



**Permanent Commission
HOAC**

THE SITUATION OF MIGRANT PEOPLE IN SPAIN

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“They travel from the south to the north and from the rising sun towards the sunset. They were robbed of their place in the world. They were deprived from their work and their land. Lots of them run away from war, but lots more escape from extinguished salaries and razed land. The castaways from globalization wander inventing new paths, longing for a home, knocking on doors: the doors that open, magically, are closed again in their faces as money runs out. Some of them manage to get in. Others become corpses handed over by the sea to the forbidden shores, or nameless bodies that lie under the soil of the other world where they longed to arrive.”
EDUARDO GALEANO

Migrant workers are the prototype of precarious workers. If we add to these precarious conditions their higher vulnerability because of their being “foreigners”, sometimes undocumented, the group of migrant people constitutes a big part of the weakest, most vulnerable and impoverished sector of the working population. Their situation has become worse under the economic crisis, just because of their higher vulnerability.

The latest official statistics on registered residents in Spain show a total number of 47.150.819 inhabitants in the country, of whom 5.730.667 were nationals from foreign countries, which makes up more than 12% of the total population. At the end of August 2011 the resident foreigners with a valid permit in Spain summed 4.791.232 persons; the difference between the two registers, although it won't be the exact number, gives us an approximate idea of the amount of “undocumented” people, who are about 1 million.

HUMAN FACES OF THE MIGRATION

Bakary Keita. He's rather known as Bakús, and is a Senegalese musician, resident now in Alicante, after a journey in Barcelona. He's sharing a room in one of the marginalized and forgotten neighbourhoods of town. He just recovered from a malaria crisis, caused by the bad conditions he has been living in.

Violeta. She's from Argentina, passionate about theatre, and she came to Spain escaping from the precarious economic situation in her country, hoping to develop her passion for theatre and culture. She has been trying for several years, and ended up taking care of elder and sick people. She recently went back to Argentina, incentivized by the repatriation policy of the Spanish government.

Jennifer and Beatriz are two young women from Peru. They work in a fruit stall they have set up near the house they live in. They work from Monday to Saturday from 8 in the morning to 10PM. On Sunday they “only” work from 8 to 4PM. They say they had a very good year, so maybe next year they might not have to work on Sunday.

These persons are just a sample showing the effects of the bad social protection policy that the succeeding Spanish governments have been implementing during the last 15 years.

We are facing the first global crisis in history, that is showing its impacts, to a larger or lesser extent, in all parts of the world. The crisis in Spain shows its major effect in employment, with 4.226.744 persons being unemployed, according to the statistics of September of this year – which gives an unemployment rate of 21'2% in our country. In all of the European Union the amount of unemployed persons totals little more than 22,7 million people, which means that Spain takes up about one fifth of the total EU unemployment. Half of the people that fall unemployed in Europe, are Spaniards or residents in Spain.

These unemployment details are very relevant, as our Social Security system is financed by contributions on salaries from working people and by income taxes paid by all of the citizens, with the proportions of both components varying in time. So, a lower number of people who are working, gives a lower income for the common funding of Social Security. The latest reports on migration by Cáritas Española and by the Social Works of La Caixa (savings bank) reveal some more details to be mentioned:

- Less than 1% of all people receiving pensions are nationals from foreign countries (and of those who are, more than half of them are European citizens). On the other hand, calculations show that the high activity rate of migrant people will contribute to delay with 5 years the deficit of the pension fund system, and moreover, they will help reducing the general aging of the population.
- Migrant people go to a general practitioner 7% less than the average Spaniard and 16,5% less to specialist doctors, although they appeal 3,2% more to the emergency services. Currently they absorb a proportion of little more than 5% of the total health expenses.
- 30% of migrant persons in Spain are poor, compared to 18% of autochthonous Spanish people. But in spite of that, only 6,8% of social services' interventions are dealing with migrant people.
- During the years of major growth, 50% of the surplus of public budgets was generated by taxes and social contributions originated by migrant people. Nevertheless, these groups were hit hard by the crisis, and suffer at present unemployment rates of 30% and more.
- More than half of the Spanish population considers migrant persons as competitors for access to social services and allocations. These attitudes might become more severe, as the number of applicants is

increasing.

On top of these details, the following tables of the Observatorio permanente de la inmigración en España can complete the information on the situation of this group of people.

(TABLE 1) As is shown, the number of issued visa has been reduced to nearly half between 2008 and 2009, and it has dropped further during the last two years.

(TABLE 2) On the other hand, the increase percentage of migrant people with a resident permit has been slowing down very sharply in the last two years, dropping from 38% in 2005, to 5% in 2010.

(TABLE 3) Details show that the overall amount of foreign people staying in Spain, not taking into account the people entering and leaving the country, has been decreasing in an exponential way, particularly in the last two years, from more than 700.000 persons in 2007, to hardly 50.000 in 2009.

Finally, about the origin of people migrating into Spain:

(TABLE 4) This table shows the sending countries: in Europe Romania takes the lead with 750.000 persons, and far behind follow the UK with 222.000, Italy, Portugal and Germany. From America, there are more than 400.000 people from Ecuador, nearly 300.000 from Colombia and about 150.000 from Peru. We have to mention as well the amount of people coming from Morocco: more than 750.000.

These are the mere statistics on the situation, that are better understood if contextualized in the legislative framework in which they were originated, and that has worsened their situation.

CAUSES OF THE WORSENING SITUATION OF MIGRANT PEOPLE

Budget restrictions all over again. At present massive rallies are being held nearly every day in several regions in Spain, claiming to stop cutting public expenditure, particularly in health and public education services. People are taking the streets, as they are fed up with being misled and manipulated, incensed and trying to react. The current situation of economic, political and moral crisis at world level, has been among the most decisive causes for this scenario. But two legislative reforms have been key elements for determining the situation of migrant people in Spain. On one hand, the reform of the migration law, and on the other hand, the two labour code reforms that were approved in hardly one year time. HOAC has been following up continuously the economic crisis process and the measures taken by the government. Actually, HOAC has elaborated the following reflections related to the crisis and its consequences for the migrant population's situation in Spain:

- *Reflection on the economic crisis (November 2008)*
- *Reflection on the European elections (May 2009)*
- *About the new migration law (November 2009)*
- *Migrant people. Breaking down borders, building up humanity (May 2010)*
- *Labour reform and change in the social organization model (June 2010)*
- *Economic crisis: Justice for impoverished labour! (May 2011)*

We'll deal here only with the legislative reform that has affected most directly the migrant population.

REFORM OF THE MIGRATION ACT (OCTOBER 2009)

As to the reform of the migration act, HOAC notes that it has brought about several regressions:

Education. For "undocumented" persons education access is limited to legally enforced education, from 6 to 16 years. Children in irregular legal situation have no access to child education (3-6) or to higher secondary level (bachillerato).

Housing. Migrant people have no access to the public system of social services for housing until they can prove five years of legal residence in Spain. This means public policy does not combat anymore the infra-housing situation for an important sector of the population.

Health care and basic social allowances. Basic social allowances are not given anymore to persons in irregular administrative situations, which is clearly an obstacle for integration.

Free legal assistance. Harder conditions are imposed to foreign people than to Spanish originals, in case of applying for free legal assistance because of limited income – which violates the principle of equal treatment.

Detention centres. The maximum term for staying in a detention centre is increased from 40 to 60 days. In practice, these centres are worse than prison, as they suppose a «legal vacuum»: a person is arrested and kept there, not because of having committed a crime, but because of administrative irregularities.

LABOUR REFORMS (JUNE 2010 AND AUGUST 2011)

After having adopted a whole series of measures to alleviate the crisis, the government implemented the severe

adjustment measures that the EU and IMF claimed: reducing the wage of public servants, freezing the amounts of pensions, restricting budgets and reducing public investment. Moreover, the capital injections supplied to the banks were not used for credit facilities to small companies nor to home mortgage holders.

But on top of all that, a first labour code reform was implemented, providing important facilities for temporary contracts in hiring workers, and for layoffs (this was the direct cause for the first general strike on September 29, 2010). The latest reform in August 2011 eliminated the maximum term of two years for temporary contracts, and established the possibility for hiring people under an apprentice contract up to the age of 30.

CONSEQUENCES

The hard conditions on the labour market, particularly caused by the two last labour acts, at the end give way to a higher use of black labour. People that are lacking regular documents, because of no access or no possibility to renew them, do not immediately leave the country, nor want to starve, so they enter the spiral of the underground labour market. Therefore, unemployment creates a more dramatic situation for migrant people than for the rest of the population:

- Often, migrant people have no right to unemployment allowances, because they have contributed less than the minimum required. Both those who have a right to allowances and those who haven't, face the home mortgage payment or rent, credits and family expenses (food, schools,...) and their income is insufficient.
- They actually don't have any savings or properties, because they had to pay up the debts they engaged in by leaving their country, and because they sent money to their families at home. The absence of a job leaves them without any income. Usually, they don't have relatives nearby who are able to help them;
- Having no work has severe consequences for accessing or keeping the administrative legal status, which is an absolute requirement for foreign people to develop their personal and family project.
- Lots of migrant people fall into irregular situations in spite of themselves, because they cannot contribute the minimum terms required for renewing their permits
- It is difficult to obtain a long labour contract, that allows receiving resident permit on the basis of actual social roots.
- The precarious economic and labour situation is delaying the permits for family unification.
- Returning to the home country is now being incentivized by the Spanish legislation, but only very few people make use of that possibility. Actually, it would mean they recognize the failure of their migration project and they have to return to the situation of poverty and lack of perspective they already know.

THE SITUATION OF MIGRANT WORKERS IN THE EVANGELIZING ACTION OF HOAC

Being a part of the Church, we feel that the presence of migrant people, and particularly the most impoverished among them, is a challenge for us. In each of these persons, in their faces and their stories, "the Lord stands before us, he comes to us and he speaks to us". Therefore, in our evangelizing action and our sector work, we have defined the priority of working with migrant people, along the following three guidelines:

1^a.- The need to concentrate on the integration of the migrant workers in our neighbourhoods, parishes, organisations...

2^a.- The need to contribute to knowing, showing and raising awareness on the living and working conditions of the migrant people, caused by the injustice of our production and consumption system. And on the social need of transforming and humanizing this situation.

3^a.- The need to collaborate to offer channels for living, including HOAC itself, atmospheres where migrant people are considered as persons and where they can play a key role in the need for changing our institutions and surroundings to tackle in a human way and in solidarity the phenomenon of migration.

In order to break down borders and to build up humanity, we have insisted on two elementary issues: humanizing the culture of our surroundings and getting close to the practical daily life of the migrant persons.

So, we detect a challenge for our church communities and movements: we have to translate our Church statement into concrete pastoral proposals and community life.

In this topic of migration, the international dimension of our task is particularly relevant, and therefore we are decided to engage in the tasks of the supranational coordination level (MTCE and MMMTC).

In this very international level, we are thinking in HOAC about an International Solidarity Fund (*Fondo de Solidaridad Internacional* (FSI)), as a modest response to the negative consequences that economic globalization is imposing to workers and working families in impoverished countries. This fund would be set up to promote training, in order to be an instrument for achieving protagonism and promotion of the most impoverished persons

and groups, trying to create more decent living conditions in their home countries. This training should develop the social dimension of the Christian faith, and make them engage in transforming reality from their countries.

In lots of dioceses HOAC has committed concretely to consider the situation of the impoverished migrant people: Almería, Málaga, Burgos, Canarias, Murcia, Madrid, Orense, Pamplona, Tarragona, etc... just to mention some of them. The time limits here don't allow us to show some of these commitments, that actually pretend to be a way of living one's faith sharing it completely with migrant persons, as an antidote for our voracious system.

To these signs of hope, we have to add definitely the reality of the 15-May movement, known as well as the "Spanish revolution". It is a citizens' movement that wants to claim a real democracy beyond the formal elections every 4 year. The movement has achieved a new generation awareness of participation and political protagonism among young people, and has set up a way to channel all the discontent and discomfort. Finally, it has made it to denounce publicly the lack of legitimacy of our governing and representing elites. This movement has turned out to be a place for reflection and action where lots of migrant people are feeling protagonist, together with autochthonous people. We'll have to closely follow-up its progress and its struggles. Lots of HOAC members take part in the movement and together with other people they can work to counter the crisis, promoting another economy and another society.

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VISADOS EXPEDIDOS PARA RESIDENCIA

2002	2003	2004	2005	2006	2007	2008	2009*
132.370	171.593	225.393	196.548	226.280	280.753	288.140	157.462

CRECIMIENTO ANUAL DE LOS EXTRANJEROS CONAUTORIZACIÓN DE RESIDENCIA EN ESPAÑA

	Nº Residentes		Crecimiento porcentual de residentes
31 de diciembre 2001	1.109.060		
31 de diciembre 2002	1.324.001	En 2002	19,40%
31 de diciembre 2003	1.647.011	En 2003	24,40%
31 de diciembre 2004	1.977.291	En 2004	20,10%
31 de diciembre 2005	2.738.932	En 2005	38,50%
31 de diciembre 2006	3.021.808	En 2006	10,30%
31 de diciembre 2007	3.979.014	En 2007	31,70%
31 de diciembre 2008	4.473.499	En 2008	12,40%
31 de diciembre 2009	4.791.232	En 2009	7,10%

SALDO MIGRATORIO ANUAL DE EXTRANJEROS

	Inmigrantes	Emigrantes	Saldo migratorio
Durante el año 2004	645.844	41.936	603.908
Durante el año 2005	682.711	48.721	633.990
Durante el año 2006	802.971	120.254	682.717
Durante el año 2007	920.534	198.974	721.560
Durante el año 2008	692.228	232.007	460.221
Durante el año 2009*	449.814	398.309	51.505

Total	4.791.232
EUROPA COMUNITARIA	1.872.505
Alemania	109.438
Bulgaria	147.080
Francia	86.132
Italia	150.667
Polonia	86.314
Portugal	126.928
Reino Unido	222.039
Rumania	751.688
RESTO DE EUROPA	135.128
Ucrania	72.837
ÁFRICA	994.696
Argelia	52.845
Marruecos	767.784
IBEROAMÉRICA	1.458.442
Argentina	103.171
Bolivia	117.106
Brasil	56.153
Colombia	287.205
Cuba	51.692
Ecuador	440.304
Perú	144.620
República Dominicana	87.201
AMÉRICA DEL NORTE	20.572
ASIA	299.743
China	151.547
OCEANÍA	1.903