CIVIC STRATIFICATION, GENDER AND FAMILY MIGRATION POLICIES IN EUROPE

FAMILY MIGRATION POLICIES IN SPAIN

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WP5: Gendered patterns of migration: Empirical developments &
WP6: Comparative legal and policy analysis
About the project

Family related migration has been the dominant legal mode of entry in Europe for the past decades, but has become increasingly contested in recent years. Granting migrants the right to family reunion has traditionally been considered as promoting the integration of migrants into receiving societies. However, in current debates over the ethnic closure of migrant communities and the alleged “failure” of integration, the “migrant family” is increasingly seen as an obstacle to integration – as a site characterised by patriarchal relationships and illiberal practices and traditions such as arranged and forced marriages. As a result, family related modes of entry have been increasingly subject to restrictions, while the existing conditionality has been tightened up.

The research project analysed family migration policies in nine European countries from two angles. First, the project analysed policies and policy-making in regard to family related migration in a “top-down” perspective through the analysis of legislation, public debates, as well as through expert interviews. Secondly, the project analyses family migration policies from a “bottom-up” perspective, by investigating the impact of conditions and restrictions on migrants and their families and the responses and strategies migrants adopt to cope with these and to organise their family lives.

This project was financed under the programme New Orientations for Democracy in Europe (NODE, www.node-research.at) which is committed to exploring the future democratic development of Europe and its effects on citizens as well as politics. Within the perspective of the NODE-Research, the project on Civic Stratification, Gender and Family Migration Policy in Europe aimed at:

- Providing an empirically grounded analysis and evaluation of family migration policies in a broad range of immigration countries in Europe, including Eastern Europe;
- Investigating how family migration policies create civic stratification;
- Providing empirical evidence for the consequences of stratified rights for migrants immigrating for family related reasons;
- Analysing how migrants challenge and cope with the constraints imposed by family migration policies;
- Analysing the relationship between “civic integration” and social and political integration, and conversely, relationship between civic stratification and social and political exclusion;
- Applying a gender based analysis both to the analysis of family migration policies and the impact of these policies on migrants; and
- Developing basic principles that might help governments to design and implement fairer immigration legislation.
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This report is based on a review of the available literature (articles, reports, books, thesis), an analysis of political and legal documents; previous research on Spanish migration policy conducted by the author; informal conversations with lawyers, researchers, migrants and members of migrant organisations. In addition, interviews were conducted with: 1) a lawyer, who specialises on foreigners law, 2) a professor of the Autonomous University of Barcelona and expert on Ecuadorian family migration, and 3) an official of the Department of Integration, in the State Secretary for Immigration and Emigration of the Ministry of Labour and Social Affairs (Dirección de Integración de la Secretaría de Estado para la Inmigración y Emigración del Ministerio de Trabajo y Asuntos Sociales). It should be note here that most of the statistical data on immigrants in Spain only refer to documented migrants. However, the National Institute of Statistics (INE-Instituto Nacional de Estadísticas) publishes data on the foreigner resident population which includes both documented and undocumented migrants and which is based on municipal registration data. The latest available figures available at the time of writing were from January 1, 2006.

1. INTRODUCTION: SPAIN AS AN IMMIGRATION COUNTRY

Much more in discursive than in quantitative terms (the share of immigrants is still comparatively low if compared to central and northern European states), Spain has become a country of immigration in recent years. Two main factors can be identified that have shaped the dynamics and patterns of migration in Spain and continue to do so, namely the characteristics of its labour market and Spain’s accession to the European Community. The latter has had an important impact on the magnitude of immigration to Spain. Importantly, however, it has also shaped the Spanish model of migration management, as well as the way in which immigration is perceived (Agrela and Gil 2005). Spain’s accession to the European Economic Community in 1986 redefined priorities in immigration control as the control of the Spanish borders become a matter of European interest. In 1984 the Asylum Law (Ley de Asilo) was promulgated and in 1985 the Law of Foreigners Rights and Freedoms (Ley de Extranjería), was passed.

Since the mid 1980s, Spain increasingly turned into an immigration country, although in a manner quite different from how more northerly European states had turned into receiving countries: As in other Southern European States, Spain’s immigration experience has been characterised by a high demand for immigrant labour despite persistently high unemployment rates for natives. The main reasons for this paradox are the predominance of informal employment among immigrants as well as the segmented nature of the labour market. Between the end of 1997 and 2004 immigration to Spain significantly increased, in particular between 2000 and 2004 immigration rose dramatically, when the total number of registered foreigners grew by four times and increased from 924,000 to 3,700,000. According to the National Institute of Statistics (Instituto Nacional de Estadísticas), the foreign resident population stood at 3,884,600 foreigners, representing 8.7% of the 44,395,300 total resident population in 2006. A recent study (Izquierdo 2006) highlights that in comparative perspective and measured in terms of annual inflows, Spain has become one of the main

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1 The features that characterize Spanish labour market are precariousness in employment; high unemployment rates, compared to other EU countries—which mainly affect women and young people--; great regional differences in terms of employment distribution, unemployment and working population; low geographical mobility of workers; great gravitation of the service sector ???; decentralization and subcontracting in the construction sector, extension of underground economy and importance of the informal sector.

2 Around 1986 in the context of the adoption of the European Single Act, the European Commission started issuing reports arguing for a Europeanisation of migration policies, even though, initially, without success.

3 These regulations originated Spanish Law on foreigners, and next to some sentences of the Constitutional Court, “set the basis of what will be the initial institutional policy on the subject, fundamentally based on legal and police control of migration flow” (Ruiz and Ruiz 2001, 35).
immigrant-receiving country, second only to the United States.

The growth in the immigrant population was accompanied by an increased diversification of countries of origin. While in 2000 the immigrant population consisted of 26 nationalities five years later 56 different nationalities were registered (Vicente 2006).

According to Lorenzo Cachón (2002), one of the key factors that explain the rise of labour migration to Spain has been the imbalance between a local labour force that has progressively been elevating its level of *job acceptability* and the demand for labour certain activities of the secondary labour market which local workers were not willing to accept because of low salaries, job insecurity, and difficult working conditions, including non-standard working hours and physical strain. As Joaquín Arango points out, “the intensity of the flows towards Spain would not remain as it is if those who came did not find a job” (2004, 41). In his opinion, the high proportion of undocumented immigrants is the most distinctive structural and constant characteristic of immigration patterns in Spain. Lorenzo Cachón suggests that the very structures contributing to the persistence of undocumented immigration is partly due to slow policy responses, notably the delayed and incomplete introduction of programmes for legal integration. As a result, an immigration policy is based on undocumented entry of immigrants which would later be “repaired” by regularization processes” (2002, 113).

1.1. Migration Trends

Spain’s transition from an *emigration* to an *immigration country* is reflected in its diversity and heterogeneity of migration patterns and flows, formed by different and interconnected processes and patterns: (a) Spanish emigrants settled for good in countries of Latin America and Northern Europe, (b) “retirement migration” of former Spanish guest workers who had emigrated to other European countries and returned to their regions of origin, (c) immigration of European retirees who come to live in Spain either on a permanent or seasonal basis, (d) immigration of medium and highly skilled workers from industrialised countries, (e) immigration of Third Country Nationals, who have different origins and profiles and increasingly choosing Spain not only as a transit country but also as a country of destination. Finally, (f) *returning* descendants of those Spanish citizens who had previously emigrated from Spain to Latin America (Agrela y Gil 2005).

For the more recent immigration flows to Spain Lorenzo Cachón (2002) identifies three periods characterised by flows showing significant differences in terms of volume, and composition of flows - such as national origins of immigrants, or motivations and expectations of immigrants of reception. In the first period, until 1985, “immigrants in Spain were basically European (a 65% of foreign residents in 1981), Latin American (18%, mostly refugees) and North America (7%)”. (Cachón 2002, 103). In the second period, from 1986 to 1999, immigration is characterised by the increasing diversity in countries of origin, the levels of development of the regions of origin (mainly Morocco) and the religion of migrants, their predominantly economic motivations, and the increasing demand for specific forms of immigrant labour on the Spanish labour market (Cachón 2002, 104). In particular, from the time of the first regularization programme in 1991, the increasing

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4. “We defend here that Spain becomes an immigration country in the mid-eighties and starts to receive what we have called a new immigration (mainly Moroccan in the beginning) because during those year there are some deep social changes which cause certain job positions to become “unwanted” or “less wanted” in the eyes of a growing number of Spanish social groups, meaning this is below what they see as (socially) acceptable...” (Cachón 2002, 112). These changes can be summarized in: (1) the increment of the general level of well-being and economic development; (2) fast impulse (though limited) of the welfare State; (3) transformation of local workforce in terms of its education level; (4) maintenance of family networks; transferring of social expectations to the descendents (Cachón 2002).


6. Notable from Argentina, Uruguay and Chile fleeing political instability and violence.
presence of immigrants from Third World countries became evident.\textsuperscript{7} Since 1997, immigrants coming from these territories have been the majority. Between 1992 and 2000, the number of European migrants doubled, while the number of immigrants from African countries quadrupled. In the words of Antonio Izquierdo, “the nineties have been the decade of the Moroccan, and by extension the African, immigration” (2002, 237).\textsuperscript{8}

The year 2000 is a turning point for several reasons. Not only did the early 2000s witness a major increase in the number of immigrants, but also a diversification of immigration flows, both in terms of origins and in terms of forms of migration. “The consolidation of the migration networks begin to produce an increase and diversification of the migration flow and its sectorial and geographical distribution as well as a change in the characteristics of immigrants through family reunification and the appearance of the second generation” (Cachón 2002, 107). As for the labour market, new branches and activities are added to the traditional immigrant workforce-consuming sectors and are demanding foreign workers. At the same time, immigration became a public matter through its appearance in the media and in public debates. Moreover, immigration started to be regarded as a social problem, cause and consequence of the establishment of specific administrative instances, forums, programs, integration plans and the proliferation of reports, research projects, publications, congresses and professional specialties for the study and treatment of immigration and immigrants.\textsuperscript{9}

The beginning of the 21\textsuperscript{st} century opens a new immigration phase that has led Antonio Izquierdo (2002) to refer to the Latin American immigrants as the favourite of the century (los Preferidos del Siglo XXI). The number of documented immigrants from Latin America increased from 61 thousand in 1991, to 200 thousand in 2001, to more than 500 thousand in 2004 and nearly a million in June 2006. The growing visibility of this population has been, in part, a result of State policies, such as the two regularization processes from 2000 and 2001 and the higher percentage of favourable resolutions obtained by the applications of Latin American immigrants. Moreover, agreements were signed with Ecuador, Colombia and Dominican Republic, prioritizing the hiring of workers from these countries through a quota system (Izquierdo 2002 and Martínez Buján 2003).

One of the distinctive characteristics of the migratory flows is their diversity, regarding both origin and modes of insertion. Unlike most European countries, an important segment of migrant population that settled in Spain comes from other EU countries. Within the dynamics of the South-North/East-West population movements, Spain receives economic immigrants of which a minority are qualified workers and company executive rentiers and retirees. It is worth pointing out the low number of refugees, the important female presence\textsuperscript{10} and the high proportion of undocumented immigrants. Most of its foreign residents are nationals of one of its former colonies, especially Morocco and Latin America.

According to the information presented by the National Institute of Statistics (INE 2006) on registered immigrants (documented and undocumented), by January 1, 2006, there were 3,884,600 foreigners residing in Spain. Estimations account of approximately 4,100,000 immigrants, to which other 700,000 who have obtained the Spanish nationality should be added.

\textsuperscript{7} This group includes countries of Africa, Asia (except Japan) and Latin America.

\textsuperscript{8} Specific studies on international migrations in the Spanish context did not have a relevant presence until the 1990s. The exception that deserves being mentioned is the general study elaborated by Colectivo IOE in 1987, which presents and analysis of available data on the immigration coming from countries of the so-called Third World and Portugal, together with a reflection on the structural dimension of the process.

\textsuperscript{9} Some examples: the publishing of Migraciones magazine since 1996, the celebration of the I Congress on Immigration in Spain (I Congreso sobre inmigración en España) in 1998; the set up of the School of Social Mediators for Immigration (Escuela de Mediadores Sociales para la Inmigración) in 1998, the Master in Migration and Intercultural Relations (Migraciones y Relaciones Interculturales) at the Universidad Autónoma de Madrid since 1999.

\textsuperscript{10} In 2005, 50.4% of foreign immigrants over 16 years old were women (INE 2005\textsuperscript{5}). Out of the 150,758 work permits granted in 2003, 72,904 were for women. The high proportion of women in migration flows that arrive in Southern Europe has been defined as one of the distinctive characteristics of this migration model. See Anthias and Lazaridis 2000, King and Zontini 2000.
since they are not included in the statistics on foreign population. This represents 10.9% of the total number of inhabitants, a figure that positions Spain as the second immigrant-receiving country world scale, following the USA. During the period 2000-2006, the entry of immigrants reached the average of 500,000 persons per year and became the number one factor in the population growth at both State and Autonomous Community level. Between the years 2004-2006, the arrival of Ecuadorians decreased and was replaced by migrations coming from Bolivia, which are certain to be reduced as a consequence of the entry visa requirement for the Schengen space in force after April 1, 2007.

Immigrants can register in the city council census without being documented. Comparing this information with the data on documented immigrants it is possible to have an approximate estimation on the volume of undocumented immigrants living in Spain. Considering only non-EU residents, Torres (2006) estimates that the number of irregular residents has been reduced from 1,650,006 in January 2005 to 798,812 in January 2006. However, the number of undocumented migrants is still significant. Given the fact that structural factors that generate undocumented residents are still operating, the effects of labour regularization in 2005 – 577,923 granted permits – have been limited. The Observatory for Migration and Intercultural Coexistence of the City of Madrid (el Observatorio de las Migraciones y de la Convivencia Intercultural de la Ciudad de Madrid 2006) calculates that 36% of immigrants registered in the Ayuntamiento de Madrid are in an irregular situation.

Table 1. Registered foreign population according to region of origin (January 2006)

<table>
<thead>
<tr>
<th>Region of origin</th>
<th>Nº of immigrants</th>
<th>% over total</th>
</tr>
</thead>
<tbody>
<tr>
<td>EU</td>
<td>316,100</td>
<td>23.58</td>
</tr>
<tr>
<td>Rest of Europe</td>
<td>345,600</td>
<td>16.62</td>
</tr>
<tr>
<td>Africa</td>
<td>741,600</td>
<td>19.09</td>
</tr>
<tr>
<td>North America</td>
<td>44,700</td>
<td>1.15</td>
</tr>
<tr>
<td>Central America and the Caribbean</td>
<td>117,300</td>
<td>3.02</td>
</tr>
<tr>
<td>South America</td>
<td>1,214,100</td>
<td>31.26</td>
</tr>
<tr>
<td>Asia</td>
<td>202,100</td>
<td>5.20</td>
</tr>
<tr>
<td>Rest</td>
<td>2,800</td>
<td>0.07</td>
</tr>
<tr>
<td>Total</td>
<td>3,884,600</td>
<td>100</td>
</tr>
</tbody>
</table>

Source: INE 2006a.

Table 2. Registered foreign population, according to main countries of origin, until January 1, 2006

<table>
<thead>
<tr>
<th>Country of origin</th>
<th>Nº of Immigrants</th>
<th>% over total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Morocco</td>
<td>535,000</td>
<td>13.77</td>
</tr>
<tr>
<td>Ecuador</td>
<td>399,600</td>
<td>10.29</td>
</tr>
<tr>
<td>Hungary</td>
<td>382,000</td>
<td>9.83</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>274,000</td>
<td>7.05</td>
</tr>
<tr>
<td>Colombia</td>
<td>238,600</td>
<td>6.14</td>
</tr>
<tr>
<td>Germany</td>
<td>150,200</td>
<td>3.87</td>
</tr>
<tr>
<td>Argentina</td>
<td>136,000</td>
<td>3.50</td>
</tr>
<tr>
<td>Bolivia</td>
<td>132,400</td>
<td>3.41</td>
</tr>
<tr>
<td>Italy</td>
<td>115,400</td>
<td>2.97</td>
</tr>
<tr>
<td>China</td>
<td>98,100</td>
<td>2.53</td>
</tr>
</tbody>
</table>

Source: INE 2006a

Analysis made by Antonio Izquierdo, Professor at the University of La Coruña, during the presentation of the report Foreigners Demography (Demografía de los Extranjeros, Izquierdo, 2006) and reproduced by different newspapers. Amongst others, Clarín, March 21, 2007: http://www.clarin.com/diario/2007/03/21/um/m-01384935.htm, seen on April 5, 2007. City Concil registers documented and undocumented immigrants. If you compare this numbers with the data on documented migrant (from the State government) you can get an estimation: a difference between documented migrants, and the number of migrants registered in the cities council all over the country. It is estimation because not all the undocumented migrants are register in the cities council. These estimations are made by researchers or journalists, but they are not official data.
It is important to mention that all these numbers do not include nationalized citizens or those considered by the Spanish State as returnees, for being descendants of emigrated Spanish nationals, as it is the case of an important part of the Latin Americans. This is the reason why the population from Latin America is under-represented in the statistics.

1.2. Immigration Statistics

Another source of statistics on foreign population is the information elaborated by the Secretary of State on Immigration and Emigration, which refers only to documented immigrants. According to the numbers available by December 31, 2006 there was a total of 3,021,808 documented foreigners, which is 7% of total population, 46% of them being women. Most of this population comes from the Latin American region, followed by Africa, the EU countries, the rest of Europe and Asia. The main countries of origin are Morocco (18%), Ecuador (12.46%), Colombia (7.47%), Romania (7%), United Kingdom (5.82%), China (3.29%), Italy (3.26%), Peru (3.01%), Argentina (2.88%) and Germany (2.56%) (OPI 2007).

The conformation of the immigrant population is widely heterogeneous and there are notable differences between nationalities in terms of gender, skills, education level, migration projects and the types and degrees of labour insertion. According to the distribution by sex, there are important differences depending on the region of origin. Latin American immigration, with 54.25% women, is the only one with female preponderance, although variations can be found between the different countries. At the opposite extreme are the immigrants from Africa, with 66.50% men.

Table 3. Documented immigrant population, according to region of origin. Percentages over total and by sex

<table>
<thead>
<tr>
<th>Region of origin</th>
<th>Nº of immigrants</th>
<th>% over foreign population</th>
<th>% of women</th>
<th>% of men</th>
</tr>
</thead>
<tbody>
<tr>
<td>EU</td>
<td>661,004</td>
<td>21.87</td>
<td>46.64</td>
<td>53.36</td>
</tr>
<tr>
<td>Rest of Europe</td>
<td>367,674</td>
<td>12.17</td>
<td>46.66</td>
<td>53.34</td>
</tr>
<tr>
<td>Africa</td>
<td>709,174</td>
<td>23.47</td>
<td>35.24</td>
<td>64.50</td>
</tr>
<tr>
<td>Latin America</td>
<td>1,064,916</td>
<td>35.24</td>
<td>54.25</td>
<td>45.75</td>
</tr>
<tr>
<td>North America</td>
<td>18,109</td>
<td>0.60</td>
<td>49.02</td>
<td>50.98</td>
</tr>
<tr>
<td>Asia</td>
<td>197,965</td>
<td>6.55</td>
<td>40.20</td>
<td>59.80</td>
</tr>
<tr>
<td>Oceania</td>
<td>1,819</td>
<td>0.06</td>
<td>43.89</td>
<td>56.11</td>
</tr>
<tr>
<td>Not on record/stateless</td>
<td>1,147</td>
<td>0.04</td>
<td>32.60</td>
<td>67.40</td>
</tr>
<tr>
<td>Total</td>
<td>3,021,808</td>
<td>100</td>
<td>45.83</td>
<td>54.17</td>
</tr>
</tbody>
</table>


The average of age is 34, both amongst women and men. Considering region, the highest average age is found amongst North Americans (45 years old) and EU Member States’ nationals (44 years old), while the lowest belong to Africans (28 years old) and Asians (31 years old); non-EU nationals and Latin Americans have an average age of 32 years old.

The information given by the Working Population Survey (Encuesta de Población Activa) makes it possible to compare the education level of the immigrant population coming from different origins and the Spanish population, with the exception of the immigrants from African countries.

12 Amongst Latin American immigrants, the distribution by sex is feminised in most national groups, while it is balanced in the case of Ecuadorians and Peruvians, with a slight preponderance of women, and with a slight preponderance of men, of Argentineans and Uruguays. The most masculinised Latin American flow is the Chilean one, with a 53% of men (OPI 2007).
The information on the city council census of Barcelona, one of the cities with higher concentration of immigrant population, also confirms a high level of education in the population from Central and South America registered in that city, but with important differences between one country and another. Over 60% of Argentinean and Colombian immigrants have secondary to university level education, while more than half of the people coming from Bolivia, Dominican Republic and Ecuador have primary level education. The proportion of people with higher education is above 25% in the case of Peruvians and Colombians, reaching 36% in the case of Argentineans and falling below 15% amongst the Bolivians, Dominicans and Ecuadorians. (Ayuntamiento de Barcelona, 2006).

### 1.2.1. Distribution by sex

The presence of the female population is one of the distinctive characteristics of the immigration from Latin America to Spain, which has increased over the past few years: from 35% in 1997 to 54% in 2006. This change can be interpreted, on the one hand, as the result of the settling process of Latin American communities, family reunification, and, on the other, as an indicator of the modifications in employment strategies. Two examples of this are the preference of the employers in the service sector for Latin American workers, based on their higher language fluency, and the interest of agricultural employers not to depend on the Moroccan labour force. As for their participation in the labour market, almost half of foreign women working in a regular way in the Spanish State come from Latin America.

Focusing the attention on non-EU Member States, some of the groups with a higher procentage of women are coming from Russia (68,59%), Brazil (67,78%), Equatorial Guinea (65,59%), Paraguay (65,40%), Mexico (62,41%), Bolivia, (55,82%), Dominican Republic (60,24%), Venezuela (59,47%), Colombia (57,46%), Philippines (57,28%) and Cuba (55,55%). Then, amongst the migration flows with a higher male presence, are Pakistan (85,50%), Bangladesh (80%), India (65%) and those coming from most of the African countries, from Nigeria (62%) to Mali, with a 92% of men.

### Table 5. Non-communitarian documented immigrant population, according to main countries of origin. Percentages over total and by sex.

<table>
<thead>
<tr>
<th>Country of origin</th>
<th>Nº of immigrants</th>
<th>% over total foreign population</th>
<th>% of women</th>
<th>% of men</th>
</tr>
</thead>
<tbody>
<tr>
<td>Morocco</td>
<td>543.721</td>
<td>18</td>
<td>35,54</td>
<td>64,46</td>
</tr>
<tr>
<td>Ecuador</td>
<td>376.233</td>
<td>12,46</td>
<td>51,29</td>
<td>48,71</td>
</tr>
<tr>
<td>Colombia</td>
<td>225.504</td>
<td>7,47</td>
<td>55,55</td>
<td>44,45</td>
</tr>
<tr>
<td>Rumania</td>
<td>211.325</td>
<td>7</td>
<td>43,84</td>
<td>56,16</td>
</tr>
<tr>
<td>China</td>
<td>99.526</td>
<td>3,29</td>
<td>44,83</td>
<td>55,17</td>
</tr>
<tr>
<td>Peru</td>
<td>90.906</td>
<td>3,01</td>
<td>51,66</td>
<td>48,34</td>
</tr>
<tr>
<td>Argentina</td>
<td>86.921</td>
<td>2,88</td>
<td>49,64</td>
<td>50,36</td>
</tr>
<tr>
<td>Bulgaria</td>
<td>80.174</td>
<td>1,99</td>
<td>42,79</td>
<td>57,21</td>
</tr>
<tr>
<td>Dominican Republic</td>
<td>58.126</td>
<td>1,92</td>
<td>60,24</td>
<td>39,76</td>
</tr>
</tbody>
</table>

1.2.2. General and Communitarian Regime of residence

Regarding residence permits, 69% of documented migrants residing in Spain got their permit under the General Regime and the other 31% under the Communitarian Regime of residence, which covers nationals from EU countries, as well as their relatives and the relatives of Spanish nationals. According to the information of the Observatory for Immigration (OPI 2007), by the end of December 2006, 18% of Latin American immigrants had a permit of this sort, comparing to the 5% of Africans and 6% of non-EU nationals and Asians. Amongst Latin Americans, within some national groups, the residents under the Communitarian Regime are the majority, as it happens with immigrants coming from Venezuela (51%) and Mexico (54%), Argentina (41%), Brazil (41%), Cuba (49%), Dominican Republic (35%) and Uruguay (34%).

These numbers point out family bonds between immigrants that come from Latin America and EU citizens, but also provide some clues on the historical relations between Spain and Latin American countries. It is possible that part of these immigrant residents under the EU Regulation are relatives of Latin American immigrants already nationalized through residence or descendants of European emigrants, mainly Spanish and Italian, who are EU citizens. It is important to mention that nearly 60% of the 98,481 Italians residing in Spain have been born outside Italy and in a non-EU country. Considering the important Italian emigration towards Latin America, notably Argentina and Brazil, it is quite likely that a big portion of the beholders of those Italian passports were born in a Latin American country and have a double nationality13 (Gil Araujo, forthcoming). According to the statistics elaborated by Actis and Esteban (forthcoming), out of the 257,228 immigrants born in Argentina and registered in 2004, 31% had the Spanish and 12% the Italian nationality.

Although a part of Latin American immigrants have a passport from a communitarian country, mostly Spain and Italy, or a residence permit under the Communitarian Regime, most of the immigrants coming from non-communitarian countries must go through the obstacle race of the General Regime and its different renewals. On December, 2006, only 30,33% of immigrants under the General Regime had permanent residence (OPI 2007).

Table 6. Types of residence permits granted under the General Regime

<table>
<thead>
<tr>
<th>Type of residence permit</th>
<th>% over total of permits under General Regime</th>
</tr>
</thead>
<tbody>
<tr>
<td>Initial authorization</td>
<td>12.31</td>
</tr>
<tr>
<td>First time renewed authorization</td>
<td>40.38</td>
</tr>
<tr>
<td>Second time renewed authorization</td>
<td>15.87</td>
</tr>
<tr>
<td>Permanent authorization</td>
<td>30.33</td>
</tr>
<tr>
<td>Other type of authorization</td>
<td>1.11</td>
</tr>
</tbody>
</table>


As a consequence of the immigration shutdown progressively encouraged since 199714, there are really few possibilities at the moment of getting a work permit outside the quotas, which makes it enormously difficult for most immigrants living and working in Spain to reach a residence permit. This is translated in the constant production of immigrant population in an irregular situation. As it is expressed by Actis and Esteban (forthcoming), current irregularity introduces an element of lasting precariousness, since the ways for regularization in the future are limited: a) report the present employer to the authorities in order to prove the existence of over a year of work relation or b) wait three years to be able to ask for regularization through the way of arraigo15, which requires to have a formal job offer and to prove social (and even emotional) bounds with the host society.

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13 Between 1881 and 1924, 45% of Italian emigrants moved to other European countries, 30% travelled to the USA, 13% to Argentina and 9% to Brazil (CEPAL 2006)
14 The restrictive quality of legislation on foreigners, both during the governments of the Popular Party and the PSOE, is one of the factors that promotes irregularity and causes the need for constant and always extraordinary processes of regularization.
15 It literally means to be rooted, to become rooted, to take root, to settle.
1.2.3. Nationalizations

Between 1992 and 2005, 62.4% of the 234,694 nationalized citizens came from a Latin American country. As for the distribution according to country of origin, the first one is Morocco (15.7%), followed by Peru (11%), Dominican Republic (9.6%) and other four Latin American countries. Portugal can be found in the eighth position (3.3%), followed by the Philippines (3.1%). Immigrants from these two countries have the advantage of being able to apply for nationality after two years of residence, the same as Latin Americans and those coming from Equatorial Guinea. Most foreigners however, need a minimum of ten years of residence to have access to nationality (Dirección de Integración, 2007).

Focusing on the statistics of the year 2005, out of the 42,829 granted nationalizations, 74% were for immigrants from Latin American countries and 17% for Africans, basically Moroccans. Amongst the Asian, most nationalized citizens originate in the Philippines. The main countries of origin of these new Spanish citizens are Ecuador (23%), Colombia (17%), Morocco (13%), Peru (9%), Cuba (6%), Dominican Republic (5%) and Argentina (5%). In the case of Latin Americans, nearly 60% of the nationalizations were obtained by women, while amongst Africans, the proportion is reverse: 62% of nationalizations were for men.

Within the group of Latin Americans, the two-year residence was the reason for obtaining the nationalization in 86% of the cases, with important variations depending on the country, since marriage worked as an important way of access to nationalization for immigrants from Brazil (33%), Venezuela (43%) and Mexico (43%). Amongst the immigrants coming from African countries, 53% of nationalizations were granted on the base of a ten-year residence, 26% on the base of birth on Spanish territory and 14% based on marriage. Given the differences in treatment established by Spanish laws, within this group, immigrants from Equatorial Guinea have a particular profile: 84% was granted the nationality after a two-year residence, 6% because of birth and 10% because of marriage. Out of the total of nationalizations issued to Asian immigrants, 30% were based on a two-year residence (notably Philippines), 42% based on birth and 14% on marriage. It is worth mentioning that 40% of the nationalizations of immigrants from non-communitarian countries were a result of marriage, 14% of birth and 40% of a ten-year residence (SEIE, 2006).

1.2.4. Insertion in the labour market

One of the sources to explore the type of jobs to which documented immigrants have access is the number of work contracts. The 2,745,243 contracts signed by foreign workers amount to 16% of the total registered contracts in the year 2005. Nearly 40% were for Latin American workers, 29% for Africans, 13% for communitarian Europeans, 13% for non-communitarian Europeans and 5% for Asians (SEIE, 2006).

<table>
<thead>
<tr>
<th>Region</th>
<th>Nº of contracts</th>
<th>Agriculture %</th>
<th>Industry %</th>
<th>Construction %</th>
<th>Services %</th>
</tr>
</thead>
<tbody>
<tr>
<td>EU</td>
<td>369,226</td>
<td>7.59</td>
<td>4.93</td>
<td>17.78</td>
<td>69.69</td>
</tr>
<tr>
<td>Rest of Europe</td>
<td>367,246</td>
<td>21.27</td>
<td>7.81</td>
<td>27.99</td>
<td>42.93</td>
</tr>
<tr>
<td>Africa</td>
<td>795,779</td>
<td>32.87</td>
<td>5.41</td>
<td>25.88</td>
<td>36.04</td>
</tr>
<tr>
<td>Latin America</td>
<td>1,062,152</td>
<td>8.33</td>
<td>5.45</td>
<td>20.97</td>
<td>65.24</td>
</tr>
<tr>
<td>Asia</td>
<td>137,882</td>
<td>11.66</td>
<td>7.67</td>
<td>16.77</td>
<td>63.90</td>
</tr>
</tbody>
</table>


Within hired workers, 67% were men and 33% were women. Male preponderance is a common factor, although with variations in the proportion depending on the country of origin. There are also considerable differences regarding the distribution per sex of the workers registrations at Social Security, depending on the region of origin. The majority of the registrations are male amongst the
African (83%), Asian (69%) and non-communitarian European (56%) workers, while, in the case of Latin Americans, 52% of the registrations are female. In some national groups, the proportion of women exceeds this percentage: Brazil 61%, Colombia 56%, Bolivia 56%, Paraguay 64% and Dominican Republic 61% (SEIE, 2006).

Most foreigners enrolled in Social Security are included in what is called the General System (Régimen General), which registers most of the construction workers and the workers in the service sector (shops, restaurants, hotels, etc.). 60% of workers from non-communitarian Europe, 70% of Africans, 56% of Latin Americans and 47% of Asians who are in this system are employed in the less-qualified categories (SEIE, 2006). For non-communitarian Europeans and Latin Americans, what follows in importance is domestic work, with 20% and 23% of the registrations respectively. In the case of African workers, 24% of the registrations are in the agricultural system, while 18% of the registrations of Asian workers are under the category of independent workers.

Table 8. Percentage of registered foreign workers per Social Security system, according to main regions of origin.

<table>
<thead>
<tr>
<th>Region</th>
<th>General System %</th>
<th>Independent workers %</th>
<th>Agricultural System %</th>
<th>Domestic work %</th>
<th>Sea workers %</th>
</tr>
</thead>
<tbody>
<tr>
<td>EU</td>
<td>69.71</td>
<td>25.18</td>
<td>3.40</td>
<td>1.17</td>
<td>0.34</td>
</tr>
<tr>
<td>Non-EU Europe</td>
<td>66.86</td>
<td>2.55</td>
<td>10.46</td>
<td>20.07</td>
<td>0.06</td>
</tr>
<tr>
<td>Africa</td>
<td>64.77</td>
<td>4.47</td>
<td>24.20</td>
<td>8.17</td>
<td>0.39</td>
</tr>
<tr>
<td>Latin America</td>
<td>69.03</td>
<td>3.12</td>
<td>4.90</td>
<td>22.82</td>
<td>0.12</td>
</tr>
<tr>
<td>Asia</td>
<td>68.70</td>
<td>17.88</td>
<td>4.84</td>
<td>8.49</td>
<td>0.08</td>
</tr>
</tbody>
</table>


Domestic and care work is a strongly feminized labour sector. Thus, when analysing the statistics on registrations per system according to sex, domestic work gains a higher importance in the case of women: 40% of the Latin American, 42% of the non-communitarian European, 24% of the African and 21% of the Asian female workers are registered in the domestic work system (SEIE, 2006). It is important to stress that these percentages refer to women working in a regular way in a sector which is characterized by its lack of regulation. Certainly, the percentage of women employed in this activity is much larger.

Table 9. Percentage of registered foreign female workers per Social Security system, according to main regions of origin.

<table>
<thead>
<tr>
<th>Region</th>
<th>General system %</th>
<th>Independent workers %</th>
<th>Agricultural system %</th>
<th>Domestic work %</th>
<th>Marine workers %</th>
</tr>
</thead>
<tbody>
<tr>
<td>EU</td>
<td>74.67</td>
<td>19.37</td>
<td>3.01</td>
<td>2.8</td>
<td>0.12</td>
</tr>
<tr>
<td>Non-EU Europe</td>
<td>68.15</td>
<td>1.63</td>
<td>7.88</td>
<td>42.32</td>
<td>0.01</td>
</tr>
<tr>
<td>Africa</td>
<td>59.30</td>
<td>3.92</td>
<td>12.46</td>
<td>24.24</td>
<td>0.06</td>
</tr>
<tr>
<td>Latin America</td>
<td>53.54</td>
<td>2.62</td>
<td>3.94</td>
<td>38.89</td>
<td>0.01</td>
</tr>
<tr>
<td>Asia</td>
<td>58.28</td>
<td>19.61</td>
<td>1.14</td>
<td>20.67</td>
<td>0.08</td>
</tr>
</tbody>
</table>


Aiming to have a better-defined view of the occupational situation of the different immigrant groups, Actis and Sebastián (forthcoming) separate in-charge positions (technicians, professionals and foremen) from subordinate positions (administrative or manual). According to their calculations, 70% of immigrant workers from the EU-15 are in-charge, as well as 50% of the Asian and 46% of the Spanish. On the opposite end, 80% of Latin Americans and 90% of Africans and non-communitarian Europeans are grouped in subordinate positions, with a clear preponderance of manual work, which does not correspond with the education levels expressed on Table 4.

To summarize, job insertion of foreign workers is concentrated in five labour branches: finance, insurance and service; commerce and hotel industry; domestic work; agriculture, and construction. The statistics show a polarization in the type of activities carried out by these workers: on one hand, prestigious jobs and, on the other, under-appreciated jobs. EC, North American and
Japanese citizens are amongst the high-level workers. The group of non-qualified jobs concentrates Maghrebian, Latin American, Asian and African workers\textsuperscript{16}. In other words, “...it can be said that, in Spain, [non-EC] immigrants tend to hold low-qualified job positions, often temporary or precarious, characterized by very poor working conditions and frequently not well remunerated, in secondary labour markets” (Arango, 2004\textsuperscript{17}, 11).

1.3. The (few) data on family migration

Although the Ministry of Labour and Social Affairs publishes a Yearbook on Foreigners (\textit{Anuario de Extranjería}), up to the year 2007 there are no official statistics available on the processes of family reunification.\textsuperscript{18} This lack of information has been confirmed in an interview with a technician from the Department of Integration of Immigrants, in conversations with other specialists and researchers about migration in Spain, and through an e-mail sent by the director of the Permanent Observatory for Immigration which literally says: “I am sorry to tell you that up to the moment we have not exploited (nor published) statistics on the residence authorizations based on family reunification. It is a very interesting issue on which advances will probably be made on the near future, but on which there are currently no official statistics (at least at a national level)”. The same officer referred us to the information included in an article published on the newspaper \textit{El País} on March 17, 2007 and which is what we will be using here.

Considering the lack of official information and the shortage of studies on the matter, it could be claimed that, in the Spanish context, family migration has not yet become a public issue. In this sense, we consider that the absence of discourse, thought and/or position-taking regarding family migration in the interview held with the technician of the Department of Immigration (who did not go any further than considering it a way of integration for immigrants) may be understood as an indicator of the lack of problematization of the issue. The same interviewee\textsuperscript{19} commented that in Spain, unlike what happens in other EU Member States, the subject of marriages with nationals from the countries of origin was not a matter of attention for government policy is not included in the political agenda and “does not even exist as an issue”.

The same can be said about the research projects which have family migration as object of study. Most of the available articles are legal analysis on the right to family reunification. In the past few years, studies have focused on the topic from other disciplines, but in general as a part of investigations on specific national communities. In our bibliographical research, we have not found any work on the impact of family migration policies on the form of insertion of the immigrant population\textsuperscript{20}.

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\textsuperscript{16} This has led to the notion of ethnic segmentation or ethnification of the labour market, and even of society. Amongst many others who have referred to this: Pedreño 2005.

\textsuperscript{17} In the same direction, Lorenzo Cachón says “... in general, the five branches of activity where three quarters of immigrant workers are concentrated in Spain have working conditions that are notably below the sectors average (or below the average of Spanish labour market) and consequently are (...) amongst the "less wanted" activities for local workers” (2002, 122).

\textsuperscript{18} Data on number of immigrants with a reunification residence permit by country of nationality have been published for the first time during 2009. http://extranjeros.mtin.es/es/InformacionEstadistica/Informes/Extranjeros30Septiembre2009/Archivos/Informe_Tradicional_30septiembre_2009.pdf

\textsuperscript{19} Representative of the Spanish Government in the meetings on integration in the EU and aware of what is happening in other communitarian countries, such as Denmark or the Netherlands, to which he made explicit reference.

\textsuperscript{20} In this sense, it is worth mentioning the international research seminar on Migration, Family and Transnationality, which took place in Spain at the end of November 2007, organized by the University of Murcia, FLACSO-Ecuador, the University of Cuenca (Ecuador) and the University of Buenos Aires (Argentina), where we have been invited to present the results of this study. The text will be published in a forthcoming book: Gil Araujo, Sandra (2010) “Políticas de migración familiar en Europa. El gobierno de la inmigración a través de las familias”, Pedreño, Andres et al. (eds.) Tránsitos migratorios. Contextos
According to the information in the article by Tomas Bárbulo (2007) appeared on *El País* (which quotes as source the Ministry of Labour and Social Affairs), over the past three years 245,000 residence permits have been granted on the base of family reunification. This equals 30% of the total number of granted permits in the period. The number of reunifications has constantly increased since the year 2000, reaching 97,759 in 2006. Not only has the number of applications increased, but also the percentage of granted reunifications (Table 10).

Table 10. Number of requested and granted family reunifications per year

<table>
<thead>
<tr>
<th>Year</th>
<th>Requested reunifications</th>
<th>Granted reunifications</th>
</tr>
</thead>
<tbody>
<tr>
<td>2000</td>
<td>7,197</td>
<td>7</td>
</tr>
<tr>
<td>2001</td>
<td>10,028</td>
<td>52</td>
</tr>
<tr>
<td>2002</td>
<td>18,541</td>
<td>13,751</td>
</tr>
<tr>
<td>2003</td>
<td>32,651</td>
<td>26,435</td>
</tr>
<tr>
<td>2004</td>
<td></td>
<td>71,532</td>
</tr>
<tr>
<td>2005</td>
<td></td>
<td>74,919</td>
</tr>
<tr>
<td>2006</td>
<td></td>
<td>97,759</td>
</tr>
</tbody>
</table>


As for the countries of origin of people who access family reunification procedures, the majority comes from Morocco. The number of reunifications granted to nationals of this country has been stable for some years now. At the same time, there has been an increase in the number of Ecuadorians and Colombians who brought in their families.

1.3.1. Marriage and birth

The number and proportion of marriages of foreigners registered in Spain has been steadily growing over the past ten years. Between 1996 and 2005, there were 170,797 marriages in which at least one of the spouses was foreigner, which is equivalent to an 8% of the total number of marriages celebrated in that period. There was a yearly increase in the number of marriages with at least one foreign spouse, going from representing a 4,74% of celebrated unions in 1996, to 14,08% in 2005. During this period, marriages between foreigners have been multiplied by six, while combined marriages (between Spanish and foreign citizens) have been multiplied by three (Dirección General de Integración e Inmigrantes 2007). According to the data presented by the sociologist Antonio Izquierdo, 85% of foreigners who got married in Spain in the year 2005 did so with nationals from a country different than their own. Out of the 29,604 marriages in which one of the spouses was foreigner, 46% were between a Spanish man and a foreign woman, 29% between a Spanish woman and a foreign man and 10% between foreigners of different countries (*La Vanguardia*, March 27, 2007).

This proportion varies according to the country of origin and the sex of the spouses. For example, 60% of Colombian women who got married in Spain during 2004 did so with Spanish men, 35,4% with Colombians and 4,9% with men of other nationalities. Opposite to this, only 28% of Colombian men married Spanish women and over 65% married women of their same nationality. In the case of Ecuadorian women, 52,8% married Ecuadorians and 41,5% married Spanish men, while 73,9% of Ecuadorian men married women of their same nationality and 20,5% married Spanish women. Amongst Moroccan men who got married in Spain, 79,33% married Spanish women while 74,6% of Moroccan women married Spanish men. Lastly, within the group of the Chinese, most marriages are celebrated between people of the same nationality: 56% in the case of women and 83% for men (SEIE 2006). In his study on mixed marriages, Rodríguez García indicates a larger proportion of unions between men from Gambia and Senegal with Spanish women than between women from these countries with Spanish men.

Considering the historical quantitative importance of Moroccan immigration in Spain, it is important

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transnacionales y proyectos familiares en las migraciones actuales, University of Murcia, Murcia.

14
to mention the low proportion of marriages between Moroccans celebrated in Spain. In this sense, it is necessary to point out that “amongst the Moroccans it is a custom to marry within their family circle, so it is not strange that mixed marriages are predominant in the case of marriages celebrated in Spain, that is, since they are apart from some of their traditional standards for marriage” (López de Lera 2006, 59). Laura Oso also refers to the tradition amongst Moroccans to get married in their country of origin and within their own people. This is a common practice for Moroccan men who migrate being single and then decide to go back to Morocco to find a wife and come back married to Spain. This practice is also common for Moroccan women who emigrate alone: there “are […] cases of people contacted during field work who left Morocco alone being single, separated, divorced or widowed and who later wished to marry. For that purpose, the same as in the case of men, they tend to turn to Moroccan neighbours, thus limiting their choices and ending in marriages where there is little knowledge of the chosen person. This way, on various occasions our informants told us about cases of deception, by Moroccan men who married women just to be able to migrate to Spain and have the required documents” (Oso 2006, 112). In the opinion of López de Lera (2006, 59), cultural standards and the importance of family over individual decisions could explain as well the low proportion of exogamic marriages amongst the Chinese and the Philippines.

Given the small quantitative significance of immigration coming from Brazil and Russia (and its clear feminisation), it is interesting to notice that respectively 4.6% and 3.8% of foreign women who got married in Spain during 2004 had Brazilian or Russian nationality, only outnumbered by Colombians (23.29%), Ecuadorians (12%), Romanians (7.1%) and Argentinians (6.2%). Amongst Brazilian women, 88.8% of marriages were with Spanish men, 6.9% with nationals of other countries and only 4.4% with Brazilians. In the case of Russian women, 82.8% got married to Spanish men, 12.2% with spouses of other nationalities and 4.9% with men of their same nationality (SEIE 2006).

Based on the results of her field work on marriage and birth patterns of immigrant population, Laura Oso explains the high proportion of marriages of Latin American women in Spain as a consequence of the feminisation of these migration flows, a large portion of which corresponds to women migrating alone, whether being single mothers, separated or divorced, and who can form a couple at destination. “Americans live alone in Spain; hence, they marry more. And they prefer to get married to Spanish men” (Oso 2006, 108). This author also offers some clues to understand the preference of local men for some Latin American (Colombian, Cuban, Dominican, Brazilian) and Russian women. According to her investigations, apart from the economic and legal stability, another gain that these unions offer to immigrant women are the less unequal gender relations compared to the ones held with men of their own countries of origin\textsuperscript{21}. Likewise, Ecuadorian and Colombian men prefer to marry women of their own country because they see Spanish women as too liberated and bossy. As for the benefits that Spanish men get when marrying Latin American or Russian women, they also seem to belong to the field of gender relations. According to Oso (2006, 115), although the warm and thoughtful character of these women is usually the focus, what is most valued is the possibility of maintaining unequal gender relations and reproducing traditional roles within the couple\textsuperscript{22}.

\begin{footnotesize}
\begin{footnote}
\textsuperscript{21} “Some of the testimonies gathered throughout qualitative field work explain why marriage with a Spanish man appears as an interesting option for Colombian and Ecuadorian women, while for their fellow countrymen the union with Spanish women is not configured as an optimum strategy. When talking about their experiences Colombian women tend to appreciate couple relationships with Spanish men. In the union with a local man, our interviewees consider they gain not only economic and legal stability (obtaining required legal documents) but are also benefited by gender relations. Women from these origins consider Spanish men to be less machistas/chauvinist” (Oso 2006, 114).
\end{footnote}

\begin{footnote}
\textsuperscript{22} In this sense, it is interesting to observe the different marriage patterns between Spanish men and women. Out of the total Spanish men married in 2004, 6.8% united with a foreigner, while in the case of women, the percentage does not reach 5%. The main regions of origin of foreign spouses of Spanish women are Latin America (37.5%) and the EU (26.8%), and for men they are Latin America (62%) and non-communitarian Europe (16.6%). As for the countries of origin, 60% of Spanish men married Colombian
\end{footnotesize}
“But now I feel better cared for, more loved and all. She pays much more attention to me. I never came home and had my slippers brought to the door. And it is not something I have asked her to do; it is just that all day it is like that. Since we started living together, she has been like this, and we have already been together for seven months. I remember my first Spanish wife. I would ask about my slippers and she would say: Where the hell have you put them?” (Spanish man with Colombian partner, quoted in Oso, 2006, 116)

Regarding birth rate, between 1996 and 2005 the number and the proportion of born children with at least one foreign parent also grew steadily. Meanwhile, birth rate in Spain has also progressively recovered, after reaching its lowest in 1996 (DGII 2007). According to the 2005 Statistic Yearbook on Immigration, foreign mothers of children born on the Spanish territory in 2004 were nationals of the following countries: Morocco (20.8%), Ecuador (17.7%), Romania (8%), Colombia (7.9%), China (3.8%), Argentina (3.3%), Bolivia (2.9%), United Kingdom (2.3%), Peru (2.1%), Brazil (1.8%) and France (1.6%) (SEIE 2006). Although the number of births from a foreign mother and/or a father has been increasing, there has been a decrease in the proportion of registered children born from mixed couples (Spanish man/woman – foreign woman/man). In 1996, this proportion was of the 60% and in 2004 35% of the total number of born children has at least one foreign parent. This change in proportions responds to the exponential growth of immigrant population, but as the following Table shows, and just like what happens with marriages, these percentages vary depending on the country of origin of parents.

Table 11. Proportion of births by nationality of the father, according to country of origin of the mother

<table>
<thead>
<tr>
<th>Country of origin of the mother</th>
<th>Father with the same nationality of the mother %</th>
<th>Father with another nationality %</th>
<th>No record %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Morocco</td>
<td>85.76</td>
<td>10.97</td>
<td>1.41</td>
</tr>
<tr>
<td>Ecuador</td>
<td>78.32</td>
<td>13.05</td>
<td>3.81</td>
</tr>
<tr>
<td>Colombia</td>
<td>51.40</td>
<td>35.95</td>
<td>13.62</td>
</tr>
<tr>
<td>Dominican Republic</td>
<td>37.50</td>
<td>47.54</td>
<td>7.93</td>
</tr>
<tr>
<td>China</td>
<td>92.41</td>
<td>5.16</td>
<td>2.43</td>
</tr>
<tr>
<td>Brazil</td>
<td>20.41</td>
<td>60.78</td>
<td>12.01</td>
</tr>
<tr>
<td>Cuba</td>
<td>22.08</td>
<td>53.78</td>
<td>10.68</td>
</tr>
<tr>
<td>Russia</td>
<td>18.28</td>
<td>61.69</td>
<td>14.93</td>
</tr>
</tbody>
</table>


It is important not to underestimate the effect of nationalization of Spanish citizen’s spouses after one year of marriage, since their children no longer appear in the statistics on children with foreign fathers or mothers. This allows us to suppose that the proportion of children born from mixed couples is actually larger than what is represented in official statistics.

Against the stereotype of the use of maternity as a channel for regularization, Laura Oso specifies that, even if it is possible that some immigrant women who already planned to have children bring their decision forward in order to regularize their legal status, that instrumental behaviour of *maternidad por papeles* (maternity for papers) did not appear as a relevant practice in her field work interviews. “We believe that the decision for descendants s much more complex and that the gravitation of the *maternity for papers* is not as strong as it can initially be assumed. If having children may help the legal regularity, it also makes living and working conditions of migrants in Spain and their saving capacity more difficult; it also jeopardizes the transnational-home strategy, (22.4%), Ecuadorian (8%), Romanian (6.7%), Brazilian (6.6%), Argentinean (5.9%), Moroccan (5.5%) and Russian (5.1%). The distribution by country of origin of the foreign spouses of Spanish women is less concentrated and more heterogeneous: Morocco (12%), Colombia (8.4%), Argentina (8.1%), United Kingdom (5.7%), Romania (4.7%), Ecuador (4.2%), Italy (4.2%), Germany (4.1%), France (3.8%), Cuba (3.7%) and Nigeria (3.5%) (SEIE 2006).
restraining the sending of remittances, etc.” (Oso 2006, 85).

1.3. 2. Family Migration Models

In their article *Paisajes familiares de la inmigración* (Family landscapes of immigration), Camarero and García (2004) characterize the different family migration patterns, according to four countries of origin: China, Morocco, Dominican Republic and Ecuador.

✔ **China**

Family-type migration reflects kinship relations which are fundamental to the functioning of migration chains. There is an important immigration of single young men and women, who marry people of their same national origin once they arrive in Spain. According to Camarero and García (2004), the formation of new Chinese families in Spain overcomes the number of processes of family reunification. This way, the growth of the colony is not so much produced though the reunification of children, spouses or parents, but “through the selection in the origin of second-degree relatives who will later establish a new family, as well as a new business” (Camarero and García 2004, 178)

✔ **Morocco**

Both family formation and reunification remains at relatively low levels. Most women of this origin above 20 years old are married. However, there are more married men than women residing in Spain, which indicates that many of the families of these men are still living in Morocco. Most Moroccan women are registered mainly as “housewives”, a strange effect of a family-reunification law based on the patriarchal model. According to the analysis of Camarero and García (2004) the low level of family reunification is connected to this community’s quality to “swallow migration”: the complicated labour insertion, with a majority of temporary and eventual jobs, added to the wife’s difficulty to access employment, causes Spain to be, for many Moroccans, a place they have to leave after a few years. “The case of Moroccans is symptomatic (...) their precarious and temporary labour insertion, and the harsh conditions for family reunification make family emigration difficult. In rural-area Moroccan families that provide emigrants, a division based on gender is reproduced: while the man works as a seasonal or temporary worker in Spain, the woman stays with the children in Morocco, in the context of a pre-capitalist rural economy” (Camarero and García 2004, 185). But the historical and quantitative importance of Moroccan population in Spain allows the existence, within this national group and next to a majority of men working in precarious and seasonal labour, of some families that have been settled for several years, already having Spanish children and family businesses or specialized jobs.

✔ **Dominican Republic**

The migration flow towards Spain is integrated mainly by women with family responsibilities, which have a central importance in their migration projects. At least during the first years of the immigration, those children remain in the country of origin under the care of other women than their mothers, generally aunts, grandmothers or sisters. A large portion of this immigrant women work in domestic and care services. As Camarero and García (2004) observe, this migratory project fits perfectly into the so-called *Global care chains* (Hochschild 2000). Once the reunification starts, women with young children bring them in Spain regardless of their sex, but those who have teenage children prefer to bring in the daughters. Reasons for this are twofold: 1) bringing teenage daughters is a way to free them from the destiny of unwanted pregnancies and early coupling; 2) it is a way to insert them in the Spanish market of domestic work. The reunification with the spouse only occurs in some cases, for both gender and labour reasons. Sometimes women are the ones who do not want to join their spouses, in other cases, men do not want to travel to Spain because that implies taking under-appreciated jobs. “The Dominican immigration presents a model strongly uncompensated by gender (or rather by the system of gender discrimination), being formed mainly by women head of the family who, following some
totally female chains, emigrate first and later reunify with, depending on each family situation, their young children, their teenage daughters when they are close to reaching legal age, and only in some cases, their spouses. In many other cases, the husband is never brought in through family reunification, and this leads to the consolidation in Spain of what already was a *de facto* single-mother family in the country of origin, or to the emergence of a new family.” (Camarero and García 2004, 12).

✔ **Ecuador**

Ecuadorian immigration presents a quite balanced gender distribution, with a slight female majority. There are cases of women head of the family who emigrate to face family difficulties, and who also find migration chains started by married men, as well as both single men and women. (Camarero and García 2004). Services and agriculture are the main sectors of employment of the Ecuadorian male workers, while women work mainly in domestic and care service (Gil Araujo, forthcoming). Claudia Pedone (2006) points out that, in a short period of time, Ecuadorian migrants showed important strategy changes for carrying out family reunifications. During the first years of the immigration in Spain, reunifications were made in steps (spouses, elder sons and daughters, younger children) and many of them were done in an informal way, entering the Spanish territory as tourists. But this channel was closed by the visa requirement. Legal restrictions, next to situations of labour precariousness and difficulty to access housing, have extended the time periods estimated for family reunification and have forced the Ecuadorian migrants to modify their strategies. Currently, some Ecuadorian families prefer their elder children to finish their education in the country of origin and only bring the younger ones, while other families have decided for all their sons and daughters to stay in Ecuador. Both dynamics have reinforced the processes of family transnationalism, also present in the Ecuadorian migration to the US. However, “since the feminisation of migration fluxes, these practices are being socially questioned; when family reunification is not accomplished, criticism is laid basically on migrant mothers” (Pedone 2006, 160).
The elaboration of Spanish migration legislation has been conditioned by the Spain's relation with the European Union. It was during the eighties when the problem of immigration became a matter of institutional policy. Considering the different legal responses to immigration, Javier de Lucas (2002 and 2003) differentiates three periods. Within the first one, starting with the Law of 1985, immigration was mostly understood as something that happens in the EU Member States. Immediately after the Schengen Agreement, on the eve of Spain’s entry to the European Economic Community (EEC) and during the Government of the Socialist Party, the law known as Ley de Extranjería (Organic Law 7/1985) came into force. It regulated the stay of foreigners in the Spanish territory until 1999. This law intended to limit the time of stay of immigrants to short periods, with a merely functional nature. The residence permits were made equal to the duration of labour contracts (that were generally for one year), and the same happened with their renewal. This way, immigration from non-EU countries was approached as a seasonal phenomenon and the rights for permanent residents or family reunification were not guaranteed. Everything concerning the stabilization and integration of immigrants was missing from the mentioned law. Due to the indeterminate character of many legal concepts, the so-called Ley de Extranjería gave the Administration a broad discretionary margin, causing administrative practice to come before the regulations. This practice nearly always chose the most restrictive interpretation of the indeterminate legal concepts. Some precepts referring to the rights of foreigners were declared to be unconstitutional.

The second period starts at the end of the eighties, when there is an acknowledgment of the stable presence of immigration and the first measures are elaborated to manage that presence. In 1991, the General Direction of Immigration (Dirección General de Migraciones) was created; one year later, an inter-ministry commission (Comisión Interministerial de Extranjería) started working, coordinating different departments of the Ministries of the Interior, Labour and Social Affairs and Foreign Affairs. In 1994, the first Plan for the Social Integration of Immigrants, elaborated by the Ministry of Social Security, was presented. In 1996, a Regulation for the application of the Ley de Extranjería was passed. It introduced some modifications with the purpose of correcting some deficiencies: indefinite work contracts and residence permits after five years of residence were implemented, family reunification was regulated and immigrants' rights were broadened. In parallel to the permits granted through the General Regime (Régimen General), other permits have been given through the contingents, which started in 1993. These contingents, also known as quotas, establish a number of vacancies for jobs in activities that have a demand of labour force that has not been satisfied by local workers. Thus, the quota policy, “by defining as immigrant-hiring fields through legal regulations precisely those branches of activity already chosen previously by the market, reinforces its segregationist and discriminatory logic” (Cachón 2002, 112). Although this mechanism was presented as a way to regulate migration flows from the countries of origin, during the first years it operated as a way of regularization for the undocumented immigrants that were already living on the Spanish territory.


In 1998, different political parties presented proposals to elaborate a new law, which was passed in December 1999 with the disagreement of the party in Government, after one year of negotiations. The Organic Law 4/2000 on the Rights and Freedoms of the Foreigners in Spain and their Social Integration became operative in February 2000. This is how the third period begins, with a law that sets its basic purpose in social integration of the immigrants – and therefore introduces a principle

23 Given the low number of immigrants, that legislation seemed to respond to a requirement for the entry of the Spanish State to the EEC (Carrillo and Delgado 1998).
of progressive equality that represents a qualitative change – although it still maintains the model of the economic immigrant/seasonal worker, always subject to the national preference (de Lucas 2002 and 2003). The main changes were the extended right to free legal assistance for immigrants in an irregular situation; explicit acknowledgement of the right of all minors to education; right to receive health care for regular and irregular immigrants who are registered in their district of residence; explicit acknowledgement of the right to participate in strikes, join a union, and associate; acknowledgement of the right to family reunification for immigrants in a regular condition who have the means to support their family; explicit and motivated visa refusal; permanent regularization mechanism for irregular immigrants who have been registered for two years and have sufficient means of living and permanent residence without the need to renewal after five years. A new exception regularization process was established for those immigrants who had entered the Spanish territory before June 1999 and who could prove to have requested a residence or work permit. The process closed in December 2000. That same year, the Government Delegation for Foreigners and Immigration (Delegación del Gobierno para la Extranjería y la Inmigración) was created. It was constituted by a General Direction and four Sub-directions of Coordination: Police and Civil Guard, Social Affairs, Foreign Affairs and Public Health. The Delegation is under the supervision of the Ministry of the Interior. The first officer took possession of the Delegation in mid-May of the year 2000, with the rank of a Secretary of State.

Since the sanction of the Law 4/2000, the Government of the Popular Party made public its intention to modify some points during its new term. The Ministry of the Interior and the Government Delegation for Foreigners and Immigration insisted on the calling effect generated by the new regulations. According to this perspective, the increase in the number and diversity in the origin of the people who try to enter on the Spanish territory, through the Gibraltar Strait or the Canary Islands, is determined by certain aspects of the legislation that have an effect of attraction over the people of the impoverished countries, who, it was thought, are aware of the content of the regulations.

Finally, in June 2000, the Government of José María Aznar presented a new project for a Law on foreigners, backed by the majority obtained in the general elections from March that same year. The law 8/2000, known as the counter-reform, passed in December and voted against by the opposition, restricted the rights of the undocumented immigrants – including the rights to meet, demonstrate, associate, join a union and participate in strikes –, suspended the mechanism of automatic regulation, eliminated the motivations in the visa refusals and modified the disciplinary system in order to be able to confine and expel foreigners without a residence permit. The official way of accessing the labour market continued to be the annual contingent and quota system and the clause of national priority remained in force.

The Law 8/2000 has been strongly criticized by many different groups. More than 750 entities presented an appeal to the Ombudsman (Defensor del Pueblo) on the consideration that this judgment violated the Constitution. In the same direction, the Governments of several Autonomous Communities, as the País Vasco and Andalucía, filed appeals to the Constitutional Court that were admitted. In August 2001 the Regulation of the Law 8/2000 became operative. Eleven of these articles were annulled by the High Court in March 2003, in response to a legal demand presented

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24 Through the quota system “jobs will be offered to foreigners who are not residents in Spain, with the indication of professional sectors and activities”. To elaborate the annual quota, the Government will meet with the Superior Council on Immigration Policy (Consejo Superior de Política de Inmigración) and with the most representative business and workers organizations. It will consider the national situation and the proposals of the Autonomous Communities.

25 A regulation that differentiates non-EU immigrants’ access to the labour market is the reference to the national employment situation (national priority), which establishes that for the granting or renewal of work permits, the insufficiency or scarcity of Spanish workforce in the activity or profession and region in which the applicant expects to work will be considered. This means that a work permit renewal can be refused if there are Spanish, EU or resident job applicants. In practice, this has led to the concentration of non-EU workers in the most precarious labour sectors: service, construction or agriculture.
by some NGOs.  

The Government, far from modifying the Regulation, promoted a new change in the legislation. The preliminary draft of the (at the time) only amendment to the Ley de Extranjería, modified three times in two years, aimed to simplify the process to work in Spain and, at the same time, toughen the control. The last modification, which had the support of the Socialist Party from the opposition, led to the Organic Law 14/2003 of November 20, 2003. Beside the already mentioned changes, the new regulations made family reunification more difficult, requiring independent working and residence permits in order to be eligible to apply for family reunification. Moreover, a new visa for job searching is introduced, which would be granted through the quotas and to the descendants of Spanish nationals.

Currently, there are several ways of entry and regularized stay in the Spanish territory. The most common ones are residence with work permit, residence as student, family reunification and, in a lower degree, residence for humanitarian reasons or refugee status. Legislation establishes that foreigners above 16 years old who want to work in Spain must obtain a work permit. On the other hand, employers who want to hire a foreigner without a work permit must previously obtain that authorization. Since January 14, 2002, the general proceedings for work permits, which meant presenting the application in Spanish territory, were suspended and permits have only been granted through the quotas to workers that are still in their country of origin.

2.2. Evolution of family migration policy

The first Ley de Extranjería from 1985 did not address the right to family reunification and, therefore, did not specify any proceedings for the admission of the relatives of foreign residents, although some regulations established several particularities for granting residence permits based on family ties. The first Regulation for the execution of the Law (RD 1119/86) accepts the possibility of obtaining a residence visa for family reunification for the spouse of the Spanish or foreign resident, for the children under legal age or over it but dependant, and for the ascendants of Spanish or foreign residents. This visa did not allow holders to work in Spain. The Regulation did not specify limits in the degree of descending or ascending kinship, neither stipulated a minimum time of residence for requesting the reunification.

“However, in practice, it has been limited, when it says minors, to under 18, when it says ascendants, basically to parents, and parents over 65, not under that age. And in some cases, it has been demanded to the primary migrant to have at least three years of legal residence in Spain.” (Ombudsman of Cataluña, in VV AA 1994, 59)

The Resolution of February 1994 regulated through general instructions the proceedings for requesting family reunification visas for non-EU immigrants. Two ways were established: the request of the visa in the country of origin of secondary migrants and the exemption of visa for the relatives that were residing in Spain in an irregular status. One of the objections met by the first proceeding was that the visa did not itself imply the right to remain in Spain. The permit had to be requested once the secondary migrant arrived in Spain. This is still happening nowadays. Moreover, the visa had stamped on it that it did not authorize working.

After this regulation, non-EU immigrants started to be differentiated from the relatives of Spanish citizens and from EU-nationals. For the family reunification of non-EU immigrants it was established that the primary migrant had to present proof of “stable and sufficient economic means to take care of the family needs, including health care in the case that they were not covered by Social Security”, and present an affidavit of “presence and manifestations with the purpose of

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26 Articles related to chain family reunification, the issuing of visas for Spanish or resident’s spouses, devolution, confinement, repatriation, expelling and free circulation.
proving to have a house with the dimensions and characteristics considered normal for Spanish citizens, in the area of residence of the primary migrant, considering the number of members of the family” (VVAA 1994, 60). Some of the objections to these requirements aimed at the indetermination of the used concepts, such as “stable and sufficient” or “considered normal”; others pointed to the difficulty that the immigrant population has to access and to prove having a stable income (which implied presenting the last three salary receipts) or a house considered as normal. Taking into account the type of jobs immigrants do this is even harder, but also due to the difficulty to get a contract in the Spanish labour market, characterized, amongst other things, for its high level of informality, an informality that affected (and still affects) mainly women working in domestic (and sexual) service.

“It is not easy to have the three salary receipts. (...) And if in domestic service, one does not have receipts, one can have a certificate of contribution [to Social Security] and the Administration has been asked to understand that domestic service does not provide salary receipts.” (Representative of the Ayuntamiento de Barcelona, en VV. AA. 1994, 88).

“There are requirements that some communities cannot meet. Many immigrants work in domestic service and do not have a salary receipt. There are many who work without Social Security. They prefer to work than to demand the contribution, since they would lose their jobs. (...) The requirements regarding housing are the most difficult to meet. They cannot pay for apartments and many married couples have to share them. Consequently, they will never get the affidavit”. (Asociación de Filipinos en Barcelona, in VV AA 1994, 101).

To these objections, the General Director on Foreigner and Asylum from the Ministry of the Interior at the time responded:

“Every worker who has a regular and legal job has the right to have the salary receipts. (...) If this is not done it is because the general labour regulations are not being respected.” (in VV AA 1994, 80).

“There are factual situations in which family reunification will not come to solve anything, it will come to make some problems worse. I say the same, for example, regarding domestic service: it is a special situation, a special labour exchange we have here in Spain. In any other country, of course, domestic service would not be such a problem; in Spain it is and it generates some profit a year, its inevitable, it works and there are many people who live on that but it is no properly regulated” (in VV AA 1994, 110).

“As for the limitation regarding allowing the relatives to work, what we will have to do is bind family reunification, the statutes of refugees and immigrants, and, as other countries do, establish a maximum total that we can absorb according to the characteristics of the labour market and according to some requirements that must be sufficiently flexible and transparent. In practice, we have immigrant workers working in domestic service and thus completing family income. Besides, as soon as the children turn 16, or before that, they can be working in the most utter illegality.” (in VV AA, 1994, 98).

In the Regulation of 1996, dependant descendants above legal age, grandchildren and great-grandchildren were explicitly excluded from the family reunification possibility. Until the Law from 2000, reunification continued to be treated according to administrative discretion, without being
recognized as a right. With the purpose of preventing polygamous situations in the Spanish territory, Section 6 established that a residence permit could not be issued to a foreigner as spouse of a foreign resident if another spouse is already residing in Spain. Along this line, a signed statement that there is no other spouse residing in Spain is asked for the first time. Regarding sons and daughters of the resident, it is specified that they must be under legal age at the time of the request. The access to the labour market for secondary migrants continued to be restricted, probably due to the idea of immigration as labour force and its constant link with the national employment situation. This connection between immigration and employment is still extended across the regulations of family reunification and it has also become evident in the last regularization process of the year 2005, for which it was required, amongst other things, the presentation of an employment contract, and then the corresponding contributions to Social Security were controlled.

2.3. Policy and public debate on family (and) migration

In the Spanish case, it is possible to identify the State’s view on immigration which, regardless of the political party in Government, is formed by some constants: (1) the fight against illegal immigration; (2) the distinction between immigrants and clandestines as differentiated populations; (3) the understanding of immigration as a consequence of the conditions in the countries of origin; (4) their humanitarian treatment; (5) the instrumental perspective, which sees immigration as an instrument at the service of the labour market and the economy\(^{27}\), (also considered as a contributor to the Social Security, responsible of guaranteeing the pension system or instrument of assisted reproduction\(^{28}\)); (6) the idea of the tolerance threshold (umbral de tolerancia); (7) the relation between number of immigrants and integration capacity; (8) the connection between cultural belonging and integration capacity; (9) the view of immigration as the origin of diversity, which affects coexistence and (10) possible source of conflicts. As in other European countries, a relation was established between the control of entries and the possibility of integrating the migrants settled in state territory.

Since the beginning of the immigration emergency as a public issue, family reunification has been seen as a tool for the integration of the immigrant population. The objections to the absence of this right in the first Ley de Extranjería (1985) were based on this principle.

“\textit{It seems to me that we all agree on the fact that family reunification is a (...) mean to proceed in the integration of foreign citizens in our society and consequently to accomplish social harmony}” (Ombudsman of Cataluña, in VVAA 1994, 58).

“\textit{It is normally assumed that family reunification constitutes a most important factor of social integration}” (Judge of the High Court of Justice of Cataluña, en VV AA, 1994, 62).

Family reunification “\textit{is a fundamental issue, since it is one of the instruments of the integration of foreign citizens and, in particular, of the immigrants, in the country where they are working. It is one of the instruments next to the possible access to nationality according to the regulations of each country and next to the other channel which is mixed marriages}” (General Director on Foreigners and Asylum of the Ministry of the Interior, in VV AA, 1994, 76).

\(^{27}\) It is in this sense that, for the Minister of Labour and Social Affairs, Jesúís Caldera, “\textit{what is reasonable is a 10\% immigrants}” (El País, January 2, 2005). Abdelmalek Sayad (2000) warns about the connection between this sort of turning the immigration into a technical question, a number in economy, and its depoliticization. For the author, this is what the naturalization of social facts is all about.

\(^{28}\) We are referring to the constant mention of immigrant women as reproduction machines, through which the birth rate would be raised.
But next to this conception of family reunification as a means for integration, there is also the need for its ordering and control “because otherwise, what we are opening is another migration flow” (General Director on Foreigners and Asylum of the Ministry of the Interior, in VV AA, 1994, 76). The establishment of economic requirements is also based on this need to control the migration influxes to guarantee their proper integration:

“…the regulations that rule family reunification expect to avoid, even in the case of a legal immigrant, the formation of pockets of poor housing, of marginality situations, that will prevent and be an obstacle to what is intended through family reunification, which is the integration of a citizen from another country to ours. Therefore, some requirements are established regarding housing, regarding a certain level of income that can be proven, for example, with the salary sheets. Every worker who has a regular and legal job has the right to have the salary receipts. (General Director on Foreigners and Asylum from the Ministry of the interior, in VV AA, 1994, 80)

The first State Plan aimed at migrant population, the Inter-Ministry Plan for Social Integration of Immigrants (Plan Interministerial para la Integración Social de los Inmigrantes), elaborated by the Ministry of Social Affairs in 1994, understood that the access of immigrant population to basic civil and social rights in equal conditions to Spanish nationals was the first step in the path to their social integration in the receiving society. But, for this to be possible, only those who could be guaranteed these rights through their integration in the labour market should be able to access the territory. The immigration issue was also posed insisting on cultural matters and on the family-type immigration (seeing family as a guarantee of social order), emphasizing the key part played by women and their role as a bridge between the origin and the destination societies, since they are the reproducers and adapter-socialisers of family units.

The Global Regulation and Coordination Program on Foreigners and Immigration, GRECO (DGEI 2000), second State Plan, designed by the Ministry of the Interior, also establishes a direct connection between immigration and labour market. In its third point it is specified that Spain, as a rightful and democratic country, has the obligation to organize economic immigration, political asylum and humanitarian reception under its laws, but without forgetting the 1.5 million unemployed citizens and the 2 million Spanish emigrants who “want to return”. This limits its receiving capacity, “which must respond to an estimation of the work positions that can be offered to foreign people who emigrate for economic reasons searching amongst us opportunities they do not find in their own countries” (DGEI 2000, 19). The second section of the GRECO is dedicated to favouring the “integration of foreign residents and their families, which actively contribute to Spain’s growth”. Within this framework, family reunification for the relatives of the foreign residents in the Spanish territory is defined as one of the most important mechanisms to accomplish the full integration of the migrants in our society. In the Plans and Programs of autonomic and municipal integration, most of them started up on the beginnings of 2000, the migrant’s family is once and again defined as an instrument for integration, with special emphasis in the importance of women as agents of this process, in their role of linking the destination and the origin culture (Agrela Romero, 2005). This conception continues to be very present in the point of view of different actors, and reflects that widely extended vision of women as biologic and symbolic reproducers of the nation (and its culture), naturally bound to the family environment. This connection between integration and gender aims the spotlight at the importance of analysing the role of family as a technology for the government of immigration through domestication and nationalization of its members.

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“It is generally the man who looks for a job and house, and the woman is the one who worries about knowing the social environment better and about the education of their sons and daughters, therefore having a fundamental part in the integration of the whole family. Without any doubts, there will be no kind of integration without the active participation of women” (Chaib 2004, 37).30

“And those sons and daughters [of migrants] with the woman play a key part in the process of integration” (Pujol 2000, 24-2531).

With reference to the processes of family reunification, in March 2007, the secretary of State on Immigration, Consuelo Rumí, expressed that family reunification

“favours the individual’s integration to the receiving society and cushions the risks of isolation from the social environment. It is therefore an element of “rooting” (...) it must be contemplated as such with normality, because it has been precisely delimited and because it is inseparable from migratory movements .During coming years, the arrival of people through this channel will, without any doubts, reinforce the most positive aspect of immigration and strengthen the relationship between the migrants and the nationals” (quoted in Bárbululo 2007, 34).

Problematizations around immigrant families, (especially concerning women and young people), have had some space in the media, with articles on the (high) birth rate of the immigrant families/women, the pregnancies as regularization strategies for women mainly coming from Africa (arrived in open boats known as “pateras”) and, in a lower degree, from Latin America, denominated Anchor mothers (madres anclas).

Other issues of mediatised debate have been the cases of the young women of Moroccan families forced to enter arranged marriages, who many times ran away from their homes for this reason. There have also been some articles published on convenience marriages, both in Spain and in some of the countries of origin, notably Cuba and Dominican Republic, known as sexual tourism destinations for Spanish males. Nevertheless, it does not seem appropriate to us to consider the sporadic appearance of this type of articles as an indicator of the existence of a public debate on family migration. Besides, up to this moment, none of these matters has led to the demand or the impulse of restrictions in legislation.

In the past years, the participation of young immigrants or the sons of Latin American immigrants in Latin bands (as the Latin King and the Ñetas originated in the Latin American migration to the US) has become a problem of study and public intervention. In the Generalitat de Catalunya, for example, a project to legalize this kind of groups through their registration as juvenile associations has been launched (El País, February 7, 2007, 29). The Strategic Plan for Citizenship and Integration 2007-2010 (Plan Estratégico de Ciudadanía e Integración 2007-2010) of the State Secretariat includes a program oriented to “prevent the creation of juvenile bands that are violent or have xenophobic, racist, homophobic and sexist ideology”. Amongst the proposed measures there is the “promoting of studies on the phenomenon of juvenile bands” and the support to the exchange of “good practices regarding the prevention of juvenile-band phenomena” (DGEI 2007,

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30 Mohammed Chaib, besides being a socialist member of the Parliament of Catalonia is the president of the Moroccan immigrant association Ibn Batuta, one of the most active and well-known in the Catalan context.

31 Jordi Pujol was President of the Generalitat de Catalunya (Catalan Government) during more than 20 years, until 2003.
In her research on Ecuadorian migrations, Claudia Pedone (2006) points out that in some cases, the growing stigmatisation of Latin youngsters, combined with the complexity of family-reunion processes, has caused some migrant families to strengthen “the processes of transnationalism by deciding to leave their older sons and daughters to continue their education in their country of origin and to bring in only the younger ones” (Pedone 2006, 60). This author also analyses the public debates in Ecuador on the effects of emigration, in which migrant women were often accused as being guilty for family disintegration and scholar failure of their children:

“... it is after 1999, with the feminisation of the migration flow to Spain, that social alarm is set off and social, political, mediatic and educational-level speeches are focused mainly on family disintegration, on the abandonment of sons and the consequent stigmatisation of the scholar and social performance of children and teenagers involved in this transnational migration contexts” (Pedone 2006, 155).
3. CURRENT FRAMEWORK

3.1. Ley de Extranjería 4/2000: turning point for family reunification

With the Ley de Extranjería 4/2000, family reunification moved from being considered a type of visa to becoming a recognized right for foreign population. For the first time, a chapter devoted to family reunification appears in the context of foreigners’ rights and duties. Although it has suffered some restriction in the past years, this Law is in the base of the currently in-force legislation. In spite of these changes, for Casal and Mestre “family reunification (...) continues to be basically a channel to access a visa and a permit; a question of proceeding and not of right” (2002, 136).

The first modification was introduced after less than a year of being in force. With the Organic Law 8/2000, dated December 22, the area of rights was restricted as follows: a minimum time of living together in Spain (two years), during which the spouse could not dissociate from the primary migrant, was established; the list of acceptable secondary migrants was reduced and the possibility for chain reunification was recognized. This means the reunification requested as primary migrants by residents who are former secondary migrants. In the proceedings, restrictions that had been operative prior to Law 4/2000 were recovered: renewed residence permit, appropriate housing and sufficient means of living. Later, the Regulation of 2001 limited the right to chain reunification by establishing that, in order to be able to come to Spain through family reunification, a secondary migrant must first obtain an independent permit. This resolution was declared null by the Supreme Court in March 2003, but was recovered at the end of that same year in the last legal amendment, promoted by the Partido Popular (PP) in Government and supported by the Partido Socialista Obrero Español (PSOE), in the opposition at the time.

One of the mentioned purposes for the last amendment to the Law in 2003 was avoiding fraud in chain family reunifications (Quirós Fons 2006). Since then, in order to be able to bring in their relatives, foreigners who have obtained their residence through a prior reunification will need to have an independent work and residence permit and will have to meet all the requirements for reunification (housing, income). In other words: only a resident worker can apply for family reunification in his own name. Visa exemption previously granted, for example, to relatives who were already in Spain in an irregular status was withdrawn. Finally, family reunification visas have no effect beyond the entry to Spain, because once foreigners have entered the country, they must request the proper residence permit.

3.2. Systematic analysis of the current legal framework

3.2.1. Proceedings for family reunification

The migrant who wishes to exercise the right to family reunification, must personally request the temporary residence authorization for the members of his/her family for whom he/she applied for reunification. This application can be presented by an immigrant who has the authorization to reside (and work) in Spain during one year and has requested the authorization to reside, at least, one other year. The residence permit will not be granted to the secondary migrant until the authorization renewal for the primary migrant is complete. The application must be accompanied by the following documentation:

a) Copy of documents certifying family relations and, when suitable, certifying the age and the legal and economic dependency of descendants or ascendants.

b) Copy of passport or travel document, currently valid.
c) Copy of already renewed residence – or work and residence – permit, or copy of both the first authorization and the receipt of the renewal application.

d) Official evidence of employment and/or of sufficient economic means to attend the family needs, including health care if not covered by Social Security. In the administrative practice, some requirements from previous regulations are still standing: employment contracts, last three salary receipts and the registration in Social Security or private health insurance. In the case of independent workers: three last tax contributions. If the migrant is not working, a justification of inactivity income: pensions, subsidies, rents.

e) Justification of appropriate living accommodation capable of satisfying the needs of the primary migrant and the family. This requirement is to be justified through a report from the municipal government, within a maximum of 15 days from application. After this, an affidavit can be submitted. In both cases, the document must include information on titles that allow the person to occupy the house or apartment (lease contract, property deed), number of rooms, use given to each room, number of people living in the premises and occupancy and equipment conditions.

f) In cases of reunifying with a spouse, sworn statement that there is no other spouse living with the primary migrant in Spain.

3.2.2. Possible Secondary Migrants

Spouse: as long as they are not factually or legally separated and the marriage has not been celebrated in fraud of the law. Having two spouses as secondary migrants is excluded, even if the law in the foreigner’s country of origin allows this type of marriages. The foreign resident who is separated from his/her spouse and has remarried one or more times will only be able to include the new spouse and his/her relatives in the reunification process if presenting proof that the separation from prior spouse/spouses was settled through a legal proceeding which fixed the situation of prior spouse and his/her relatives in terms of housing, maintenance and alimony. The regulation on reunification does not demand legal age neither to be a primary nor a secondary migrant, and Spanish laws allow under-age marriages through emancipation after 14 years old. Although it is required not to be factually separated, there is no minimum time of marriage stated as a condition to access reunification. It is not necessary either for the family relation, marital in this case, to have existed before the entry of the primary migrant in Spain. Couples which are no married do not have the right to reunification. As for same-sex couples, according to Quirós Fons, “the foreign legal resident in Spain will be allowed to reunify with the same-sex spouse if their marriage has been celebrated in Spain, Holland, Belgium or Canada” (2006, 170).

Descendants: of the primary migrant or spouse, including adopted children, children under 18, children with disabilities and children who are not married. When they are the spouse’s children, it will be required that the parent has the sole guardianship of the migrating children or has been given full custody and they are under his or her care. In the case of adopted children, it will have to be proven that the resolution under which adoption was awarded has all the necessary elements to be effective in Spain. Children under 18 or children with disabilities will be allowed to come to Spain when the foreign resident is their legal representative.

Ascendants: of the primary migrant or spouse, when they are under their care and there are reasons that justify the need to authorize their residence in Spain. In order to demonstrate that he/she is economically in charge of them, the primary migrant must present evidence of having sent money or covered relative’s expenses in a proportion that proves effective economic dependence (no time-period for this economic support is mentioned in the legislation).

3.2.3. Visa requesting in the process of family reunification

Secondary migrants will have to personally request the visa in the diplomatic mission or consular office of their place of residence in a period of two months after the primary migrant is notified of
the authorization. If the foreigner is in Spain in an irregular situation, this will be considered a reason not to admit the application for a visa and, in that case, its refusal. Visa applications must be accompanied by:

a) Passport admitted as valid in Spain and which expires at least four months later.

b) Certificate of criminal record if the migrant is above legal age, which does not state sentences for offences that exist in the Spanish Law.

c) Copy of the residence authorization notified to the primary migrant.

d) Original documentation that proves family relation and, when suitable, age and legal or economic dependence.

e) Medical certificate stating that the migrant does not have any of the quarantine-susceptible diseases detailed in the International Health Regulations.

During the visa-issuing process, the diplomatic or consular office will be entitled to request the presence of the applicant and hold a personal interview whenever it is considered necessary in order to confirm their identity, the family relation, legal or economic dependence when suitable and the validity of submitted documentation. If the representatives of the Administration consider there is evidence to doubt the identity of the person, the validity of the documents or the veracity of the alleged reasons for requesting the visa, its issuing will be denied in a motivated way. The diplomatic mission or consular office will notify the granting of the visa in a period no longer than two months and it will have to be picked up personally by the applicant, with the exception of minors, who can have theirs picked up by their legal representative.

In some of the interviews and informal conversations with our informants, explicit mention has been made of the delay in the issuing of visas in some countries, specifically Ecuador and Morocco. In the opinion of one of the interviewed lawyers, this means there is some kind of “order” from the Ministry of Foreign Affairs to these consular offices to slow down the proceeding. While processes have been notably accelerated in Spain, in some cases the proceeding is brought to a standstill because of the delay in the awarding of visas in the places of origin. Once the visa has been picked up, the applicant will have to enter the Spanish territory within a period of validity, which does not exceed three months. Within one month of the entry, the secondary migrant must personally request the foreigner identity card, with the exception of minors, who can have theirs requested by their representative.

3.2.4. Chain family reunification

Secondary migrants will only be allowed to bring their own relatives when they have a residence and work permit obtained independently from the authorization of the primary migrant and when they comply with the requirements established for the right to family reunification (income, housing). In the case of ascendants, they will only be allowed to exercise the right to family reunification after being granted the condition of permanent resident independently and can prove economic solvency to cater the needs of the members of the family they intend to bring.

3.2.5. Independent residence of secondary migrants

The spouses who came to Spain through family reunification will be able to obtain a temporary residence permit, independently from the primary migrant, once they have a work permit. Another possibility to get the independent residence permit for the spouses who are not separated from the primary migrant is having lived in Spain for five years.

Also, they will be able to obtain a temporary residence permit when existing one of the following circumstances:

a) When the marital relation that originated the residence situation is broken, through legal
separation or divorce, under the condition of proving having lived as the spouse of the primary migrant for at least 2 years.

b) When being a victim of gender violence, once the protection order has been dictated.

c) Death of the primary migrant.

Children will get a temporary residence permit when they reach legal age and obtain a work permit, or once they have reached legal age and have lived in Spain for five years. The ascendant secondary migrants will be granted an independent temporary residence permit once they have obtained a work permit.

3.2.6. Secondary migrant work

Foreigners with a residence permit granted on the base of family reunification can access a residence and work permit without the need for a minimum time of residence, which is requested in other cases. To obtain that permit, relatives must present a job offer or an employment contract. When the contract is for the spouse or the son or daughter of a foreigner residing in Spain with renewed permit, the national employment situation will not be considered. In other words: the residence permit based on family reunification allows migrants to search for a job in Spain. At the same time, this residence permit for family reunification opens the door to access a residence permit independently from the primary migrant, but with important limitations linked to the type of contract and the salary. When the permit is granted based on an employment contract which is part-time or offering a salary below the minimum inter-professional full-time salary, the spouse and children above working age of the legal resident, who reside in Spain on the base of family reunification procedures, will be able to obtain a work permit. This, however, does not enable them to get an independent residence permit.

3.2.7. Renewal of residence permits based on family reunification

Residence permits based on family reunification have the same duration as the residence permit of the primary migrant. Renewal of permits granted for family reunification will have to be requested sixty days prior to their expiration. Together with the application, primary migrant must submit documents that prove having a job and/or having sufficient economic means to support family needs, as well as health care insurance. Secondary migrant renewal applications will be presented and processed together with the renewal application of the primary migrant, unless there is a significant cause for exception. Staying outside Spain for more than six months may mean the loss of the residence permit when it is temporary.

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32 The migrant who wishes to exercise the right to family reunification, must personally request the temporary residence authorization for the members of his/her family for whom he/she applied for reunification. This application can be presented by an immigrant who has the authorization to reside (and work) in Spain during one year and has requested the authorization to reside, at least, one other year. The residence permit will not be granted to the secondary migrant until the authorization renewal for the primary migrant is complete.

33 As well as in the case of, amongst others, foreigners who have ascendants or descendants of Spanish nationality under their care, sons and daughters of nationalized Spanish citizens or of EU citizens who have been regularly residing in Spain less than a year and on whose children the EU regime is not applicable.
3.2.8. Family formation

In the laws on foreigners there are no specific regulations on family formation. Two foreigners can get married in Spain as long as at least one of them resides in Spanish territory. Nevertheless, Quirós Fons (2006) claims that marriage in Spain is less frequent than in the State of origin, where the immigrants with Spanish residence get married to the spouses that they will later try to bring in Spain through family reunification. The visit of the future spouse with the purpose of getting married is less frequent, because getting the visa is more complicated. Even if they get married in Spain, the spouse must anyway return to the country of origin and wait for an authorization for family reunification. “The tendency in this phase of the itinerary is to remain in Spain, thus materializing what we can denominate de facto reunification” (Quirós Fons 2006, 208).

3.3. How does the current legal framework increase civic stratification?

The several changes and modifications in the legislation on foreigners, far from accomplishing the aim to reduce irregular entries, have encouraged the proliferation of different levels of legal and socio-economic inclusion and exclusion. A consequence of this tendency has been the marginalization of an important part of non-communitarian immigrants and their confinement in the vast informal economy. A clear example of what is pointed out here is the last regularization process (always exceptional) carried out by the socialist Government during the first months of the year 2005 under the name of normalization, (during which more than 600 thousand undocumented immigrants presented their application). For this it was mandatory for the applicant's employer to present the employment contract and the consequent Social Security registration. These requirements specially affected migrant women working in domestic and sexual services. In fact, domestic work was labelled by the Government as an exceptional channel, a curious denomination considering that, next to sexual work, this is the sector where most non-EU immigrant women work and that women represent the majority in some of these national groups. As Ruth Mestre (2005) has lucidly asked, from which perspective of normality can the channel of normalization of domestic service be labelled as an exceptional one? A possible answer: only from a male's perspective on the labour market. Working in both sexual and domestic care is out of the norm and out of the normal. Thus, also in the case of immigration, the working environment is thought and managed form a male standpoint. Another example of how the Law creates gender.

- Spanish nationality, and since 1992 the nationality of an EU Member State, facilitates the insertion process of the immigrant population. Both the possession of a communitarian citizenship and the access to a residence permit through the EU Regulation broaden the possibilities for labour insertion, by avoiding the restrictions based on national preference and the national employment situation and other requirements applied to non-EU citizens. In other words: not having these privileges makes the effects of migration policies more important.

- The first stratification of rights can be seen between, on the one hand, the rights of Spanish and EU citizens and their relatives and on the other hand the non communitarian migrants and their families. Many things are easier for Spanish and EU immigrants and they also

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34 An high proportion of the regularizations were obtained through the exceptionality of domestic work, since 31.67% of the applications were presented for domestic sector, 20.76% for construction, 14.16% for agriculture and 10.36% for the hotel industry. From the group of applications presented for the domestic sector, 83.40% are female. The opposite happens with construction and agriculture, with respectively 94.92% and 83.13% of male applications. 41.24% of total applications were presented by women, with important differences depending on nationality (Ministry of Labour and Social Affairs 2005).

35 For the nationals of other countries, there are two administrative regimes: General, more restrictive, and Communitarian, which is awarded to direct relatives of Spanish and non-EU citizens. In the Communitarian Regulation a work permit is not needed and it has no restrictions whatsoever for accessing the labour market, as it is the case of immigrants who have a residence permit granted under the General Regulation.
have to meet fewer requirements when reunifying with their spouses, as well as their or their spouse’s ascendants and descendants. Besides, residence permits for these relatives are granted through the Communitarian regime. This way, we already have seven different categories of residents with different rights: the Spanish, the EU immigrants, the relatives of Spanish and EU immigrants, the immigrants from non-EU countries with definite permit, their relatives, the immigrants from non-EU countries with renewable permits, their relatives and, finally, the irregular immigrants. Temporary immigrants, students and refugees should also be added.

- Although the right to family reunification is the same for all non-EU citizens, the same regulation to access nationality is not applied to all of them. Immigrants from Latin American countries, Philippines and Equatorial Guinea may apply for the Spanish nationality after two years of regular residence, which will later allow them to reunify with their non-EU relatives under the legislation applied to Spanish and EU citizens. The same can be said about immigrants from non-EU countries that arrive with a passport from a communitarian country basically descendents of Spanish and Italian emigrants.

- Non-Communitarian migrants cannot bring their de facto partners through the channel of family reunification, a well-extended practice amongst Latin Americans. It is also more difficult to reunify with children born from this kind of unions and children of divorced couples.

- As Casal and Mestre (2002) point out, differentiated labour insertion also produces differentiated social insertion. Considering: a) the temporality, deregulation and precariousness that characterize Spanish labour market, b) the importance of informal economy and c) that the jobs which immigrants have access to in the services, construction and agricultural sectors are the most precarious, dangerous, unstable and badly paid; the requirements established in terms of income and living accommodations become goals very difficult to reach for a big segment of non-EU citizens, specially during their first years of stay in Spain.

- These difficulties affect immigrant women in general, but specially those who live in the houses where they work. About this, Claudia Pedone (2006) notes that the longer women stay working as interns, the more they delay family reunification.

- Due to the importance of the informal economy and irregular jobs, labour relations are not always reflected in a normalized contract. However, it is indispensable to have a formalized labour relation for applying for family reunification (and its further renewals). Hence, the immigrant is not only demanded to have a job, but a job with a normalized contract.

- The institutional framework of discrimination between EU citizens and non-EU immigrants is articulated through gendered relations noticeable within labour markets. In the case of domestic work, the link with the informal economy is reinforced by the kind of labour relation that exists, the space where it is established, and the lack of regulation in this sector. The so-called underground economy is calculated at 23% of the GIP, a figure that only Italy beats in the context of the industrialized countries.

The so-called “new employment mines”, characterized as precarious job positions mainly occupied by women and young people, are to be found in the areas of health, education, the hotel/restaurant business, and leisure activities. This kind of job position has also been created in construction and industry. The extension of the underground economy has had a notorious effect on agriculture, the textile industry, the food industry, the leather and shoe industry, construction, the hotel/restaurant business, and commerce. The regulation of domestic work in Spain presents specific characteristics that affect non-communitarian migrant women in special ways, since the majority of these women work in this sector. One of the disadvantages compared with other types of work is the employer’s freedom to determine the working hours by means of the so-called non-remunerated “presence times”, during which the worker may have to carry out tasks that require “light effort.” Thus, the real time of work surpasses the stipulated nine hours per day, and this particularly affects women who live in the same household as they work. This kind of work does not require a written contract nor is the employer obliged to pay Social Security. In the case of female
labour situation taken as reference when regulating foreigners’ sojourns is that of a job market in which a labour relation is required. This puts women in a disadvantage, because they find that, without a job contract they cannot become established legally, but the job market they have access to is not regulated by the same principles as the formal labor market. An important segment of women coming from non-EU countries work in domestic and sexual service and therefore do not have labour contracts, and it is themselves who pay Social Security to guarantee their residence permit renewal. Regardless of the income they actually have, they normally register based on the minimum inter-professional salary, but neither the Law nor the Regulation specify if this income is considered enough to bring a relative through family reunification.

- The difficulty to comply with all the established criteria for family reunification has steered family migration towards autonomous channels. Many families are reunified via workers quotas or, in the case of the (few) nationalities that do not need a visa (such as Argentineans and, until recently, Bolivians) they enter as tourists, overstay the authorized time and remain in the territory in an irregular situation.

- The difficulty to access a permit independently from the primary migrant facilitate some women’s dependency situations, since it restricts their capacity of choice, hinder marriage break-ups, promote violence situations against women and strengthen the stereotype of women coming from non-EU countries as bound to the domestic environment and followers of traditional standards, such as marriage, since reunification is not possible without it.

- As for the requirements to obtain an independent permit, many of the jobs accessible to women who are non-EU citizens are part-time, hourly and/or low-waged. Thus, these women do not have access to a permit independently from the primary migrant, even if they can get a work authorization. The same happens with young people.

- In the case of independent permits based on domestic violence: for Police to admit the existence of domestic violence (not only when it has to do with immigrant women), this must have been reported to the Police in three occasions. “In practice, if we consider that these women are legally subject to the husband under the Ley de Extranjería, it is practically impossible for them to report the abuse” (Casal and Mestre 2002, 142). The other channel is medical reports, which also have to be three, but not all aggressions require medical assistance. Furthermore, secondary migrants do not have their own health care card.

- The most significant change in the 2003 reform lays on the request for secondary migrants to get an independent work and residence permit in order to be able to reunify their relatives. It may happen that an elderly ascendant has been reunified precisely on the basis of his economic dependence on the descendant and is unable to get a job offer due to his age. Consequently, he would not be able to reunify his family (for example, his wife, who could perfectly not be the mother of his descendant and therefore not be able to be reunified by him). So the family reunification is granted on the basis of economic dependence but the migrant is later demanded to find employment as a requirement to bring his own family.

- Spanish legislation allows the polygamous resident to reunify any of his spouses. For some legal analysts, this situation that appears to be legally covered by the principle of equality, aside from making the primary migrant a referee, it goes against the rights of the wives and descendants that were discriminated. Women in polygamous marriages are left unprotected, as well as their children, who must remain in the country of origin because the primary migrant has already received the residence authorization for another family group. In these cases, as it happens with other relatives excluded from the right to family reunification, the spouse who cannot come to Spain through family reunification tries to obtain an independent work and residence permit. (Quirós Fons 2006, 179).

migrants, given the importance that Social Security contributions have for renewing work and residence permits, the workers themselves often cover this expense. Domestic work allows free dismissal and does not give the right to collect unemployment.
4. CONCLUSIONS

In Spanish legislation, family reunification has been recognized as a right of the non-EU migrant population in Law 4/2000, fifteen years after the sanction of the first Ley de Extranjería. Since the beginning of the immigration emergency as a public issue, family reunification has been defined as an instrument for the integration of the migrant population (legally) residing on the Spanish territory. In parallel with this, the argument that economic and housing requirements are necessary to guarantee a good integration and prevent exclusion situations was progressively installed. Unlike what happens in other European countries, in Spain family migration has not become a matter of public debate. Until 2007, marriage practices of the migrant population have not been an object of much attention or control, although in both, the academic and political discourse, there is a certain tendency to consider mixed marriages as an indicator of greater integration. Last restrictions have been aimed at the so-called chain reunifications, limiting the right to reunification of secondary migrants.

Within the Spanish context, in order to comprehend the implications of the criteria established for family reunification and its stratifying effect, it is important to consider other variables, such as the different requirements to obtain the Spanish nationality (according to country of origin or family relations), the characteristics of the Spanish labour market and, particularly, the one in which the migrant population is inserted, its manifested gender differences, and the limitations imposed to non-EU immigrants in their access to the labour market. The lack of regulation of domestic work, not to mention sexual work, is a key element to understand the way in which some gender-neutral criteria can have differentiating effects between men and women. Why do the characteristics of the labour market have such a gravitating effect on the implications of family migration policies? A possible answer is offered by the presence of the non-EU migrants which is seen as chained to the labour market, which rests on two pillars: a man, as head and bread-winner for the family, and a woman, caregiver. This is the model that legislation on foreigners’ presence on the Spanish territory uses as a reference and regulates, mainly, through family reunification (Mestre 2001).

“Family relations are political because the political configuration lays on those relations and, at the same time, they gain a specific significance in a determinate context” (Casal y Mestre 2002, 133). Although the State defends family, it establishes which family deserves protection. When insisting on the importance of family reunification as an instrument of integration and in the role of women as agents of that integration, it is not done thinking of women as head of family and primary migrant, but as secondary migrant and caregiver. Family is defended as natural nucleus for the development and socialization of its members, “which supplies material and affective goods, care and attention services, social and relational resources, which provides the individuals with emotional stability. These functions that family fulfills are to a great extent covered by women (also within the receiving society)” (Casal and Mestre 2002, 134). Hence, the arrival of the wife would make the immigrant worker go from a state of vulnerability and rootlessness to a family life that integrates him and gives him contention and emotional stability. However, reunifying a husband with a working woman (already in Spain) is not regarded as an instrument for integration or a strategy for the improvement of her personal and family life conditions.

Although strategies of family migration vary, it is men who most frequently use family reunification to bring their wives, who will later be subject to the husband’s residence (and work) permit. The model of family (im)migration defended by the Spanish State is its own: “the woman as a caregiver, the angel of the home depending on the head of the family and in service of his needs. It is not about an international patriarchal pact, but it is the mirror that reflects the models of subject and relations that we have in the State” (Casal and Mestre 2002, 145).

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39 A sentence of the Supreme Court of Justice of Madrid in the year 2002 concludes: “the requirement of some minimum resources for foreigners is a measure meant not to increase the group of unprivileged (la bolsa de desfavorecidos) in the country.” (Quirós Fons 2006, 263).
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