



Centre d'Estudis Demogràfics

**THE IMMIGRATION BOOM IN SPAIN AND  
SCHENGEN VISAS: THE DEMOGRAPHIC IMPACT  
OF VISA REQUIREMENTS ON LATIN AMERICAN  
CITIZENS**

Andreu DOMINGO  
Daniela VONO  
María Helena BEDOYA

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L'article es basa en una part del projecte de Tesi Doctoral de Daniela Vono, dirigit pel Dr. Andreu Domingo i titulat "Characteristics and integration of the Latin American population in Spain: current demographic aspects and future trends".

**Centre d'Estudis Demogràfics**

**2009**

**Resum.-** *El boom de la immigració a Espanya i els Visats de Schengen: l'impacte demogràfic dels requisits de visat en els ciutadans llatinoamericans*

Es reflexiona sobre els efectes del control de la immigració, a través dels requisits de visat, en els fluxos d'immigrants llatinoamericans a Espanya. Amb l'anàlisi de les dades de l'Estadística de Variacions Residencials, aquest treball sosté que les fluctuacions en el flux d'immigrants, no necessàriament es produeixen d'acord amb la política de control del país d'acollida. D'altra banda, suggereix que els requisits de visat per a determinades nacionalitats d'Amèrica Llatina per entrar a Espanya, produïen diferents impactes sobre aquests moviments i sobre les característiques sociodemogràfiques, especialment sobre l'edat i el sexe.

**Paraules clau.-** Boom immigratori, Visat Schengen, llatinoamericà, Espanya.

**Resumen.-** *El boom de la inmigración en España y los Visados Schengen: el impacto demográfico de los requisitos de visado en los ciudadanos latinoamericanos*

Se reflexiona sobre los efectos del control de la inmigración, a través de los requisitos de visado, en los flujos de inmigrantes latinoamericanos en España. Mediante el análisis de los datos de la Estadística de Variaciones Residenciales, este trabajo sostiene que las fluctuaciones en el flujo de inmigrantes no necesariamente se producen de acuerdo con la política de control del país de acogida. Por otra parte, sugiere que los requisitos de visado para determinadas nacionalidades de América Latina para entrar en España, producían distintos impactos sobre estos movimientos y en sus características socio-demográficas, especialmente sobre la edad y el sexo.

**Palabras clave.-** Boom inmigratorio, Visado Schengen, latinoamericano, España.

**Abstract.-** *The Immigration Boom in Spain and Schengen Visas: the demographic impact of visa requirements on Latin American Citizens*

We examine the effects of immigration control through visa requirements on Latin American immigrant flows to Spain. By analyzing data from the Residential Variation Statistics, this paper argues that fluctuations in the flow of immigrants do not necessarily occur according to the control policy of the receiving country. Furthermore, it suggests that visa requirements for certain Latin American nationalities for entry to Spain had differing impacts on these movements and on their socio-demographic characteristics over the years, specifically age and sex.

**Keywords.-** Immigration Boom, Schengen Visas, Latin American Citizens, Spain.

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**THE IMMIGRATION BOOM IN SPAIN AND SCHENGEN VISAS:  
THE DEMOGRAPHIC IMPACT OF VISA REQUIREMENTS  
ON LATIN AMERICAN CITIZENS<sup>1</sup>**

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### **1.- Introduction**

One of the major concerns about the growth of international migration flows in the last decades has been its control. Specifically, focus has been on the prevention of the arrival of unwanted flows through selection for specific socio-demographic characteristics of the arriving immigrant population and the reduction of irregular foreign residents. European Union common measures on international migration control have been justified by the fight against irregular immigration (Castles, 2004). Among these measures, the visa policy of Schengen holds a prominent position (Zaiotti, 2007). The Schengen system, the establishment of buffer zones in Eastern Europe, the constitution of two major databases - one of undesirable aliens (the Schengen Information System) and another of asylum-seekers' fingerprints (EURODAC) (Guiraudon, 2003)-, bilateral and multilateral international agreements on international migration issues, police control of borders and sanctions for transportation businesses and drivers who accept passengers without the documentation required to travel constitute the complex European system to control unwanted international migration flows.

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Spain, with 4,965,473 registered foreign residents on 1 January 2008, which represents 10.7 percent of its population, is the EU country which has had the highest increase of foreign population flows during the XXI Century according to Eurostat data. The flows of foreigners into Spain have increased 1.43 times between 2000 and 2006 increasing from 330 thousand to 803 thousand registered immigrants in a year. In second position, the UK has seen an increase of 70 percent, followed by France with an increase of 50 percent and Austria with 30 percent. In Germany, the trend has been negative during the same period (-0.14).

In absolute numbers, Spain has the second largest number of foreigners in the EU, just below Germany (with more than 7.2 million foreigners in 2007). In relative numbers, apart from the micro-states like Luxembourg or Liechtenstein, Spain has become the EU country with the highest percentage of foreign residents among the total population, surpassing Austria (9.9 percent) and Germany (8.8 percent) in 2007 according to the latest data from Eurostat.

This change took place in a very short period of time. Only ten years ago, Spain was at the tail of international migrant stocks in Europe, and thirty years ago, could still be considered a secular country of emigration (Muñoz Perez, and Izquierdo Escribano, 1989). To a greater or lesser extent, Spain is, nowadays, the paradigm of a process that has been repeated (albeit with less intensity) among European countries previously characterized by emigration, countries of southern Europe such as Italy, Greece or Portugal, but also in the north in Ireland.

The growth of flows in the Spanish case has been closely linked with years of extraordinary economic boom and with legal changes that have been made regarding foreign immigration, including changes in the regularization processes and in the demand for visas. These legal changes, along with others of a different hierarchy, such as the recruitment of foreign workers in their country of origin or the regulation of family reunification, raise questions about the effectiveness of immigration policies, one of the primary objectives of the political agenda of the European Union.

This effectiveness can be measured by the volume of flows and the socio-demographic characteristics of the immigrants arriving. These indicators are conditioned mainly by the demand for foreign workers in a context of selection according to immigrant professional qualifications (Borjas, 1999).

This discussion about effectiveness brings up one of the most complex issues in the study of international migration: the relationship between law and demography. This relationship can be seen in the way the law is capable of transforming demographic phenomena and behaviors, sometimes in unexpected directions, and the way the evolution of different demographic phenomena are changing the law at different administrative levels, both national and supranational.

The Spanish case is crucial for the understanding of this relationship. On the one hand, because of the intense growth of migratory flows and their volume, and on the other hand, because of the almost frantic legislative activity on immigration that has accompanied that growth. In this article we have decided to focus our analysis on the Latin American population both for demographic reasons and for the impact of the legislative activity on this collective. On the demographic aspect, we emphasize that these flows happened almost exclusively during Spain's immigration boom: the 1,528,907 citizens of Latin American countries who arrived between 2000 and 2006 accounted for 38.5 percent of total international migration flows to Spain during that period. Regarding legislature there are two main factors: positive discrimination in accessing citizenship compared to other nationalities<sup>2</sup> and that this collective has benefited the most in regularization processes. For these reasons, Latin American immigrants are considered the most favoured by the country's policies on immigration (Izquierdo, 2003).

This study aims to show the impact of legislation on international migration to Spain, particularly through the demand for visas and in the regularization process. It concludes with a discussion of the idea of control and the success or failure of measures of control from both demographic and legislative perspectives.

Although the focus of this study is the effect of the demand for visas on immigration flows, it was necessary to analyze the data from the regularization processes from the years 2000<sup>3</sup>, 2001<sup>4</sup>, y 2005<sup>5</sup>. The main reason is that the supposed "pull effect" of regularization

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<sup>2</sup> For citizens with Latin American nationality, along with Filipinos, those from Equatorial Guinea, Andorrans and the Sephardic, there is a required two years of continuous legal residence in Spain to claim Spanish nationality, while for other non-EU citizens that period reaches ten years.

<sup>3</sup> Royal Decree 2390/2000 of 18 February establishes the procedures for the regularization of foreigners as planned in the temporary provisions of Organic Law 4/2000 of 11 January on the rights and liberties of foreigners in Spain and their social integration, Bulletin of the State, no. 43, 18 February 2000.

<sup>4</sup> Royal Decree 142/2001 of 16 February establishes the requirements for regularization planned in the temporary provisions of Organic Law 8/2000 of 22 December, for the Reform of Organic Law 4/2000 of 11

processes should impact on the volume growth, on the sex and age structure of the foreign population and on family reunification. Unfortunately, family reunification could not be considered in this study for the absence of data.

Our assumptions, based on previous analysis (Domingo and Vono, 2007), are first, that the prior announcement of the demand for visas anticipates migratory flows. Secondly, when the demand for visas enters into force, it actually reduces the flows, but always above the movements before the announcement. Finally, that the demand for visas for already established migratory flows selects flows, favoring family reunification. In all these cases, we expect a perceptible shift, not only in volume, but also in the composition of flows.

To achieve these objectives and test these assumptions this article explores the data provided by the Residential Variation Statistics elaborated by the National Statistics Institute (INE) of Spain, for the period between 1988 and 2006. This statistical source registers the annual migratory flows from abroad based on new registrations and registry removals in municipal registries of inhabitants due to changes in residence, as well as their distribution by age, sex, country of birth, country of origin and nationality.

Although we have already mentioned that the acceleration of migration flows began in 2000, we use data since 1988 (first year when nationality was considered), in order to establish comparative data both in intensity and composition among the oldest and most recent flows.

## **2.- The legislative context in Spain**

### **2.1.- Immigrants inflows regulation and the demand for visas for entry into Spain**

Visa restrictions to move from one state to another are nowadays one of the most important mechanisms of international migration control (Neumayer, 2006). In the context of Europe, the legislation applied to control the entry of migrants' flows is the Schengen area legislation, which has been binding on Spain since 1994 (Convey and Kupiszewski, 1995

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January on the rights and liberties of foreigners in Spain and their social integration, Bulletin of the State, no.44, 20 February 2001.

<sup>5</sup> Royal Decree 2393/2004 of 30 December which approved the regulations of Organic Law 4/2000 of 11 January, on rights and liberties of foreigners in Spain and their social integration, Bulletin of the State no.6, 7 January 2005.

and 1996; Álvarez Rodríguez, 2003). The Schengen system was adopted as part of the European Union legal framework in 1999, specifically by means of protocols attached to the Treaty of Amsterdam (Zaiotti, 2007). According to the Consolidated Version of the Treaty Establishing the European Community, decisions on third countries' nationals subject to visa restrictions are made by codecision procedure<sup>6</sup>. Through the Schengen system the checks at the internal borders of Member States were abolished and a single external border was created. In addition rules regarding conditions of entry and visas for short stays were harmonized among Member States.

Before the development of common European policies to control borders Spain required visas to enter into its territory from nationals of Peru (since 1992) and the Dominican Republic (since 1993)<sup>7</sup> which permitted a short stay of 3 months as a tourist. In 1999, both nationalities were included in the Schengen list of nationalities subject to visa requirement, together with the Cubans (see Table 1). For other Latin American nationalities, the absence of a demand for visas permitted not only open entry into the country as tourists but also the entry of immigrants that did not fulfill the requirements to stay and reside in the country long term. In this sense, it was much less complicated to enter and to stay as an undocumented immigrant. This phenomenon is known as "incidental irregularity"<sup>8</sup> (Moya, 1996).

In March 2001 the Council of Europe's Regulation No. 539/2001<sup>9</sup> was published and should have come into force 1 April 2001. Under this Law, Colombians were included in the Schengen list of nationalities with visa requirement. Nonetheless it was not until 1 January 2002 that the measure came into force. In August 2003, Ecuadorians were also included in the Schengen list. It is relevant to mention the few Latin American nationalities subject to visa requirements to enter into the Schengen Area, as can be seen in Table 1.

In general terms, the visa requirement supposes an enforcement of border control that affects the volume of immigrant flows to Spain, reducing annual entries and/or selecting the socio-demographic characteristics of these flows (Durán, 2003). The Schengen Law is

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<sup>6</sup> Article 67.3: "By derogation from paragraphs 1 and 2, measures referred to in Article 62(2)(b) (i) and (iii) shall, from the entry into force of the Treaty of Amsterdam, be adopted by the Council acting by a qualified majority on a proposal from the Commission and after consulting the European Parliament".

<sup>7</sup> This requirement did not affect the volume growth of these flows during the 1990s.

<sup>8</sup> Irregularidad sobrevenida, in Spanish.

focused on security (Kirişci, 2005; Cygan, 2004; Huysmans, 2000), which is reflected on article 5 (e) of the Regulation (EC) 562/2006<sup>10</sup> about the entry conditions for third-countries nationals: *“they are not considered to be a threat to public policy, internal security, public health or the international relations of any of the Member States, in particular where no alert has been issued in Member States’ national data bases for the purposes of refusing entry on the same grounds”*. This article reveals the basis of the visa requirement: security.

**Table 1.- Latin American nationalities with visa requirement and nationalities exempt from this requirement to enter into Schengen Area, 2008**

Latin American countries to which nationals are subject to visa requirement	Latin American countries to which nationals are not subject to visa requirement	Other countries to which nationals are not subject to visa requirement
Cuba (April 1999)	Argentina	Andorra
Peru (April 1999)	Brazil	Mauritius (1)
Dominican Republic (April 1999)	Chile	Seychelles (1)
Colombia (January 2002)	Costa Rica	
Ecuador (August 2003)	El Salvador	
Bolivia (April 2007)	Honduras	
	Guatemala	
	Mexico	
	Nicaragua	
	Panama	
	Paraguay	
	Uruguay	
	Venezuela	
	Antigua and Barbuda (1)	
	Bahamas (1)	
	Barbados (1)	
	Saint Kitts and Nevis (1)	
		Canada
		South Korea
		Croatia
		United States
		Israel
		Japan
		Malaysia
		Monaco
		New Zealand
		San Marino
		Holy See (Vatican City)
		Singapore

(1): The exemption from the visa requirement will apply from the date of entry into force of an agreement on visa exemption to be concluded with the European Community.

Source: Council Regulation (EC) No 1932/2006 of 21 December 2006 amending Regulation (EC) No 539/2001 listing the Non-EU Member Countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement [Official Journal L 405 of 30.12.2006].

## 2.2.- The regularizations

Spanish Law on immigration and specifically its various regulatory actions have been directly related to the European legislative framework and specifically to the control of flows of immigrants. Some of the most controversial measures implemented have been the regularizations processes. Through these processes the undocumented foreign population

<sup>9</sup> Council Regulation (EC) 539/2001, from March 15, 2001, listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement.

<sup>10</sup> Regulation (EC) No 562/2006, of the European Parliament and of the Council of 15 March 2006, establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code).

living in Spain has the possibility to become documented and to exercise their rights, among which is the right to family reunification. Regularizations have a fundamental importance in this study as an element to understand why some flows have increased after visa restrictions.

The very first Immigration Law of 1985 was elaborated to meet a requirement of Member States of the European Community and to support the Spanish candidacy to this institution. This Law represented, in fact, a first regularization process based on the fear that Spain could become a gateway to unwanted immigration flows. In turn, the second extraordinary regularization of 1991 has to be understood in the framework of the Schengen Treaty. This regularization was a requisite to the adhesion of Spain to the Agreement on 17 June 1991. Since then, the rules on foreigners in Spain have been characterized by an extreme volatility, being a constant that every time there were relevant changes to immigration law it has been necessary to regularize a considerable number of the irregular foreign population extraordinarily (Aja and Diez, 2005). Furthermore, the unwanted "pull factor" associated with these regularizations has always been at the core of the political debate in the country. The regularizations have taken place with an extraordinary intensity, corresponding to the increase in the number of irregular immigrants. So far there have been three extraordinary regularizations during this new century, in the years 2000, 2001 and 2005.

While statistical data on their impact will be commented on later, the three regularization processes of the new century were different in characteristics and consequences. The first two processes aimed to regularize the foreign population in an irregular situation whether they were actually working or not. The most recent one, in 2005, was directed exclusively at irregular foreign workers. Those who met the requirement of a certain number of years residing and working in Spain could acquire legal residency if they could present a legal work contract. In the case of Regularization 2001, it is necessary to note that it was not a process of regularization *strictu sense*, but a process of revision of the applications rejected from the regularization of 2000. This revision was exclusively for cases in which the requirement of proof of a continual stay in Spain since prior to June 1, 1999 had not been met, possibly because of the rigidity of some Immigration Offices in not accepting documentary evidence. This was a result of the process of regularization of 2000 containing some legal gaps regarding procedure, especially in relation to required documentation.

At the same time, there are alternative forms of regularization to compensate, in part, for the policies for controlling migratory flows. These measures, which seem to have been created to replace the extraordinary regularizations, are called exceptional measures and consist in evaluating, first, a minimum length of stay in Spain and, secondly, a number of both objective and subjective conditions that indicate a certain level of integration into Spanish society. There are three specific categories which indicate integration into Spanish society: work, family and social settlement which specifically refer to integration into the labor market, family ties with resident foreigners or ties with Spanish citizens.<sup>11</sup> National Law 4/2000, article 31, incorporated these measures in a positive way and they have been maintained in National Law 8/2000. With National Law 14/2003, their characteristics have become more diffuse. In any case, the current Immigration Act<sup>12</sup> provides immigrants with the possibility to legalize their status. Up to now there are no statistics available on the results of these mechanisms.

With regard to social settlement, the rules were established by Royal Decree 2393/2004, article 45.2.b). According to it, it is possible to obtain a temporary residence permit when certain requirements are met. The general requirements are: to prove a continued stay in Spain of at least three years, having no criminal record in Spain and in the country of origin, not having been prohibited from entering into Spain and not having appeared as unacceptable in member countries of the Schengen area. Moreover, it is necessary to have an employment contract with a duration of not less than one year and prove family ties with foreign legal residents (parents or children). This last requisite can be substituted by a report from the municipal government indicating social integration.

In turn, to be regularized through work settlement, the undocumented worker must denounce his/her situation of labor exploitation to the government. Other requisites are: proof of a continued stay in Spain of at least two years, lack of a criminal record in Spain and in one's country of origin, the existence of no prohibition on entering Spain or any member country of the Schengen area. In addition, it is necessary to demonstrate that one has been working in Spain for a period of not less than one year.

Lastly, there is the option of settlement through family ties or by reasons of kinship which can take three forms. A residence permit may be granted when the person has a father or mother of Spanish origin, which is a policy based on the concept of *Jus sanguinis*. Usually

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<sup>11</sup> In Spanish law these are known as *arraigo laboral*, *arraigo familiar* and *arraigo social*.

this possibility is used as a way to recover or to obtain Spanish nationality in Spanish territory. The second possibility is when children are born in Spain; when both parents are foreigners residing legally in Spain the child automatically acquires the same residence permit of its parents. Thirdly, in cases where the child was not born in Spain, the parents must prove their continuous residence in the country for a minimum of 2 years and proof of livelihood and accommodation is required to exercise the right to family reunification. In addition, if the children are minors and are at the age of compulsory education it must be certified that they have been enrolled in an educational institution and have regularly attended classes during their time spent in Spain.

### **3.- Latin American flows since 1988**

#### **3.1.- Statistics on immigrant flows in Spain**

Before analyzing international flows, it is necessary to describe the characteristics and limitations of the data source. The Residential Variations Statistics (ERV), elaborated by the INE, are annual statistical series available since 1988, with date of reference of December 31 of the corresponding year. This source on where people reside in Spain contains data on nationality, sex, age, and place of birth (country in case of birth outside of Spain, municipalities in case of birth within Spain)<sup>13</sup>. It is not possible to link the movements of individuals together – for example, the movements of a family. Moreover, it is not possible to distinguish different movements of a single person.

The date of registration as resident in a municipality does not coincide with the date of arrival to the country. Indeed, the attitude of foreigners and local administrations on the system of registering has changed substantially over time. Prior to 1996 registering was systematically undervalued and underestimated the number of immigrants in the country, primarily for two reasons. The first reason was the fear immigrants had of registering. Registration statistics are used for administrative matters and are therefore not confidential.

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<sup>12</sup> Reglamento de Extranjería, in Spanish.

<sup>13</sup> The Municipal register is an administrative database in which the number of municipal inhabitants is recorded. All municipal governments are responsible for its formation, maintenance, revision and custody and a yearly update is obtained through the revision of the municipal register on 1 January of each year, which is approved by the government at the INE's request, after a favorable report by the Registration Board.

Even if there is no evidence of such use, the data could be used to find and expel persons with irregular status from the country. In addition, the daily practice of local governments was completely arbitrary. Each municipality or even each local administrator applied a different criterion for accepting the registration of foreigners.

A second cause for this underestimation was the process of settlement: immigrants would register when their situation in the country was more stable. In this way, an immigrant's initial registration could happen much later than their initial entry into the country, and also in a different town from where they first arrived. Consequently, a substantial number of movements of recent arrivals inside Spanish territory were not captured. Since 1996, the situation has been reversed. An amendment to Spanish Local Administrative Law<sup>14</sup> has established that all foreigners have the right to be registered regardless of their legal status. It also linked registration with access to health care and to other municipal social services. If, in addition, we consider that the registration document is used to prove years of residence in Spain in case of regularizations, we can understand why from that date onwards, the attitude and practice of immigrants (frequently guided by NGOs and labor unions) changed radically. Registering became a necessity for immigrants to obtain certain fundamental rights and to ultimately reside legally in Spain.

As a result, immigrants covered by registration increased and the time elapsed between entering into the country and the moment of registering decreased. In fact, in some cases an overestimation of those registered has been detected, partly due to duplications and to false registrations linked with the possibility of future regularizations. Moreover, registration cases which lack relevant information such as place of birth have been counted under the category of "register as default"<sup>15</sup> and recorded separately. Unfortunately, these registrations have grown over time, although their incidence varies in the territory. Since 2004, these cases have been included in the EVR data which means that in some areas it gives the appearance of an accelerated growth of migration that does not correspond with reality. Nonetheless, the statistical series between 1996 and 2006 is much more reliable than the data collected prior to 1996, though they are clearly not completely accurate. Although imperfect, these are the only statistical series that allow us to follow inflows into the country. They constitute the basis for calculating overall population flows and for the

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<sup>14</sup> Reglamento de la Ley de Bases de Régimen Local.

<sup>15</sup> Alta por Omisión.

elaboration of the continuous recording of Spanish population, the so-called "Padrón Continuo" elaborated by the National Statistical Institute since 1998.

Over the past two years, an alarming setback in the practice of foreigners registering has been detected caused by some municipalities refusing to register immigrants or demanding different requirements in an arbitrary manner and contrary to the aforementioned rules of the Spanish Local Administrative Law (1996). This problem coincides with the growth of flows related to family reunification and is explained by the aim of some municipalities to restrict spending on local social services. Currently it is difficult to assess the impact of these practices on the EVR series and in this study we consider them as unrepresentative.

### **3.2.- The recent evolution of international migration flows in Spain**

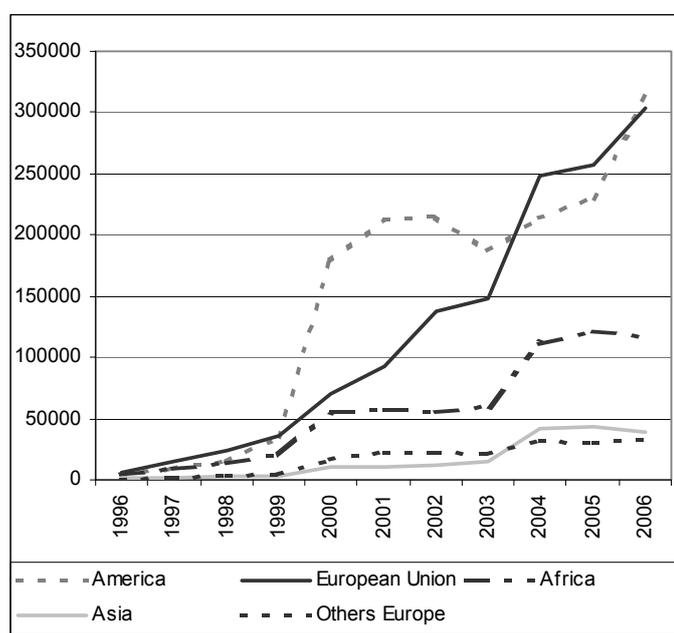
There are several reasons that have been put forward to explain the spectacular rise of migration flows to Spain, among which we highlight two main factors: favorable economic conditions during the twenty-first century, to which international migration has contributed prominently, and socio-demographic transformations within Spanish society. These socio-demographic changes have provided a complementary social and work role to foreign immigrants among the Spanish population, especially among the young and female segments of the immigrant population (Vidal, Gil and Domingo, 2007; Gil and Domingo, 2007).

The emigration processes from Latin American countries have intensified in the last twenty years: half of the regional migrants counted in 2000 migrated during the 1990's, and the vast majority of them are in the United States. Specifically in the first five years of the new century there was a considerable increase in the total volume of regional migrants: from an estimated 21 million in 2000, it reached more than 26 million in 2005, representing 13 percent of the 200 million international migrants in the world (ECLAC, 2006). Just as the volume of flows has increased, the geography of the destinations has expanded and diversified in a progressive manner. In this context, the increase of the migration flows to Spain has been particularly notable. From the mid-90's the flow of immigrants from Latin-American, mainly from Spain's ex-colonies, started to increase their share in the total flow of foreigners into the country (Hooghe, Trappers, Meuleman y Reeskens, 2008). Spain is now, after the United States, the second major destination of this collective (Agrela, 2002), although the flows by nationality have changed substantially over the years. The Latin-

Americans flows to Spain accounted for nearly half of the entries of foreigners since 2000 in the country (41.6 percent), surpassing the inflow of nationals from other European Union countries (33.7 percent), Africa (15.4 percent) and other European countries and Asia (both with 4.6 percent) (see Chart 1). This group is currently the first group of non-EU immigrants, both in volume and number of nationalizations granted by the Spanish government. They have also been the group which has benefited the most from recent processes of regularization.

**Chart 1.- Flow of foreigners into Spain, by region and year of registration, from 1996 to 2006**

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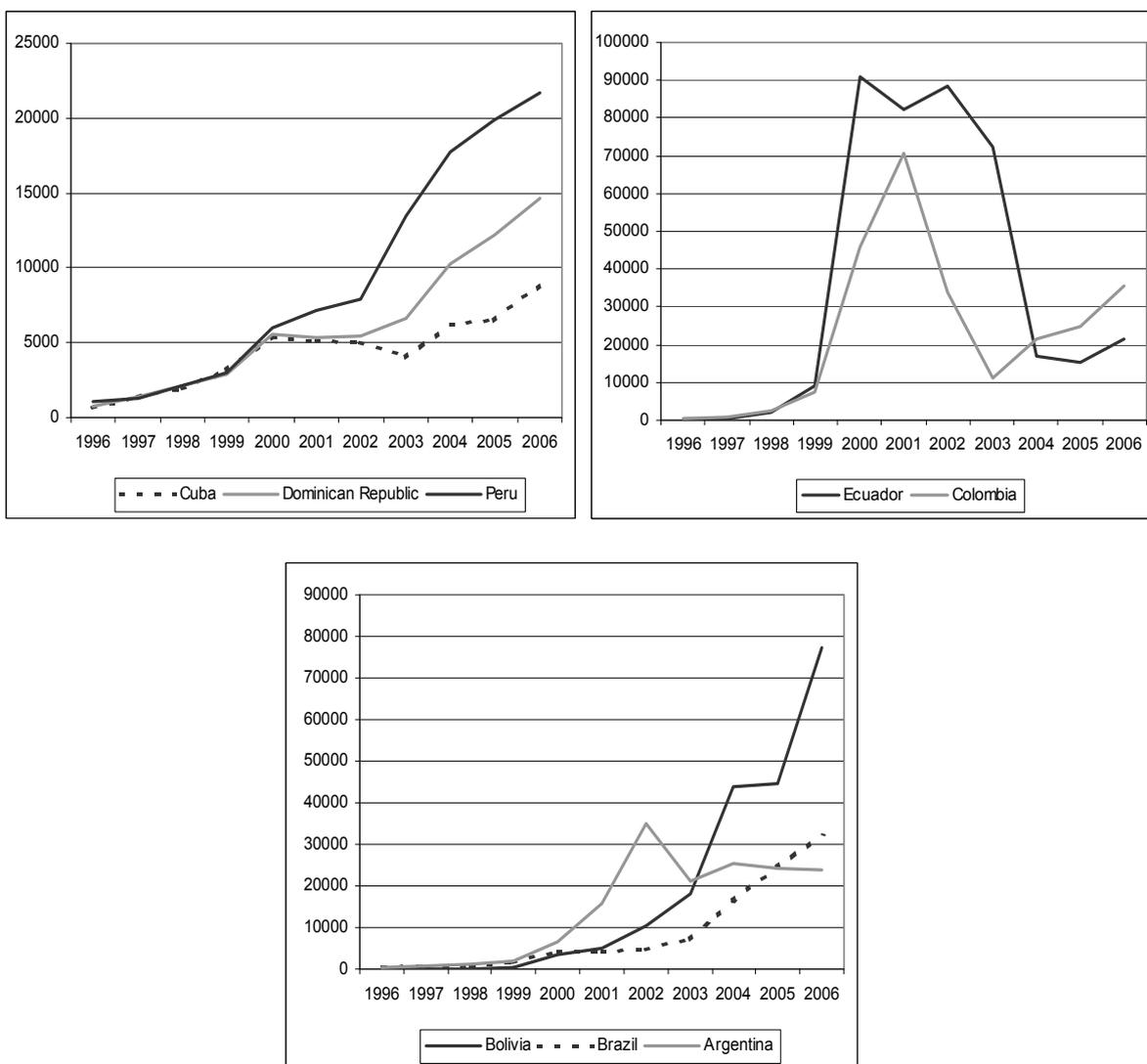
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Source: Residential Variations Statistics, INE Spain.

The contemporary flow of Latin American immigrants into Spain can be divided into four periods: 1) 1975-1991, when the majority of immigrants were Argentines, Chileans and Uruguayans. This flow of immigrants arrived fleeing from the dictatorships in the mid-seventies in their respective countries; 2) 1992-1999, when Peruvians and Dominicans headed an economic migration which was clearly feminized; 3) 2000-2005, a period characterized by a great acceleration of Latin American flows to Spain made up of mainly Colombians and Ecuadorians; and 4) from 2006 until today, characterized by new flows of immigrants from Bolivia and Brazil who oust the previous groups from top position (see

charts 2, 3 and 4). For purposes of this study and for the availability of data we will concentrate on the second and third stages.

**Charts 2, 3 and 4.- Latin American flows, by country of origin and year of register, 1996-2006**



*Source: Residential Variations Statistics, INE Spain.*

During the 1990's, the largest flows from Latin America were from Colombia, Peru, The Dominican Republic and Cuba. The predominance of women was the main characteristic of this crucial stage of the Latin American migration compared to other flows of immigrants. It was closely related to the existence of a demand for immigrant labor in traditionally feminized labor niches, such as domestic service and care of the elderly

(Domingo and Martinez, 2006; Perez, 2004). As noted in Table 1, during the year 1996 the flows were clearly feminized: among all Latin Americans, for every 100 women that had been registered there were 58.6 men registered. The most pronounced case is that of Dominicans, where for every 100 women registered in 1996 there were only 35.4 men. Among Colombians, the sex ratio stood at 51.2 men for every 100 women; among Peruvians, 57.1, and among Cubans 60.7. The only flow by nationality with an increased presence of men was the Chileans.

The change in Latin American flows began between 1999 and 2000, when it grew from 34 thousand to 180 thousand entries annually. Since then, flows have continued to grow, reaching 310 thousand entries in 2006. Taking as reference the year 2006, the latest year with available data, we can see a change in the structure of the flows by sex and age. There is an increase in the proportion of men, minors and persons older than 64 years of age among the countries with the largest flows of immigrants, which typically characterizes processes of family reunification. This change in the demographic of the flows is primarily among those nationalities subject to visa control (Martínez, Izquierdo and Buján, 2001)<sup>16</sup>. In turn, flows of recent growth, from Bolivia, Venezuela, Honduras and Paraguay, reveal a feminization of flows in relation to 1996 and a decrease in the flow of population over 64 and under 18 years of age (see table 2).

**Table 2.- Latin Americans: annual entries, sex ratio, and percentage of population under 18 years of age and older than 64, by nationality and year of registration, 1996 and 2006**

Country of nationality	1996				2006				Total flows between 1996 and 2006
	Total	Sex ratio	Under 18 years of age	65 years of age and over	Total	Sex ratio	Under 18 years of age	65 years of age and over	
Ecuador	222	89,7	16,2	0,0	21292	108,2	37,0	0,6	398694
Colombia	366	51,2	22,4	1,9	35537	87,1	25,8	2,0	254634
Bolivia	43	87,0	7,0	4,7	77327	79,9	17,9	0,3	203428
Argentina	349	82,7	18,9	10,0	23954	102,0	20,7	4,3	156501
Peru	1037	57,1	14,5	1,5	21649	101,9	18,8	3,6	100994
Brazil	284	45,6	20,4	0,7	32396	78,9	15,1	0,4	97007
Dominican Republic	760	34,5	21,1	0,7	14620	78,5	26,4	1,8	67073
Venezuela	226	85,2	27,4	3,5	11619	77,7	18,5	2,8	61733
Cuba	588	60,7	11,7	2,6	8859	82,0	10,9	6,9	48368
Paraguay	25	56,3	16,0	24,0	21575	53,4	8,6	0,4	48261
Uruguay	109	70,3	16,5	6,4	8506	100,7	20,5	4,9	46578
Chile	158	119,4	23,4	0,0	9799	98,5	20,6	2,4	41518
Mexico	103	94,3	19,4	6,8	5497	79,6	11,8	1,4	25973
Honduras	37	54,2	35,1	2,7	6430	49,8	13,1	0,6	14230
<b>Total</b>	<b>4363</b>	<b>58,6</b>	<b>18,1</b>	<b>2,6</b>	<b>304426</b>	<b>83,0</b>	<b>19,5</b>	<b>1,7</b>	<b>1948406</b>

Source: Residential Variations Statistics, INE Spain.

<sup>16</sup> The tendency of increasing flows derived from familiar reunification is similar in the United States, the first destination for Latin-American flows (Brown y Bean, 2005), as well as in Denmark and Sweden (Stalker, 2002).

The increase in the annual flows since the year 2000 is due to different causes. First, the United States, the major receiving country of these flows, reinforced control over entry into the country after the events of September 11, 2001, following the restrictive policy initiated since the mid-1980s with the Immigration Reform and Control Act. Secondly, there have been significant economic and political causes in the countries of origin: job insecurity, social tensions and social vulnerability affecting all countries to a lesser or greater extent. Political tensions have been evident in countries such as Colombia since the eighties and more recently in Venezuela. Economic crises have especially affected Ecuador since the mid-1990s; these crises culminating with the hyperinflation of 1999 and the dollarization of the economy in 2000 (Gallegos Ramirez and Ramirez, 2005; Jokisch and Pribilsky, 2002). This coincides with the growth of the flow of Ecuadoreans to Spain. Other countries which have gone through major economic crises are Argentina, which introduced the policy of the "corralito" in 2001 and Bolivia, Uruguay and Paraguay, which were greatly affected by Argentina's crisis.

In Spain, it is essential to mention the regularization processes in order to understand not only the increase in the flows due to the already mentioned "pull factor", but also the changes in the volume and demographic structures by sex and age of the Latin American flows since the demand for a Schengen visa. According to data from the Ministry of Labour and Social Affairs, there were 247,598 applications for the regularization of 2000 of which 163,913 were conceded, which represents 66 percent of all applications. Although the concessions to Latin Americans represented only 29.8 percent of the total granted, it is important to note that Latin American applicants were conceded legal residency in 85 percent of the cases, the highest percentage by region of origin among all applicants. In comparison, 71 percent of non-EU European applicants were granted residency, while 63 percent and 77 percent of African and Asian applicants were granted residency respectively. This data can be interpreted as a tacit policy of preference for immigrants from Latin America; this seems particularly clear when one considers that the majority of Latin American applicants were among the most recent arrivals to Spain (Recaño and Domingo, 2006).

During the Regularization of 2001, 351,269 applications were submitted and residency was conceded to 223,718. This time, the Latin American collective was the largest one, with nearly half of the concessions for residency (46.8 percent of the total). Even more significant is that 76.8 percent of this group's applications were granted, compared to 42

percent of those from African applicants. Both the growing number of applicants in the successive regularizations and the paradox of a growth in irregular stocks after two specific regularizations, particularly among those nationalities which had most benefited from the process (Colombians and Ecuadorians), would seem to support the interpretation of a *pull factor* (Recaño and Domingo, 2006). Data from the regularization of 2005 reveals 691,655 applications, the largest regularization in Spain. Residency was granted to 578,375 applicants or 83 percent. Again, Latin Americans were the most represented, receiving nearly half of the concessions (49.8 percent), reaching 88 percent of concessions on total applications (see Table 3).

Due to regularization concessions the previously undocumented population has access to rights and duties as foreign citizens in Spain. In addition, after legal status has been granted it is possible to regroup direct descendants and ascendants as well as spouses (family reunification) once the authorization for residence and work has been renewed.

**Table 3.- Applications and regularizations conceded in Spain by continental groups and Latin American nationalities. 2000, 2001 and 2005**

Country of nationality	2000			2001			2005		
	Applications	Conceded	% conceded	Applications	Conceded	% conceded	Applications	Conceded	% conceded
Latin America	57329	48880	85,26	136200	104607	76,80	326469	288134	88,26
Argentina	3065	2617	85,38	5922	4593	77,56	23896	21519	90,05
Bolivia	949	818	86,20	3318	2583	77,85	47325	39519	83,51
Brazil	3055	2505	82,00	2640	1901	72,01	10488	8069	76,94
Colombia	15153	12533	82,71	49706	37660	75,77	56760	50417	88,82
Costa Rica	50	44	88,00	31	21	67,74	106	81	76,42
Cuba	2507	2170	86,56	2546	1928	75,73	4244	3593	84,66
Chile	1350	1153	85,41	1356	1012	74,63	4984	4315	86,58
Ecuador	23221	20174	86,88	64257	50186	78,10	140020	127925	91,36
El Salvador	147	137	93,20	97	82	84,54	507	438	86,39
Guatemala	51	43	84,31	79	59	74,68	242	202	83,47
Honduras	251	218	86,85	250	202	80,80	2027	1824	89,99
Mexico	576	491	85,24	452	331	73,23	1416	1105	78,04
Nicaragua	87	73	83,91	84	66	78,57	362	305	84,25
Panama	76	64	84,21	54	43	79,63	172	172	100,00
Paraguay	116	100	86,21	121	94	77,69	7522	5822	77,40
Peru	2575	2231	86,64	1364	933	68,40	3605	2950	81,83
Dominican Republic	2045	1786	87,33	1151	829	72,02	3994	3212	80,42
Uruguay	732	623	85,11	1129	874	77,41	10650	9653	90,64
Venezuela	1277	1073	84,03	1619	1189	73,44	8051	8051	100,00
Other Latin American countries	46	27	58,70	24	21	87,50	98	68	69,39
Africa	105942	66850	63,10	67710	28877	42,65	136784	107011	78,23
Asia and Oceania	31482	24240	77,00	24392	8985	36,84	42844	26031	60,76
Europe	27821	19479	70,02	54706	41712	76,25	179235	152584	85,13
Stateless, unknown or not classified	24543	4030	16,42	67852	39247	57,84	5798	4254	73,37
Total	247598	163913	66,20	351269	223718	63,69	691655	578375	83,62

Source: Annual Immigration Statistics Book, 2002 and 2006.

According to a recent study in 2004, the demographic structure of undocumented immigrants reveals that this group is significantly younger than immigrants residing legally in Spain. Among Colombians, undocumented immigrants are on average 2.8 years younger among women and 2.4 years younger among men than Colombian immigrants with legal status. In the case of Ecuadorians and Peruvians the numbers are 4.5 years younger on average among Ecuadorian females and 5.8 years younger among Ecuadorian men, and 4.7 years younger among Peruvian women and 7.3 younger among Peruvian men (Recaño and Domingo, 2006). Furthermore, after regularizations the flows of undocumented adults with the intention of remaining in Spain (a consequence of the pull effect) until a forthcoming possible regularization are on average younger than the documented foreign adults. Given the volume and intensity of the movements, as well as their diversity, we have selected five Latin American nationalities that require a Schengen visa<sup>17</sup> for entry into Spain to analyze the impact of this requirement on them. Both the growing number of applicants in the successive regularizations and the paradox of a growth in irregular stocks/immigration after three specific regularizations, particularly among those nationalities which had most benefited from the process (Colombians and Ecuadorians), would seem to support the interpretation of a *pull factor* (Recaño and Domingo, 2006).

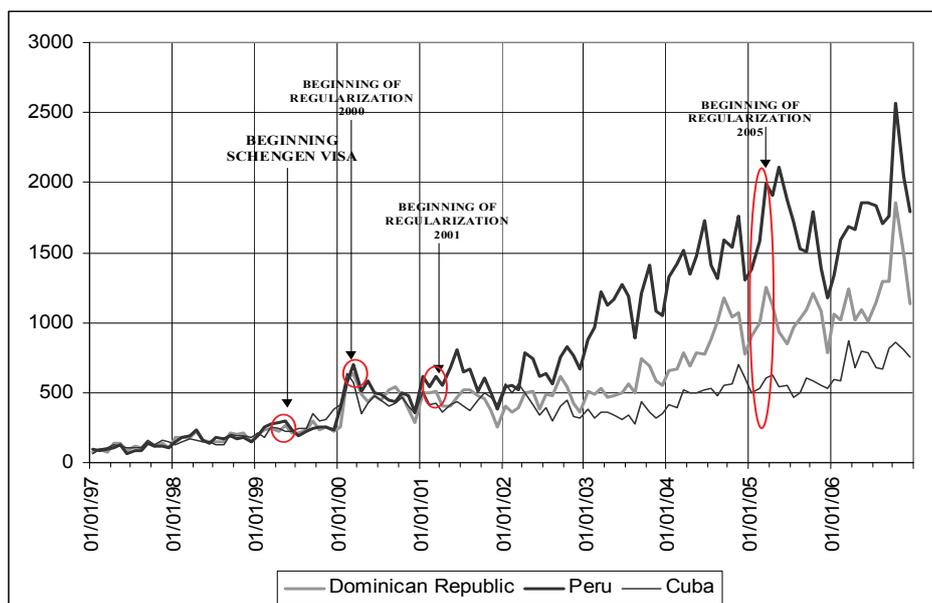
### **3.2.1.- Latin America's oldest flows: Peruvians, Dominicans and Cubans**

The nationalities with the largest flows during the 1990s - Peruvians, Dominicans and Cubans – have, since April 1999, been required to apply for a visa to enter into the Schengen Zone. As shown in Chart 5, this legislation had a minimal and fairly localized effect in the registration decline during the first months after the requirement came into force. Since 2003, we can observe a gradual growth in the volume of flows, not only for reasons linked to country of origin, but mainly because of the processes of regularization in 2000 and 2001 and the subsequent right to family reunification.

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<sup>17</sup> Although reference will be made to the flow of Bolivians, who, since 2007, require a visa for entry into

**Chart 5.- Flows of immigrants of Dominican, Peruvian and Cuban nationality, by year and month of registration. 1997 to 2006**



Source: Residential Variations Statistics, INE Spain.

Changes in the structure by sex and age of the flows however, are much more relevant. For Dominicans, between 1988 and 1998, the period prior to the Schengen visa requirement, the flows were mainly composed of women, with a sex ratio of 36.6. Among these women, 82.9 percent were of reproductive age at the time of registration<sup>18</sup>. The percentage of Dominicans under 18 years old was 24.7 percent and over 64, 0.7 percent. Between 1999 and 2001, after the initiation of the visa requirement and when the first regularizations of the new century occurred, the ratio of men to women grew significantly, reaching 52.9 men per hundred women. The percentage of women of reproductive age, accounted for 77.3 percent of all women. In addition, there was an increase in the flow of Dominicans under 18 years of age, who came to represent 30 percent of the total flows, and the population with more than 64 years of age, which duplicated their participation in the flows in relation to the previous period (to 1.5 percent).

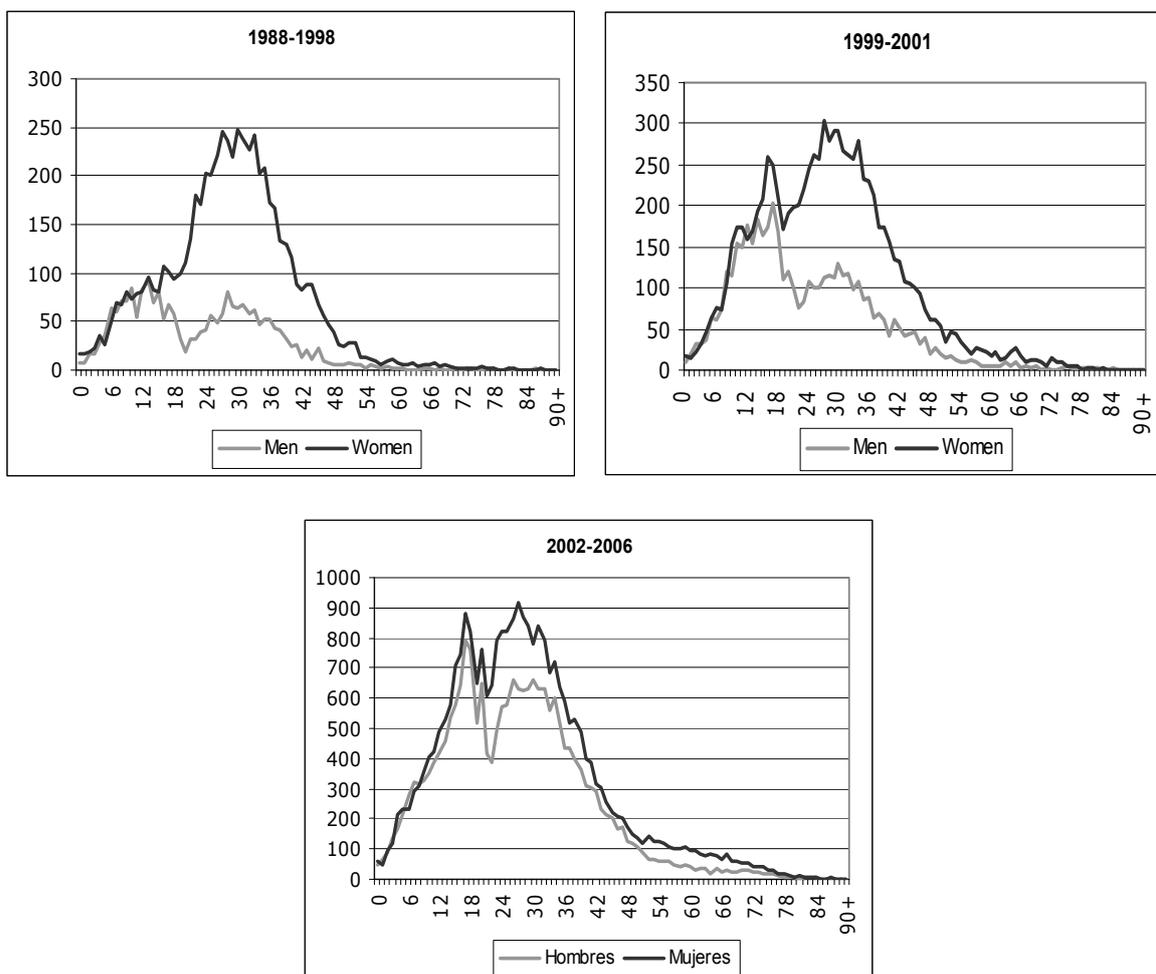
In the period from 2002 to 2006, the sex ratio reached 78 men for every 100 women. The percentage of women in reproductive age dropped to 75.7 percent, as the percentage of minors increased (to 26 percent), while the percentage of seniors increased significantly

Spain, they will not be studied in depth because of lack of data from 2007.

<sup>18</sup> Between 15 and 49 years of age.

compared to the previous period (to 2.1 percent). Lastly, there was a clear trend towards the concentration of flows in young adulthood for both sexes, indicating the important weight of flows deriving from the “pull effect” of regularizations. In addition, the effect expected from family reunification can also be seen, with an increase in arrivals who were 17 years old or nearing 17 (last age subject to reunification as a descendant) and an increase of men who followed their wives (see charts 6, 7 and 8).

**Charts 6, 7 and 8.- Flows of Dominicans by sex, age and period of arrival: from 1988 to 1998, from 1999 to 2001 and from 2002 to 2006**

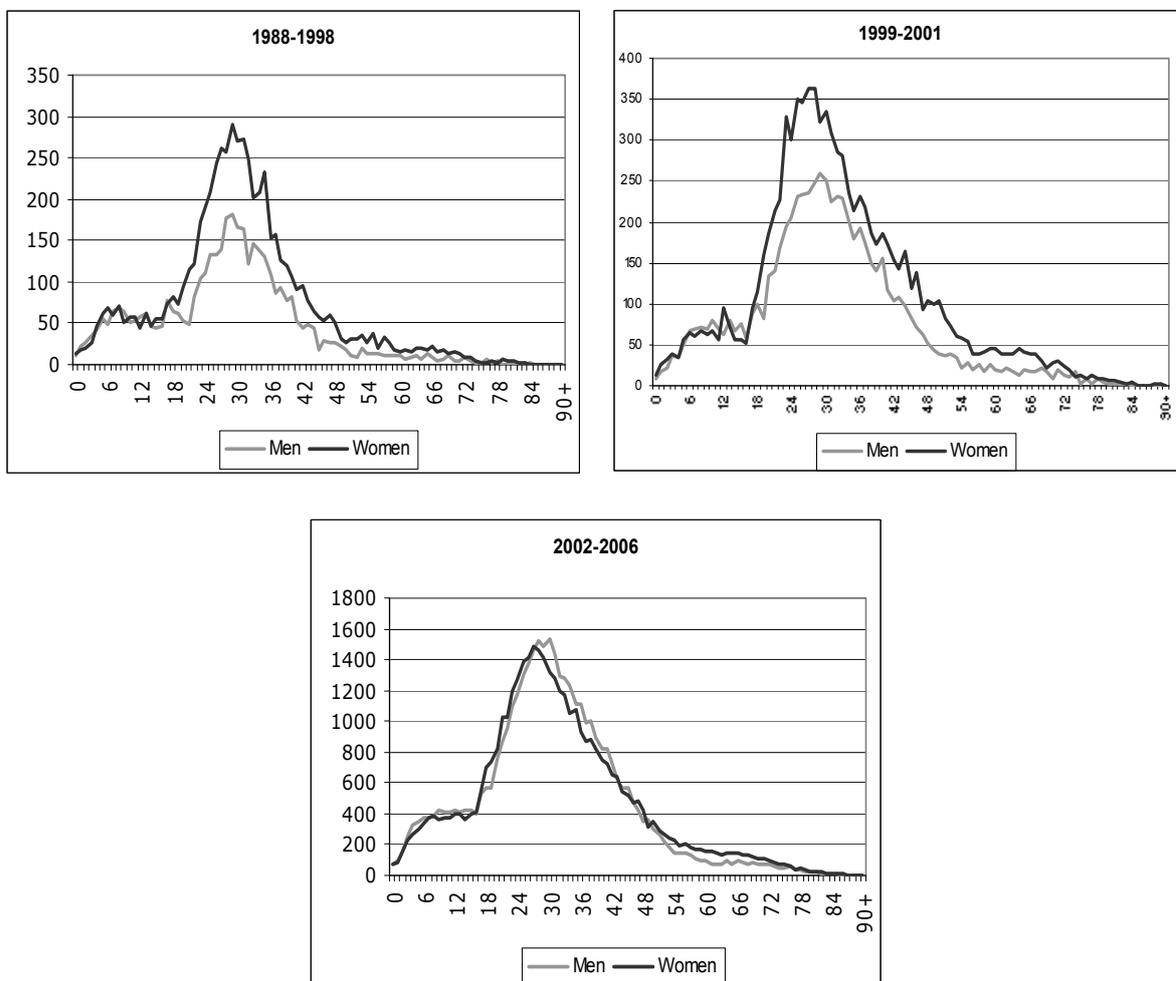


Source: Residential Variations Statistics, INE Spain.

In the case of Peruvian flows, the impact of the Schengen visa is observable mostly in the increasing inflows of men, and less in flows of minors and seniors. This is due to the fact that since the first period, the structure of the flows had features typical of family migration, apart from the flow of single women. Between 1988 and 1998, the male to

female ratio stood at 65.1. This ratio has increased to 72.2 between 1999 and 2001 and in the period from 2002 to 2006 the ratio was 99.4. The percentage of women in reproductive age declined from 80 percent in the first period to 79 percent in the second and to 78 percent in the third. Regarding the percentage of minors, it shows a decrease over time: between 1988 and 1998 this group accounted for 17 percent of the flows, the percentage drops to 13 percent in the second period and increases to 15 percent in the last one. In turn, the population over 64 years of age increased slightly, representing 2.6 percent of Peruvian flows in the first period and 3.2 percent in the last one (see charts 9, 10 and 11).

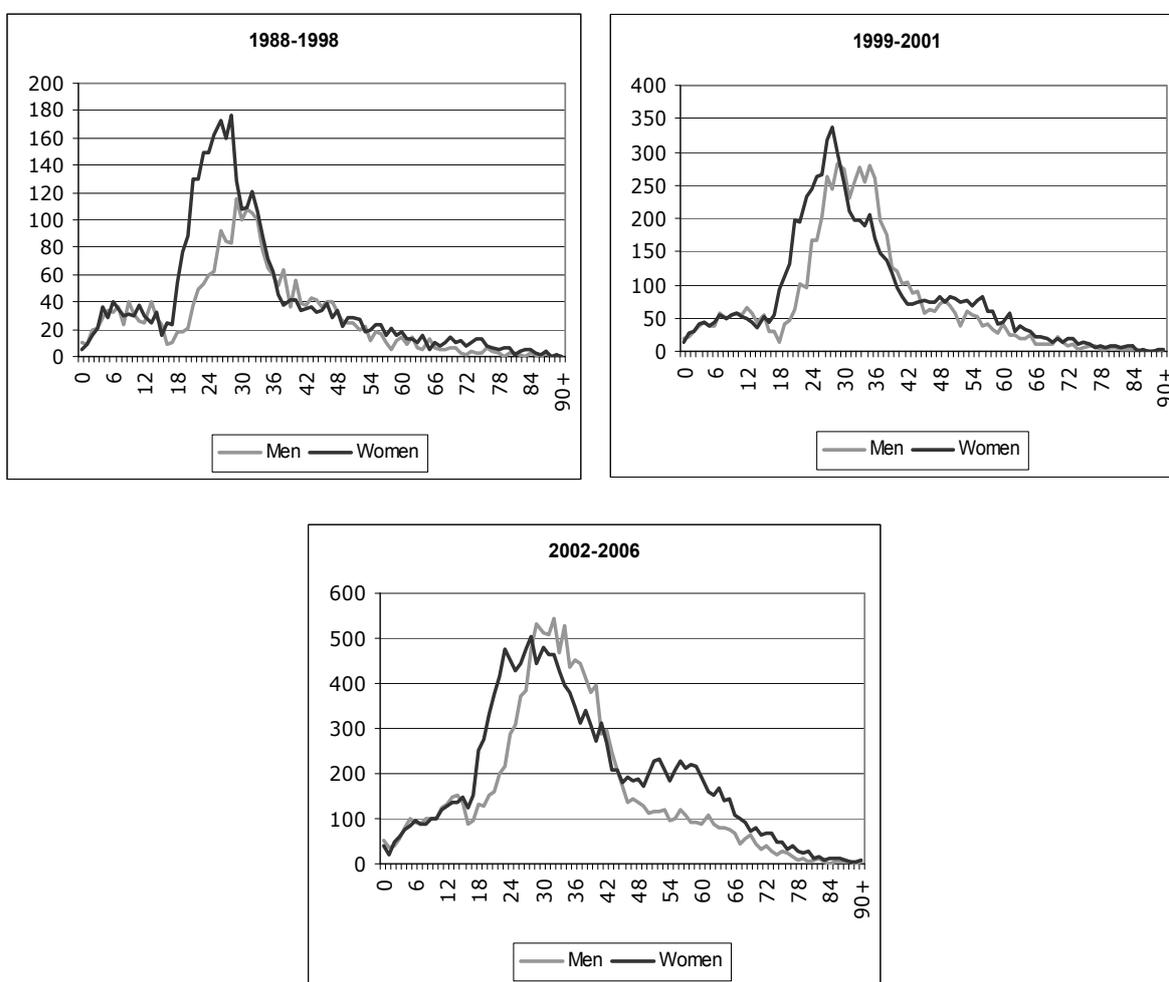
**Charts 9, 10 and 11.- Flows of Peruvians by sex, age and period of arrival: from 1988 to 1998, from 1999 to 2001 and from 2002 to 2006**



Source: Residential Variations Statistics, INE Spain.

Cuban flows present different features in comparison to Dominican and Peruvian flows. First, although there are more women than men arriving, the difference is less pronounced. Secondly, the percentage of minors arriving from Cuba is lower than in the Dominican and Peruvian cases, while the percentage of those over 64 years of age is higher, which is related to the much earlier migration of Spaniards to Cuba. In the Cuban case it is essential to mention that once a child under 18 years of age leaves Cuba, he or she automatically loses his/her Cuban nationality. In addition, in order to emigrate, children must have authorization from both parents, making the departure of this age group more difficult.

**Charts 12, 13 and 14.- Flows of Cubans by sex, age and period of arrival: from 1988 to 1998, from 1999 to 2001 and from 2002 to 2006**



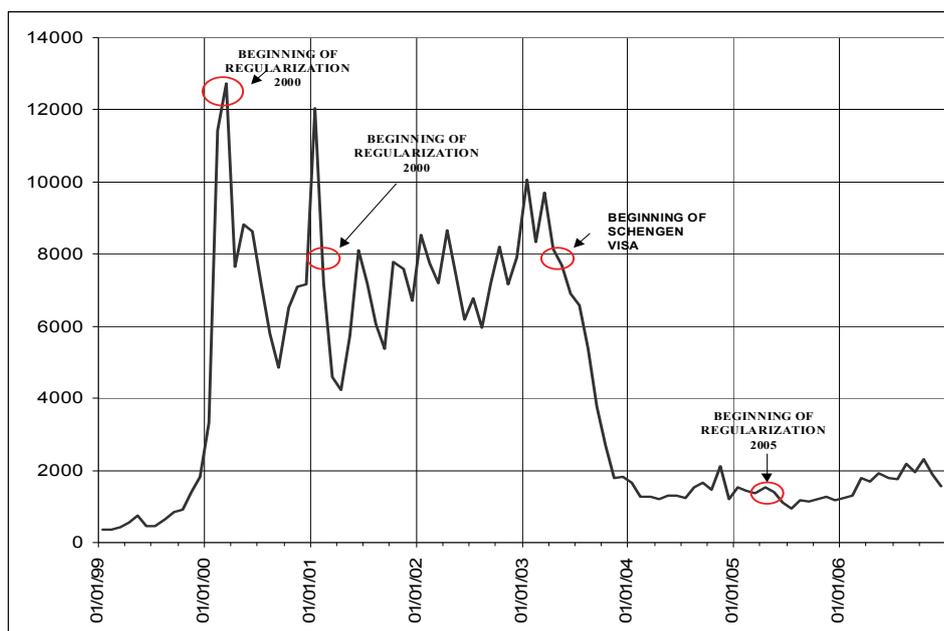
Source: Residential Variations Statistics, INE Spain.

Taking into account the above, between 1988 and 1998, the sex ratio stood at 71.3, rising to 88.5 between 1999 and 2001 and at 83.4 between 2002 and 2006. The percentage of women in reproductive age decreased significantly between the last two periods, from 75 percent to 67 percent due to increased flows of older adults, mostly women (rising from 3.4 percent to 5.7 percent). With regard to minors, there are no relevant changes that can be attributed to the effect of visas or to family reunification. Between 1988 and 1998, they accounted for 14.7 percent of the flows and for the two subsequent periods, 11.5 percent and 11.3 percent respectively (see charts 12, 13 and 14).

### **3.2.2.- Recent Latin American flows: Colombians and Ecuadorians**

The flows of Colombians and Ecuadorians, the first more recent than the second, have suffered the impact of the visa requirement on the volume of entries and on their demographic structure. There has been an accentuated growth in flows of both nationalities since the late 1990s: Ecuadorians were the largest group to arrive from the years 2000 to 2003 among all nationalities, while Colombians made up the second largest flow between 2000 and 2001. Between 2000 and 2006, Ecuadorians and Colombians occupied third and fourth places respectively in the ranking of nationalities with the largest number of registrations in Spain, just below the flows of Romanians and Moroccans.

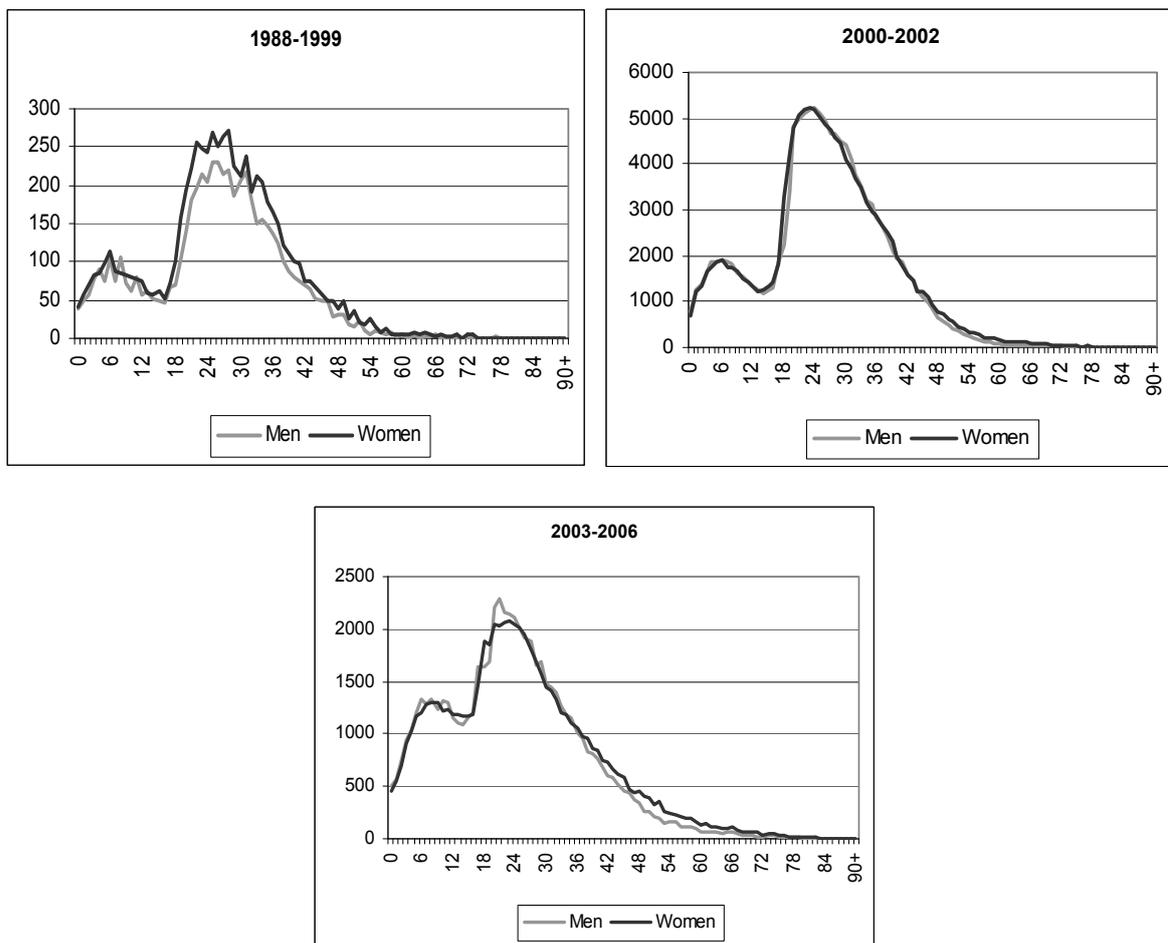
Between 1999 and 2000 there was a dramatic increase in the flow of Ecuadorians to Spain: from 8,992 newly registered immigrants in 1999, to 91,141 registered in 2000. The pattern of the flows is fairly regular until late 2001: most registers occurred between January and March of each year, coinciding with the summer holidays and the end of the school year in Ecuador. In addition, during these two years it is likely that many individuals who were not registered did so as it appeared as a requirement for any regularization processes. In 2002, there was a stabilization of the entries, which grew in the early months of 2003 due to a “pull effect” from the announcement of the coming visa requirement for entering into Spain. With the entry into force of the visa requirement on 1 April 2003, flows decreased quickly, though stabilizing at the end of the year. In late 2004, the flows show a discrete increase (see Chart 15).

**Chart 15.- Flows of Ecuadorians, by year and month of registration. 1999 to 2006**

Source: Residential Variations Statistics, INE Spain.

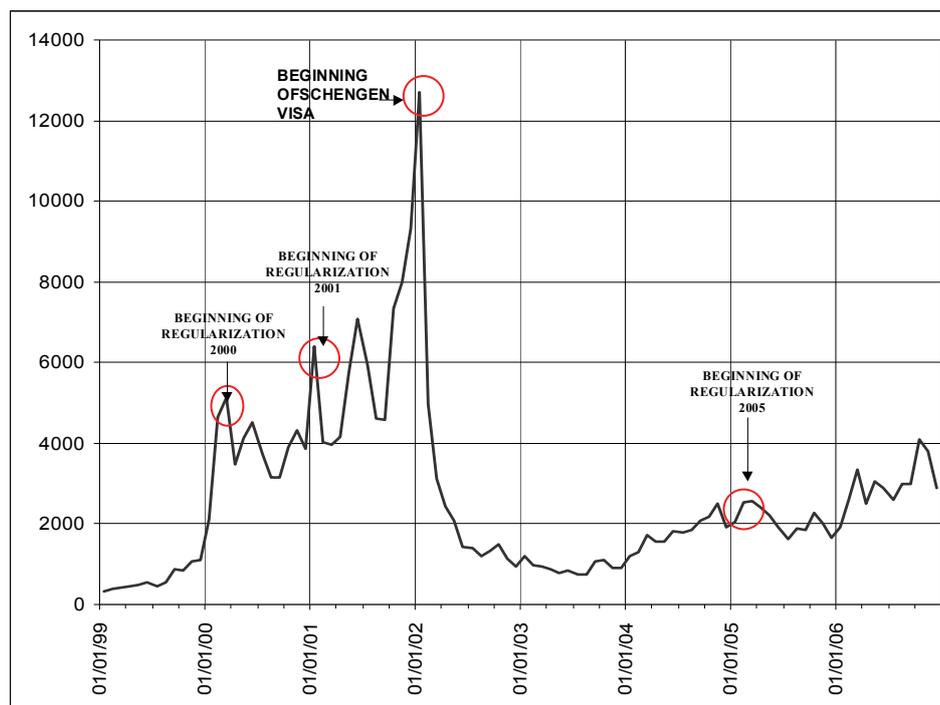
With regard to structure by sex and age, after the demand for visas the proportion of minors and those over 64 years of age rose significantly compared with the previous period. Thus, between 1988 and 1999, when the flows had not yet significantly increased, the percentage of children under 18 among flows was 20.8 percent. Between 1999 and 2001, the period of massive immigration of Ecuadorians to Spain, this percentage was 20.5 percent. Between 2002 and 2006, their proportion increased, reaching 31.4 percent. In the case of the population 64 years of age or more, the trend is similar: in the first period they accounted for 0.44 percent of the population, in the second period their proportion changed little (0.45 percent), while in the third period it increased to 1.04 percent. The differentiated participation of men and women however, presents a different trend: the sex ratio between 1988 and 1999 stood at 82. For the two subsequent periods, the values are 97.2 and 97.4 respectively, indicating a trend of increasing flows of men (see charts 16, 17 and 18).

**Charts 16, 17 and 18.- Flows of Ecuadorians by sex, age and period of arrival: from 1988 to 1999, from 2000 to 2002 and from 2003 to 2006**



Source: Residential Variations Statistics, INE Spain.

The Colombian case is quite unique and indicates how certain flows can be altered by the announcement of a visa requirement. Unlike the aforementioned nationalities, the time elapsed between the official publication of the Schengen visa restrictions to Colombians and its effective entry into force was exceptionally long. The resolution on the demand for visas was published in April 2001 and it came into force in January 2002, eight months later. As is depicted in chart 19, this delay generated an unprecedented “pull effect”, concentrated mainly in the three months prior to the visa requirement coming into force. Due to the visa requirement many moved there plans to emigrate forward and there was a significant rejuvenation of the Colombian population in Spain. After the decline in registrations which began in January 2002, there was a recovery in the growth of flows, which in 2006 almost reached the level of 2000.

**Chart 19.- Flows of Colombians, by year and month of registration. 1999 to 2006**

Source: Residential Variations Statistics, INE Spain.

In the Colombian National Census of 2005 some questions on members of the family who are living abroad were included<sup>19</sup>. Results of data analysis have shown that of 3.3 million Colombians who were living abroad (8 percent of the total population), at least 23.3 percent were living in Spain. The data show a change in the socioeconomic characteristics of the Colombian emigrant population from 2001 to 2005<sup>20</sup> in comparison to earlier flows of emigrants. This more recent flow is not as poor and has higher levels of education. In addition, these emigrants are more likely to come from the conflictive areas of the country.

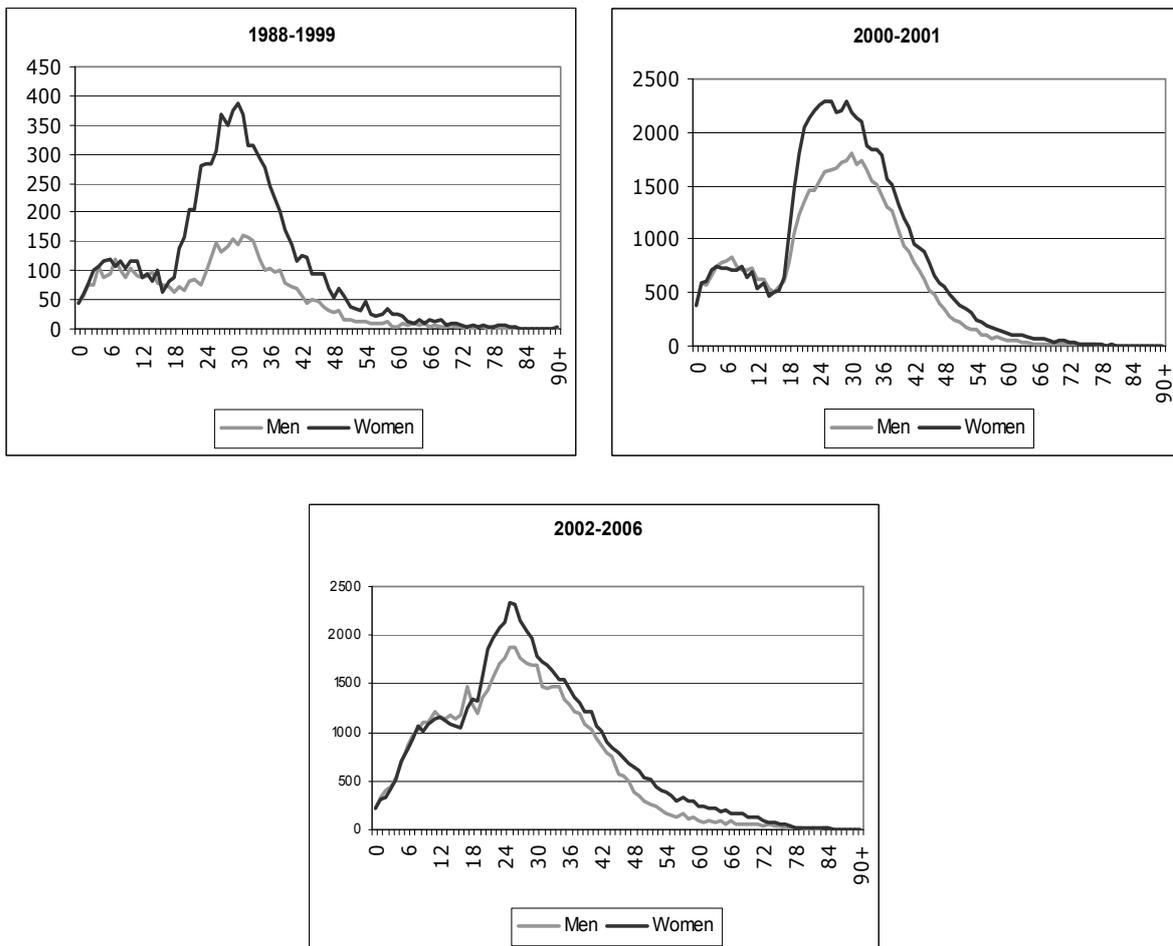
A notable change can be seen in the sex and age structure of the flows after the demand for visas to enter into the Schengen Zone. During the 1990s, the predominance of women among the flows was notable (sex ratio of 51.3), among whom 77.8 percent were of reproductive age. The percentage of the Colombian immigrant population under 18 years of age stood at 23 percent and the population greater than 64 years of age at 1.3 percent.

<sup>19</sup> <http://www.dane.gov.co/files/ECnso2005/cuestionario.pdf>

<sup>20</sup> <http://www.economiainstitucional.com/pdf/No16/dkhoumour16.pdf>

During 2000 and 2001, there was a substantial increase in the volume of the flows and the participation of males increased significantly (sex ratio of 78.9). The percentage of women of reproductive age was 80 percent. The participation of minors and the elderly population decreased to 19.6 percent and 0.7 percent respectively. Finally, in the period between 2002 and 2006 there was an increase in the participation of minors (to 25 percent) and the population greater than 64 years of age (1.8 percent) Furthermore, the decline in the flows of women of reproductive age (73 percent) and the increase in the ratio of men to women, which reached 85.4, are indicators of widespread family reunification (see charts 20, 21 and 22).

**Charts 20, 21 and 22.- Flows of Colombians by sex, age and period of arrival: 1988 to 1999, 2000 to 2001 and 2002 to 2006**



Source: Residential Variations Statistics, INE Spain.

#### **4.- Conclusions: The paradoxes of control: efficiency and intentionality**

The growth in the flows of Latin Americans into Spain in recent years is strongly related with political and economic crises in different Latin American countries and added restrictions on immigration to the United States, which almost completely monopolized Latin American international migration. As has been shown, the impact of the demand for a Schengen visa on the flows of Latin American migrants varies greatly depending on the economic and social context in the country of origin and in the country of destination. Nevertheless, in all cases, an increase in the flow of minors, of the population over 64 and of men can be noted after the restriction, indicating the typical pattern of family reunification. Moreover, after a period of reduced flows, there was a rebound in the flows. Thus, we can say that after nearly 10 years of legislation concerning the control of flows, Spain is in the process of the entry of Latin American flows arising from family reunification and is following the pattern of countries which have traditionally been receivers of international migration, albeit under a much more accelerated timetable.

The broad framework defined by the law determines the individual rights of immigrants, from property rights to family relations to economic activity, political participation, religious rights and rights to health care. It defines the status of immigrants and their opportunities in a particular society (Schuck, 2007). The law acts as a determinant in both a positive and negative sense, constituting two sides of what we call control applied to migration policies. The law acts in all phases of the migratory cycle, from the initial point of the decision to immigrate until the end of the process, with the return of the immigrant or his/her settlement. This control system is characterized by its complexity. The border as filter is just the tip of the iceberg, and perhaps the most visible part of the process but it is one of the least important aspects. Too often the understanding of control both in its legal aspects as well as in its impact on demography is focused on the restrictive characteristics. But equally or more important is its selective effect, necessarily discriminatory; there is an incentive for certain flows at the expense of others. In this sense, the role of the law in promoting the entry of certain flows, sometimes in competition with other states that are potential recipients of these flows, can be seen.

Still, to understand the effect of the law on demographic behaviors related to immigration, we must distinguish between (study) the forms, processes, applications and institutions that compose the legislated structure on the one hand and, on the other hand, analyze the

strategic situation of the migrant and of the receiving society. Too often, violation of the law or strategic adaptation to it is reduced to an anecdote about the picturesque or the criminal ("the one who breaks or contravenes the law"). There is an acceptance of the passive role of individuals before the law, seeing its social transgression as a social anomaly. This transgression, rather than being seen as an exception, as is usual in statistical terms, should instead be seen as the reaction of individuals to a more or less restrictive context imposed by law and one which demonstrates the "agency" of the individual.

An example of this agency is the adaptive strategies to immigrant law on family reunification. The result of the law, as we have shown, has been the concentration of flows in certain ages, and in many cases, the falsification of the real ages of some immigrants. Eighteen years of age marks legal adulthood and therefore is the age limit for the right to be regrouped as a child. Another example of adaptive strategies is the particular case of polygamy. Based on the concept of "ordre public" (public order) typical of private international law, not more than one spouse is allowed to be regrouped under family reunification (LOE 4/2000). As a consequence, second or third wives are often brought over as domestic workers or as temporary visitors.

For some, the failure to reduce irregular flows and the failure of measures taken to control the entry of immigrants is used as proof that, in a context of increasing transnationalism, international migration is eroding nation-states (Castles and Miller, 2004). We disagree with this interpretation. Instead, we see the control of flows and of stocks in general as closely linked to ideas in the country of reception about security and who is acceptable. Such ideas have impact on the case of irregular immigration and on persons residing outside of their own countries.

If the effectiveness of controls simply refers to reducing migratory flows, the success of said controls is questionable, even poor: although the demand for a Schengen visa may have reduced the entry of immigrants, the announcement of this requirement generated new flows prior to its entry into force that might not have come without the future barrier. One of its unintended effects was that it changed the composition of new arrivals, contrary to the goals of a selective migration policy and not in concert with demands of the market at that time. The change in the demographic structure of the flows from countries where a Schengen visa was required corresponded to a rise in family reunifications and the intention to settle permanently in Spain.

If, on the other hand, the demand for visas is seen as an instrument, along with other complementary measures, for regulating flows within a framework of security and acceptability, the degree of effectiveness can be considered high. In the Spanish case, if the goal was to empower Latin American migration at the expense of migration from Africa, the policy has been successful. The regularization processes of 2000 and 2001, along with the previous announcement of a demand for visas, and more recently the modification of the law to give nationality to descendants of Spanish citizens have strongly contributed to that goal.

In light of the perspective about international migration, in which security issues are central (Werner and Teitelbaum, 2001), it is difficult to understand irregular international migration, in part because it does not fit within the framework of legality or illegality; nor given disciplinary mechanisms - denying entry in the case of flows, or imprisonment and deportation or repatriation in the case of settled irregular immigrants. Irregular immigration should be understood as resulting from what is tolerable and intolerable, which is calculated based on material costs (satisfying market demand and lobbies), political costs (domestic and international interests - with sending countries and EU partners) and symbolic values (in defining the national and political community). In other words, irregular immigration is defined by the limits of acceptability. From this perspective concepts such as a “threshold of tolerance,” which correlates racism and xenophobia with the percentage of foreigners in a given population passing some “threshold,” arise.

In this text we have looked at the impact of EU law (demand for Schengen visa) and national law (regularizations) on migratory movements. But, their influence extends to other basic demographic phenomena and behaviors, such as marriage and fertility (generating an incentive to marry to take advantage of the right to family reunification, and for the birth of children in Spain who receive Spanish nationality). Beyond its impact on demographic events, it should be recognized that the law also alters the balance of power within foreign families. The roles of family members are altered, starting with gender and the social construction of age, often in ways not suspected by either legislators or immigrants. Specific laws can also impact differently on each nationality as the result of these measures is also a consequence of the strategic response of the individuals to the legislative changes.

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