty. This amnesty benefited 577,923 people. The most striking characteristic of this amnesty, however, is not the number of people it allowed to regularize their status, though that number is strikingly large but the fact that it was implemented in line with the needs of the labor market.

As we mentioned at the beginning, the amnesty was done through employers rather than on an individual basis, except in the case of domestic workers. This was an important break with past practice: whereas it had always been the immigrant herself who was responsible for regularizing her status, the employer, forced to register her employees in the social security system, now thus bore the responsibility for regularizing them. Toward the end of smooth regularization of workers demanded by the market, the government granted employers four months –from February 7 to May 7, 2005—in which they could petition without sanction for the legalization of their workers.

How was it possible to implement such an amnesty, which implied a radical change in Spanish immigration policy?

The 2005 Spanish amnesty was designed without much public debate and in closed-door meetings between the government, the two main labor unions – UGT and CC OO—and the business sector, represented by the *Confederación Española de Organizaciones Empresariales* or CEOE (Spanish Confederation of Business Organizations).

By 2004 Spain had an estimated 1.2 million unauthorized immigrants, the large number reflecting the limitations of the previous amnesties, the inefficiency of Spanish authorities in controlling immigration and the large and unexpected arrival of new immigrants from Latin America.

Union and business leaders interviewed for this research explained that they had been negotiating an amnesty with the government of Aznar through the Spanish Economic and Social Council (CES), which includes all the relevant

actors of the Spanish Economy. After long negotiations between the unions and the CEO, the CES produced a report of 170 pages, published in April 2004, which called for a better-regulated immigration policy. This report, which implied that agreement already existed between the unions and the business sector, created a positive environment for the negotiation of a new amnesty in 2005.

Both the unions and the business sector realized that in order to have an effective reform that command consensus by benefiting the diverse interested parties, it was necessary first to regularize in a definitive and effective way those who were already illegally in the country.

Parallel to the amnesty two extraordinary mechanisms were created to facilitate the regularization of those who did not qualify for a legal status and those who arrived after this program was implemented. The first mechanism is known as “social attachment” or *arraigo social*, whereby an immigrant can qualify for legal residency if she has been in the country for a period of at least three years – a fact that can be confirmed simply by registration upon arrival in the city hall of the locality in which she has settled -- does not have a criminal record in Spain or in their country of origin, has a work contract of at least one year, and can prove some social links to the place where she resides in Spain.

The second mechanism is the one known as “labor attachment” or *arraigo laboral*, whereby immigrants can attain legal permanent residency if they can prove to have been in a country for a period of at least three years and they have a labor relation with an employer (which they have to prove by taking the employer to the tribunals and denouncing her for a specific reason) and do not have a criminal record in Spain or in their country of origin.

Although these mechanisms are insufficient to guarantee that illegal immigration will not be a problem in the future, and do not fully neutralize the call effect which the amnesty is having, they are an important step in facilitating the gradual integration of those persons residing without a legal status in the country.

The new amnesty was implemented in a context uncommonly favorable to experimentation in this policy field: the Socialists had just arrived to power

after eight years in opposition with high levels of legitimacy and public support, and the conditions of strong economic growth underpinned arguments for the amnesty based on the demand for immigrant labor. Furthermore, the socialists were less interested than in the past in following the dictates of the European Union, since Spain was by then sufficiently powerful, stably institutionalized, and accepted as a member of the Union to have confidence in its independent political judgment.

The new socialist President, Jose Luis Rodriguez Zapatero, had won the 2004 legislative elections against Mariano Rajoy who was elected by the outgoing president Jose Maria Aznar to replace him as the PP leader. This happened after Aznar blamed the nationalist band ETA (Euskadi Ta Askatusuna) for the terrorist attacks that took place three days before the election in Madrid, even though ETA itself had denied its participation. These attacks killed 191 people – almost a third of them recent immigrants to Spain on their way to work - when a series of bombs exploded in trains approaching the Atocha Central Train Station in the country's capital. The public was angered by this accusation without proof, and punished the PP by giving an unexpected victory to the PSOE. Investigations already becoming public suggested that Muslim extremists from Morocco were the authors of the attacks. Although originally the PP was expected to win the elections, there was already a public animosity against the PP because of the support which the Aznar administration had given to the United States in its war against Iraq despite the limited popularity in Spain of the American military enterprise². This anger along with the baseless charges made by Aznar just after the explosions, contributed to the triumph of Zapatero, who immediately began to govern from the left in stark contrast to the right wing Aznar administration. For example, Zapatero immediately withdrew the Spanish troops Aznar had sent to Iraq to support the Americans.

² According to the polls, more than 95% of the Spanish population was against the Spanish involvement in the War. Even most of right-wing people were against the official policy of the Spanish Government on Iraq.

The Zapatero administration was quick to avoid xenophobic positions condemning Muslims and immigrants. Zapatero's government transferred most immigration functions from the Ministry of Interior to the Ministry of Labour and Social Affairs – again, thus reframing the immigration phenomenon as an economic and labour problem. As part of this process, his government created a new Secretariat within the Labour Ministry focused on Immigration and Emigration. Four years later, right after the legislative elections of March 2008, Zapatero, who had just won the legislative elections again, changed the name of the Ministry of Labour to Ministry of Labour and Immigration, thus consolidating the perception of the immigration problem as a matter of labour and welfare.

In line with these administrative changes, immigrant integration became a major goal of the Spanish state. Starting in 1994 during the government of Gonzalez, the Council of Ministers approved the Plan for the Social Integration of Immigrants with the goal of helping in the settlement process of newcomers. Although many of the goals set by this program were never fully realized, two major instruments that emerged from it not only survived but actually set the parameters of future integration policies. These instruments were the Forum for the Integration of New Immigrants and the Permanent Observatory of Immigration to Spain. The first instrument had the goal of fomenting immigrants' civic participation and representation by allowing them to elect representatives to the forum, which plays an advisory role. The second instrument produced research on immigration and integration with the goal of using it in the process of policy design on those subjects. These instruments have been emulated at the sub-national level in most Spanish autonomies and cities where large numbers of immigrants have settled in the last few years, including in those localities controlled by the PP which, as noted earlier, in the Plan Greco also emphasized the important role that local governments play in immigrant integration. In 2007, a year before the transformation of the Labour Ministry, the Zapatero administration presented the Strategic Plan on Citizenship and Integration with the main goal of promoting social cohesion in the country through the implementation of policies that grant equal rights to newcomers. Working within this same logic, in July 2008 -- in a context of economic

downturn, remarkable -- the socialist government proposed to grant the right to vote in local elections to non-European Union citizens conditioned on the principle of reciprocity established by the Spanish Constitution.

III. THE CASE OF MADRID

The increasing of the foreign population in Madrid has been bigger than the Spanish media. The City has reached this year 575.000 foreigners, being the whole population 3.3 million (17.5% of the total).

But this data shall be desagregated by districts. Madrid is divided in 21 districts and 120 boroughs. In some districts and boroughs is really impressive. For instance, The district Centro (the central part of the City or downtown) immigrants are 27.6%, 24.4% in Usera, 24.2% in Villaverde and 22.2% in Tetuán. In the opposite extreme are districts as Retiro 10.0%, Mortatalaz (11.2) and Fuencarral-El Pardo (11.9%). In some boroughs, the percentage of immigrants is really impressive: 43.1% in San Cristobal, 33.6% in Embajadores, 33.5% in San Diego. Even if, in general terms, immigrants trend to bring together in more modest districts, there is also a high percentage of foreigners in rich districts.

Other important question, with key effects on the integration, is the geographical and cultural origin of immigrants living in Madrid. Figures show that a large number --about 55%-- are Latin Americans, and 24.8% from countries of the European Union. Only 7.1% are from Africa and 7% from Asia and Oceania. The rest are immigrant from other European and OECD countries.

Table 2. Distribution of immigrants in the City of Madrid (01-01-2009)

Area	Number of immigrants	%
European Union (15)	56,219	

Enlargement of the European Union (27-15)	86,453	
Other OECD countries	12,825	
Other European countries	13,479	
Other Latin America countries	316,218	55%
Africa	43,664	
Other Asia and Oceania countries	40,590	
Apatrids	92	
TOTAL	574,869	100%

Source: City Hall of Madrid

Latin American immigrants share language, religion, traditions and behaviors with Spanish Population. And common values and civilization is shared with European and even OECD countries immigrants. It means that, from the approach of integration, more than 80% of the immigrants offer a profile of easy integration. Probably the most complicate group to integrate for cultural reasons are Muslims. Morocco represent 61.4% of the African immigrants (26,821 people), the sixth foreign community in Madrid, after Ecuador, Romania, Bolivia, Peru and Colombia.

On the other hand, Madrid is a city that for many reasons, mainly historical ones, has been known for its openness and capacity for integration. The origins of the city as we currently understand it come mainly from the events of the last fifty years. During this time, Madrid has doubled its population, but it has also acquired the personality that defines it: an open mentality,

integrating and against exclusion. A large number of the Spanish inhabitant of the City have born in other regions of Spain. Madrid is the Spain' crossroad, and the modern song and poems about the city exalt the eclectic nature of this city, very different in this sense that the other big Spanish cities, Barcelona included. Openness, integration and a feeling of fusion have been the real signs of identity of this city for nowhere men. Madrid's recent history has led to a character that is hospitable to external influences and receptive for newcomers. Therefore, coexistence and openness are presented as inseparable traits.

However, based on the intuitive and immediate perception of a palpable social reality that is accessible to all its inhabitants, and in order to face up to the increasing immigration from an proactive approach, the Madrid City Council has drafted and developed a specific model for public action regarding immigration, which began with the First Madrid Plan on Social and Intercultural Coexistence (2005-2009) and continues with this Second Plan, which has come to be known as "a model for coexistence".

The model for coexistence is characterised by the implementation of services and measures, the aim of which is to bring about an approximation between the immigrants and the city residents. This binding should also be established by both parties, and with equal intensity by both of them. In short, the policies of a model of coexistence must comprise instruments that address both immigrants and locals at the same time.

The intercultural coexistence model that inspires the Second Plan (2009-2012) acknowledges the influence of the trend of thought led by the German philosophers who developed the theory of communicative action. Coexistence is achieved through dialogue and discourse between the people who represent the different cultures present in the city. Nevertheless, this dialogue, in order to be authentic, requires the acknowledgement of certain basic principles: respect for the life and dignity of all of the people participating in the process. It is funded in their radical freedom to express themselves, because otherwise communication would be tainted, and in equality, not only formal but also

material, which can only be achieved through equal opportunities for life development.

The governing principles of this Second Plan are based on