How to Manage Migrations in Latin America? The Spanish Case as a Model to Follow[1]

Laura García-Juan[2]
Berta Güell[3]

Introduction

Migratory flows have developed in parallel with the evolution of societies throughout history, shaping an increasingly dynamic and multifaceted reality where diversity is at the core. Various reasons motivate the mobility of population, but today labour needs stand out as one of the most important ones. The initial neoclassical theories of migration studies from the early twentieth century conceptualised "economic migrants" as the positive outcome of the rational calculation of the cost-benefit of moving to another place, most often from those countries with an abundant workforce and low wages to those countries with scarce labour and higher wages. Such theories have been revised in the light of contemporary changes of the last decades, which do not frame anymore the act of migrating as a result of an individual and deliberate election, but rather as the result of global processes in an increasing interdependent world. Such changes include the growing political and legal restrictions to the mobility of people, the greater heterogeneous composition of migratory flows and the rising transnational character of spaces and communities, to name just a few (Arango, 2003).

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[2] PhD in Human Rights, Democracy and International Justice from the Human Rights Institute of the University of Valencia (Spain). Associate Professor and Head of Research of the Faculty of Law and Political Sciences of the Universidad Pontificia Bolivariana, Medellin, Colombia. Colombia. Email: laura.garciaj@upb.edu.co

[3] PhD in Sociology and postdoctoral researcher at the Autonomous University of Barcelona, Barcelona, Spain. Espanha. Email: berta.guell@uab.cat

The International Organization for Migration (IOM) currently defines migration as "[the] movement of a person or a group of persons, either across an international border, or within a State [...] encompassing any kind of movement of people, whatever its length, composition and causes". This definition comprises a wide variety of groups, including refugees, displaced persons, uprooted people, asylum seekers and economic migrants that move for different reasons (e.g. economic, political, social, environmental).[4] Yet, according to the same organisation, labour migration has a restricted definition bound to the movement of people from one country of origin to another with the exclusive aim of improving their working conditions and benefits (IOM, 2006). "Labour migration is addressed by most States in their migration laws. In addition, some States take an active role in regulating outward labour migration and seeking opportunities for their nationals abroad."

Transnational flows of labour migration and the actual policies to manage them closely relate to the social, economic and political changes constantly taking place across countries and continents. Global competition for qualified human resources, as well as the need for low-skilled workers, has become one of the most notable triggers of international migration. People move from one country to another with the aim of working on a more or less temporary basis, joining a labour market that is different to that in their country of origin. This type of movement is motivated most commonly by differences in wages, unemployment rates, the needs of hiring organizations, violent conflicts, vulnerability in their country of origin, etc. (ILO, 2014). In this paper, we focus on the migration linked to labour purposes from one country to another, adopting a transnational perspective. We start with a brief note on current global migration trends; we continue with the analysis of the migration phenomenon in Spain (1998-2008), contextualised in the framework of European integration policies, and we finish by drawing key lessons for Latin America inspired by the Spanish experience.

The main argument of this paper is twofold. On the one hand, we identify and analyse the key successful factors of the immigrants' reception policies adopted in Spain during the economic boom towards the accommodation of newcomers and the prevention of discrimination in a rather hostile European context in matters of immigration. On the other hand, we argue how certain Latin American countries that are experimenting similar

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[4] It is important to differentiate between international migrants and internal migrants, as well as between displaced people, refugees and asylum seekers. The United Nations High Commissioner for Refugees (UNHCR) has recently called attention to the pressing need for the media to make this distinction in its messages, since it is of the utmost importance both to the populations affected and the governments of the countries these populations move through.

challenges can use such policies as an inspiration to promote the integration of newcomers in the face of rising incomes of population flows.

This investigation lays on a deductive-analytical and critical-evaluative methodology with an analysis of constitutional, primary and secondary law sources, at the international, EU and Spanish national level. We consulted official statistical sources and other instruments and reports from regional and local levels. Moreover, we examined doctrinal positions regarding the analysis of the evolution of political discourse in Spain on migration policies between 1998 and 2008. Finally, we reviewed further equally valuable documents, such as non-binding legal acts and other documents from European, national and regional institutions, such as strategic plans and programs, studies, reports, newsletters, web pages and other publications.

Brief Note on Current Global Migration Trends

The process of economic convergence between developing and advanced economies underwent a strong surge between 1980 and 2011. Over the last three decades, the per capita income of developing countries increased by an average of 3.3 per cent annually, a rate much higher than the average growth recorded in developed countries, which was of 1.8 per cent. This accelerating convergence became increasingly obvious with the arrival of the global crisis between 2007 and 2008, while there were still significant differences between countries. However, it is undeniably true that in recent times there has been an unprecedented economic growth in the majority of lower-middle-income countries. The same happens in many of the less advanced nations, with those that invest in quality employment having made the biggest progress (OEA-SICREMI, 2011).

The huge efforts made by governments and their respective societies to improve the quality of employment can be explained to a large extent by the different current models of growth. In those places with a higher investment in quality jobs since the beginning of the twenty-first century, the growth in annual average per capita income or living standards has increased more quickly. Equally, the countries that managed to reduce the effects of temporary, precarious and vulnerable employment at the start of the decade registered noticeable economic growth after 2007 (ECLAC, 2008). In these states – the majority of which are in the region of Latin America – annual per capita growth reached almost 3 per cent

between 2007 and 2012, almost a whole percentage point higher than in countries that were less successful in mitigating the effects mentioned above.

Nevertheless, despite these positive figures we should not lose sight of the still substantial disparity between quality jobs. Although these trends have been almost universally upwards, there are still serious social and employment problems in the majority of emerging and developing countries. More than 50 per cent of workers in developing economies (approximately 1.5 billion people) are still in a vulnerable labour situation, which means that they have less opportunities than wage workers of accessing formal contracts, social protection systems (pensions and healthcare) or a regular income. These workers tend to find themselves trapped in a vicious circle of jobs characterized by poor productivity, low wages and, in turn, a limited capacity for investing in their families' health and education. This hinders their general progress and perspectives for growth – and not just their own, but that of future generations. For example, in South Asia and Sub-Saharan Africa, three out of four workers find themselves in vulnerable jobs, while women are especially hard hit by this situation in comparison to men (ILO, 2017).

All of the above has reversed the direction of migratory flows in almost all countries where working conditions and wages have improved substantially, leading to a new, paradoxical situation in which there are far more foreign people coming to these countries' borders than native workers leaving in search of better living conditions. This phenomenon has emerged in many Latin American countries although it has not become visible or received the necessary media coverage to turn the issue of immigration into a priority on the political and economic agendas.

The Migration Phenomenon in Spain From 1998 to 2008

Notwithstanding the different scenarios, idiosyncrasies and developments between Spain and Latin America, it is appropriate to examine the evolution of the Spanish society from the end of the 1990s to approximately 2010 to understand current processes undergoing in Latin America. At that time, Spain became one of the world's countries experiencing the most rapid and profound social changes in the shortest space of time, thanks to the unexpected mass influx of transnational labour migration.

This process can serve as an example and shed light on some of the situations arising in places like Colombia, Chile, Ecuador and Argentina, albeit on a lesser scale. It is necessary

to foreground the events to come (i.e. international migration flows) with national experiences which, although they took place on the other side of the Atlantic, generally gave rise to satisfactory approaches and results. These allowed for a peaceful integration of a large number of newcomers within a pretty homogeneous society that had previously witnessed only an insignificant presence of foreigners[5]. Nonetheless, the parallelism between the Spanish and Latin American cases (at least in the aforementioned countries) has received little attention in empirical studies or theoretical reflections (Stefoni, 2013, p.172).

Some significant contextual data

In 1998, the number of foreign nationals registered in Spain amounted to 1.6 per cent of the total population, with 637,085 people. Large-scale immigration from abroad had begun at the start of the 1990s, but five years later Spain was receiving the second highest number of immigrants worldwide in absolute terms, surpassed only by the United States. According to the census carried out by the Spanish National Institute of Statistics (Instituto Nacional de Estadística, INE), in 2008, 11.3 per cent of the total population were foreign nationals (INE, 2008).

We can see that in a single decade from 1998 to 2008 this figure had soared by almost ten percentage points, with some 5,220,600 people of non-Spanish nationality residing in the country.[6] The presence of 5.2 million foreign nationals in a country of 46 million inhabitants positioned Spain as tenth in the world as regards the numbers of non-nationals living within its borders (as a proportion of the country's total population). During the early years of the twenty-first century, Spain became one of the countries with the highest immigration rates in the world.

The figures show that Spain is the second country in the European Union in numbers of residents with a nationality different to that of the country they are living in. The first country on the list is Germany. In light of these figures, the terms usually employed to describe the initial development of the migratory phenomenon in Spain are *crecimiento*

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[5] Whilst we acknowledge the internal cultural diversity within Spain, for the purposes of this article, where the analysis takes place at a macro level, our focus is on the changes posed by the arrival of foreigners in the whole country, without deepening in the regional differences.

[6] This data can be considered precise thanks to the mechanism known as the *padrón municipal* or municipal register of inhabitants which provides a completely up-to-date record of local populations through the records of the residents of each municipality. Its creation, maintenance, revision and custody falls to the corresponding local council, while it is updated yearly in January. The INE coordinates the municipal registers of the 8,211 municipalities in Spain.

exponencial ("exponential growth") and *brevedad temporal* ("short space of time") (Zapata-Barrero, 2009). The following table shows this phenomenon.

Table 1: Evolution of the population of foreign nationals in Spain

Year	Foreign nationals registered	Percentage of the total population
1991	360.655	0.91%
1996	542.314	1.37%
1998	637.085	1.60%
2000	923.879	2.28%
2001	1 370 657	3.33%
2002	1 977 946	4.73%
2003	2.664.168	6.24%
2004	3.034.326	7.02%
2005	3.730.610	8.46%
2006	4.144.166	9.27%
2007	4.449.434	10.0%
2008	5.086.295	11.3%
2009	5.386.659	12.0%
2010	5.402.579	12.2%
2011	5.312.441	12.2%
2012	5.236.030	12.1%
2013	5.072.680	11.7%
2014	4.677.059	10.7%
2015	4.417.517	9.5%
2016	4.419.621	9.4%

Source**:** INE, 1991–2016

However, the effects of the economic crisis on Spain in 2008 turned this strong demographic growth – the result of immigration and births among foreign population – into an emigration movement that is still ongoing. Spain has shifted from second to ninth place on the ranking of Member States of the European Union (EU) with the greatest percentage of immigrants, falling behind countries such as Luxembourg, Ireland, Austria and Germany. Meanwhile, an equally important figure shows that the majority of immigrants that arrived in Spain during those years came from Latin America (36.21 per cent), followed by Western Europe (21.06 per cent), Eastern Europe (17.75 per cent) and Maghreb (14.76 per cent) (Acosta & Geddes, 2013, p. 184). It is worth reminding that these figures refer solely to

labour or economic migrants, as mentioned at the start of the article, and do not include data on other types of transnational movements of people.[7]

The figures dating from 1 January 2015, indicate that the population resident in Spain shrank by 72,335 people over the course of 2014 to 46,439,864 inhabitants. The number of Spaniards increased by 156,872 while the population of foreign nationals decreased by 229,207. The fact that some people went through the process of acquiring Spanish nationality (205,870 residents) influences these results. During 2014, Spain registered a negative migration balance of 102,309 Spaniards and foreign nationals, which went down to 59.3 per cent on 2013. Immigration increased by 9.4 per cent, while emigration fell by 23.1 per cent as compared with the previous year. The migratory balance among Spaniards stood at –37,507, 8.3 per cent lower than in 2013. In 2014, 78,785 Spaniards emigrated, of which 50,249 were born in Spain. Immigration among Spaniards was of 41,278, of which 19,638 were born in Spain. The migration balance among foreign nationals stood at –64,802 people in 2014, 69.2 per cent lower than the previous year. A total of 330,559 people emigrated to and 265,757 people immigrated from Spain (INE, 2015).

An interesting figure worth mentioning is that foreigners occupied approximately half of the new jobs created between 1995 and 2005, who went from representing 4 per cent of employees registered in the social security system in 2001 to more than 10.5 per cent in 2010. Immigration thus played a fundamental role in the significant economic growth experienced in Spain between the mid-1990s and the end of 2008 (Alba *et al,* 2013, p. 22).

A paradigmatic shift

According to the data mentioned above, in the space of just ten years Spain changed from a culturally quite homogeneous society to a country in which multiculturality was part of its social structure. The need to reflect on this fact became patently clear in the academia, centres of political decision-making and the media. This was compounded by the impact of the changing role assumed by Spain in the world migration system based on its own production system, and in particular, on its labour market, which underwent a huge transformation.

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[7] It is necessary to clarify that the figure on immigrants arriving from Western Europe (21.06 per cent) refers to foreigners from EU Member States, mainly from the United Kingdom, France and Germany. These are so-called EU citizens, who have a defined legal status within the borders of the EU. EU citizens residing in Spain are mainly retired people or pensioners attracted by the country's climate and low prices in comparison with their countries of origin.

In contrast with Spain, in the majority of EU countries with a more longstanding tradition of migratory movements, it was evident that the impact of immigration on the labour market had not been as positive as desired (Pich, 2007). Furthermore, the effects of immigration on the labour market had not fully met the real needs of countries due to a lack of an explicit policy on labour immigration tailored to the needs of the market at the EU level. While Southern Europe attracted an intense flow of immigrants that made it possible to maintain and even expand the informal economy, the northern European countries suffered a migratory flow of asylum seekers and family reunifications that did not easily incorporate as workers. As a result of this dual process, the integration in the labour market of foreign nationals was notably more straightforward in the south (Jubany & Güell, 2011, p. 12).

In Spain, three factors were key to ensure that the arrival of immigrants had positive effects on the growth of the economy. The first one was the age of the incoming population (with a lower average age than the Spanish population). The second was the above-average activity rate; and the other was the high level of occupation, which translated into a growing employment rate and registration with the social security system (García-Juan, 2016). These intense migratory flows led to a social and demographic transformation of such magnitude that engendered new social needs deriving not only from the increase in demand but also from its diversification, which had important implications for the Spanish public policies. The situation overwhelmed the actions undertaken by public authorities on a daily basis, actions initially characterized by insufficient provisions and then by the implementation of reactive, improvised solutions oriented mainly at responding to the most evident and urgent needs (Arango, 2004, p. 32).

Migration became one of the issues attracting closest attention in public opinion. While up to the year 2000 the subject did not even feature in surveys on public perceptions of the country's main problems, by 2006 it had become the primary cause of concern among Spaniards, followed by unemployment and housing, issues that had occupied the top spots on that list for many years. This also eventually coincided with a crisis that entirely reshaped the landscape of the Spanish labour market. Concerns on the effects of a difficult economic situation brought about negative perceptions of immigration, in particular among the most vulnerable sectors of the native population. In 2007, that population – and, in particular, young people – regarded immigration to be one of the causes of increased unemployment and shrinking wages, based on the belief that immigrants worked for lower pay. But according to surveys produced by the state-run research institute Centro de Investigaciones Sociológicas

(CIS), the majority of Spaniards only saw immigration as a general problem in society as a whole, never as a persistent problem or a personal issue.

As of 2011, in a process inversely proportional to the escalating economic crisis, and against almost all forecasts, the perception of immigration as a problem gradually subsided, becoming one of the issues of least concern to the Spanish society in 2013. Instead, other problems such as corruption and fraud replaced immigration, as well as issues related to the economy, politics and the health service. In general, Spanish public opinion demonstrated a striking degree of maturity, as it continues to do today. Few societies can boast about absorbing, almost without conflict, such a substantial contingent of foreigners as that received by Spain in such a short space of time (Cebolla & Pinyol, 2014, p. 3).

Changes in the law

From the first Spanish Law on foreign nationals (1985) to the main modifications that came into force in 2009, we can distinguish three key stages in the development of Spanish law in this area. The first phase runs from mid-1985 to December 1999, and is characterized by the survival – unmodified – of a single Organic Law on Foreign Nationals that remained in force until January 2000. The second phase begins with the annulment of that Law and the approval of a subsequent law (still in force today) up until the reform of the latter in the year 2009. This has set the start of a third phase, in which Spain finds itself still today.

The Organic Law on the rights and freedoms of foreigners in Spain of 1985 marked the beginning of the first phase (Spanish Government, 1985). Previous to this law, case law had managed to buffer the effects of the pre-constitutional regulations through the application of principles of legality and *actus reus*, as well as protection against arbitrariness. The standard unified the multiple and fragmentary existing regulations in a single text, with a view to instilling a sense of security in other Member States. That was before the imminent entry of Spain into the European Economic Community, reassuring them that Spain was not going to constitute an open door to immigration, taking into account that Germany and France had closed off this possibility following the oil crisis at the start of the 1960s (Aparicio, 2004, p. 32).

In this European context, such Law focused on issues such as the entry, expulsion and return of foreign nationals, establishing a scheme of sanctions with no scale and huge administrative discretion in dealing with immigrants in an irregular situation. Another feature of this Law was that it established a basic model that closely linked immigration with the

needs of the labour market. The regulations enacting this legal standard were designed to further reinforce, if that was possible, this scenario of arbitrariness, resulting in an excessively rigid system in which the policy of sanctions generally led to expulsion from the country. The possibility of family reunification was not even considered in the regulations because it was understood that immigration had an entirely transitory nature (Spanish Government, 1986).

In the early 1990s, the economic situation in Spain improved substantially. This, along with a reinforced political stability in the need to converge with Europe, directly influenced the demand of low-skilled labour in sectors associated with immigration. During this phase, three extraordinary regularization processes took place (in 1986, 1991 and 1996), legalizing the situation of foreign nationals, and an annual call for a contingent or entry pass for workers was initiated. Nevertheless, the migratory situation towards the mid-1990s exceeded the provisions of the law on a daily basis. In February 1996, this led to the abolition of the previous regulation from 1986, with a unification of the provisions established in recent years and specifying the rights of foreign nationals and some other issues related to the integration of non-nationals (Spanish Government, 1996).

In 1996, immigration was already a structural feature of the country. The Law of 1985 proved to be entirely unable to respond to the progressive increase in migratory flows, to the then-incipient organised trafficking of people or the mechanisms of border surveillance as a consequence of Spain's entry into the Schengen Area in 1991. The constant rise of foreign nationals in an irregular situation, arising mainly from a vast informal economy in a context of strong demand for labour, joined with a restrictive law to improve the legal situation of foreign nationals. This appears to be a key characteristic of the Spanish model and its future development at the legal and regulatory level (Solanes, 2010, p. 81).

The second stage of the process began with the Organic Law No. 4/2000 on the rights and freedoms of foreign nationals in Spain and their social integration. This included in its preamble a direct reference to the social integration of foreign nationals in Spain (Spanish Government, 2000). However, it was not until the reform of 2009 – the point where the third phase begins – that the Law incorporated the precept specifically regulating this issue. The Law made progress along the lines set out in the European Tampere Programme of 1999, which supported an integration policy aimed at providing legal foreign residents with rights and obligations that were comparable to those offered to the EU citizens. Moreover, it encouraged non-discrimination in economic, social and cultural life and the development of measures to combat racism and xenophobia.

This standard represented a significant advance over the previous regulation in terms of rights of foreigners. It also took into consideration foreigners in an irregular situation, granting them rights such as education or healthcare, moving away from the vision of foreign nationals merely as people to potentially expel from the country.

The Law of 2000 was amended on three occasions prior to the important reform of 2009, always under a parliament in which the People's Party (Partido Popular, PP) had an absolute majority. This provides an idea not only of the speed with which the migration situation changed in Spain, but also of the incapacity of the government to anticipate these changes and legislate with a more long-term vision. During that time, another three regularization processes took place, coinciding with the legal or regulatory reforms of the years 2000, 2001 and 2005 (Kostova, 2006, p. 11).

The great qualitative step in this second phase came with the change of government following the general elections of 14 March 2004. One of the first issues dealt with by the new, socialist government was the approval of a new Regulation on foreign nationals in Spain which abolished the previous law of 2001, a task achieved only with great difficulty due to the limitations of the narrow framework afforded by the Organic Law in force. We must not lose sight of the fact that this implementing regulation was approved with a high level of consensus among the range of political forces, social agents and non-governmental organizations (Spanish Government, 2004).

The third of these phases began with the reform of Organic Law No. 4/2000 on the rights and freedoms of foreign nationals in Spain and their social integration implemented by Organic Law No. 2/2009 (Spanish Government, 2009). The lack of a transposition to Spanish regulations of some European directives, as well as the urgent need to adapt the law to the new migratory situation determined the need for this reform. Moreover, it was necessary to incorporate the latest rulings of the Constitutional Court into the law. In its preamble, this Law expressly stated that the objectives of the Law were to regulate labour migration flows, reinforcing the links between the capacity to take in more workers and the needs of the market. The preamble also highlights the need to increase the efficiency of the fight against illegal immigration; to adapt the regulations to the competitive context by introducing new statutes of the autonomous regions; and to strengthen immigrant integration policies (Aguelo & Chueca, 2009, p. 112).

The latest reform regulating foreign nationals established by the socialist government in 2011 is the law currently in force. It has barely undergone any amendments to date. This

shows to some extent the broad consensus achieved in the drafting of this law, and its flexible nature, which has allowed its adaptation to current times and cycles of labour migration (Spanish Government, 2011).

The unification of the political discourse

In the Spanish case, the regulatory framework was built on consensus and was coherent, effective and sufficiently flexible on the issues of immigration and foreign nationals. Even so, another key factor to ensure the maintenance of social peace in the face of the massive influx of migrants was the unification of political discourse (Rinken *et al*, 2016).

Three general elections took place during the decade from 1998 to 2008 (in 2000, 2004 and 2008), as well as 15 regional and three local elections. Despite the alternating cabinets and frequent changes in political ideologies brought about by the multilevel governance structure of the country, it is worth highlighting that the differences between political parties never brought about irreconcilable differences on the public management of immigration (Cebolla & Pinyol, 2014, p. 6).

The most unequivocal proof of this came during the period 2004 to 2011. With a socialist government at the national level and governments of all ideologies at the regional level, it still became clear that there was a wide margin for consensus. With the exception of the logical differences between strategies and discourses that were more or less opposing on almost all matters, in the handling of the phenomenon of immigration, priority was given to creating a space for political and social agreement (Moya, 2008). This was on how to develop a public migration policy in accordance with the volume of foreign nationals living in Spain. Most significantly, there was a very strong consensus between the various actors participating in the construction of migration policy, which resulted in an eminently proactive discussion on the matter.

Whilst the political discourse could have evolved in a different way considering the historic process of change that immigration brought about in Spain, the parties opted from the very beginning for a discourse that focused on the idea of a multicultural future, regardless of the governing political force or government level. This implied taking on board the irreversible nature of the process and shaping it within a framework that would be capable of steering these changes in society (Koopman, 2010, p. 13).

Faced with the socially constructed concept of immigration as a 'source of conflict' and concerned with the difficulties that might result from the arrival of immigrants in all

spheres of life, the political will was to provide people with the resources and instruments to manage their needs. Despite the possibility of interpreting these events as negative, or as a potential threat to the interests of native people, it was taken as a historical opportunity and a challenge in the process of socialization of the Spanish society (Zapata-Barrero, 2008, p. 122).

The convergence of the discourse could not only be appreciated among the various political parties represented in parliament, but also among the other actors involved in the creation of migration policy and the building of social cohesion. These actors include public authorities, social agents, institutions and associations in the private sector, and organisations of the civil society. Among the key points of agreement, we highlight the following:

1) The phenomenon of immigration framed as part of a wider process of globalization, which is overwhelming, structural and impossible to prevent. This consolidated Spain as a hosting country of immigrants.

2) A tacit agreement on being a matter of state policy, entailing a shared will to prevent immigration from becoming the object of controversy between political parties. Similarly, there was a consensus on framing it as a multi-level policy, requiring comprehensive actions in all sectors (housing, health, education, social services, etc.).

3) A common view to avoid the use of immigration as a scapegoat in political elections and discourses in order to prevent the creation of a 'social alarm' and a rupture between the parties on such a sensitive matter.

4) A shared concern on closing the gap between the regulations and policies (in terms of scope, design and implementation) and the reality on the ground, as well as on seeking long-term measures instead of short-sighted ones.

5) A mutual will to understand the framework set out by the EU as a context that legitimized the proposed policy innovations, on the basis that everything emanating from the EU was positive to the management of the process.

Of course, within this panorama there were voices that criticized the utilitarian dimension of Spanish immigration policy for tackling the issue too often in an improvised and peremptory way. Although quite isolated and often linked to extreme right political stances, some expressed their discontent with the nature of the immigration policies and laws of that moment. Small divergences between the executive and legislative powers, as well as with the private local, regional and national sector, were also noticed in some respects such as in the inclusion of undocumented migrants in the Real Decreto 3/2006 or in the integration strategies of the regional governments. Nonetheless, it is also certain that when it came to the

general lines of the discourse, its roots and elemental concepts, everyone worked to forge an implicit agreement (Rinken, 2015).

Spain Within the European Policy on Immigrants' Integration

Immigration policies do not reach a significant position both on the Spanish and European agendas until the mid-1990s – and specifically with the elaboration of a common European immigration and asylum policy based on the Tampere Programme of 1999. Since then, the EU political discourse regarding the cultural dimension of integration (civic integration) has introduced a legitimate and crucial debate from various perspectives, especially during the period from 1998 to 2008. This does not only involve the political discourse but also the stances of public and private institutions and bodies, as well as of social movements (Carrera & Atger, 2011, p. 4).

As we have seen, the various regulatory reforms implemented during the period 1996–2006 in Spain facilitated the creation of a differentiated political discourse between the parties represented in parliament, with a significant change around 2000 in the context of accelerated demographic, economic and institutional transformations. Yet in both of these processes – European and Spanish – the essential point is that immigration acquired an unprecedented importance, and was perceived to be a priority on the political agenda of institutions (Tur, 2009).

From 2004 to 2011, Spain was one of the main countries to promote the development and success of the European Commission's instruments for integration. The Spanish approach focused on positioning the integration of immigration among the priorities on the EU's political agenda, and it was not considered necessary to intervene with a new regulatory framework (García-Juan, 2015). Efforts were concentrated on promoting the existing instruments – that had already been designed but needed implementation – before European institutions. These instruments, provided by the European Commission itself, allowed for advances in the creation of a civic and integrating citizenship that welcomed immigrants to live in Spain, whether short- or long-term. Moreover, the development and implementation of such measures have become extremely urgent to fully incorporate these citizens into the EU, in terms of equal rights between natives and non-EU nationals, and the promotion of a sense of belonging among non-nationals (Hernández & Lebret, 2012, p. 84).

The Spanish presidency of the Council of the European Union between January and July 2010 happened at a crucial time in the EU's life. This was a time where a new treaty charted the route to strengthen Europe in the world. Where the economic and climatological crises forced to rethink the model of growth and creation of quality employment, and where the new institutions faced the challenge of connecting with European citizens, expanding their rights. Among the priorities on the programme of the Spanish presidency, there was the statute for European citizens in the twenty-first century, and in the chapter on public immigration policy there was a section expressly dedicated to the integration of immigrants into European societies (Wallace, 2010, p. 760).

In this context, a political proposal was legitimized by seeking coordination and convergence with the logic of other Member States' principles along Western, democratic and liberal values. The irruption of other cultures or religions in European societies should not endanger the preservation of equality and freedom as basic principles embedded in the European notion of citizenship (Urteaga, 2010, p. 19).

Proposals Based on the Success of the Spanish Experience

Taking into consideration the previous analysis, this section presents public policy proposals based on the experiences and actions implemented in Spain. In order to deal with the challenges posed by population models affected by soaring numbers of immigrants, it is indispensable to have a progressive adaptation of the regulations on foreign nationals in line with the demographic changes and needs of the labour market. This proposal must necessarily be accompanied by an unanimous political discourse focused on the guarantee of integration and equal rights between natives' and foreigners' rights, regardless of the legal status of immigrants. The essential interests of state or the governments in power cannot undermine humanitarian arguments or principles. Basic rights cannot depend on an administrative situation; rather, it must be recognised that such rights are inherent to all human beings (Stefoni, 2012, p. 14).

Regulations should be framed to offer guarantees and administrative solutions, moving away from restrictive and policing measures. A legal framework with these characteristics inevitably derives in reasons of state and criteria for the design of policies that can contribute to configuring a shared political discourse that institutions assume and that resonates with society and mass media.

It is necessary to promote mass visibility of the phenomenon of migration at all levels – in politics, universities, government authorities, media, etc.– that moves away from any criminalisation and promotes an inclusive citizenship based on interculturality. This also includes the need for presenting unified statements and definitions that employ the right language in all entities, bodies, authorities and institutions. More efforts should be made to ensure that terms such as 'legal' and 'illegal' are eliminated from the discourse as qualifying adjectives and be replaced by other terms such as 'regular' and 'irregular', which refer solely to the judicial or administrative situation of immigrants. Equally, it is advisable that terms such as 'new residents', 'new citizens' or 'irregular' are given preference over others such as 'foreigner' or 'illegal' to describe migrants.

It is necessary to eradicate the use of immigration as a political weapon during election campaigns, or by governments during their parliamentary term, or in the exercise of political opposition. The public discourse must ensure that society perceives immigration in terms of opportunities as opposed to as a danger or threat to the national security. When it comes to the treatment of diverse cultures, political discourse should focus on immigration as a source of cultural wealth forming part of an increasingly normal situation. Immigration should be managed in politics and society with respect for cultural differences within the framework of democratic values (Zapata-Barrero, 2008, p. 151).

Meanwhile, legislative and policy authorities should also work together on the promotion of educational citizenship that contributes to a change of mindset based on equality of rights and respect to the differences between people, limiting the negative perceptions of immigration. Similarly, dialogue with social networks and participatory democracy should also be encouraged (Cebolla & Pinyol, 2014, p. 5).

A reform of state administration is inevitable, and immigration should be dealt with at all levels from a perspective that focuses on rights and the transformation of labour markets. The competence on labour permits and authorizations should be transferred to employment or foreign affairs departments, while that on immigrants' integration and diversity management should be transferred to the government bodies closest to the population, i.e. regional and local governments.

It is also essential that public policy is coordinated between all levels of government (central, regional and local), ensuring close collaboration and cooperation between public and private bodies and institutions. In short, networking is fundamental (Izquierdo & León, 2008, p. 30).

All integration processes must flow in two directions, since they involve a dynamic transformation and mutual adjustment between immigrants and the native residents of both origin and destination countries. This translates into the need for active participation from the third sector (non-profit associations, NGOs, citizen platforms and movements, etc.) and civil society in legislative and regulatory processes concerning foreign nationals. In this respect, however, excessive weight should not be given to public opinion. This is to avoid its scapegoating by public authorities to justify political positions and the link between the negative aspects of public opinion and a lack of information (Joppke, 2007, p. 20).

In order for this two-way integration process to be successful and sustainable, it is essential that the three sectors come together to create strategic plans and training programmes on the subject of migration. These are the operators in the legislative branch (politicians, high-ranking officials in the range of ministries, regional and local governments); those in the judicial sphere (judges and magistrates at all levels and in all judicial categories); and at the executive level (staff working for public authorities, state-run security forces and services, etc.). Equally, comprehensive sectoral plans and programmes offering training should be made available to workers and other operators in the sectors of health, education, justice, and non-governmental organizations, among others.

The migration question and everything it involves (migrants' rights, the principles of equality and non-discrimination, measures to combat racism and xenophobia, the benefits of interculturality, diversity management) must be mainstreamed in all sectoral public policy (health, education, housing, social services, etc.). Likewise, specific funds, instruments, mechanisms, institutional tools and strategic plans should be created both to better manage the migratory flows and facilitate the integration of migrants (Arango, 2004, p. 42).

Conclusions and Final Reflections

Whilst the immigrants' integration strategies adopted in Spain cannot be fully transferred to the Latin American countries currently experiencing the arrival of intense flows of labour migration, it is possible to identify some key lessons to facilitate the promotion of social cohesion among newcomers and native-born population following the successful experience of Spain.

The Spanish phenomenon of immigration reached its peak during the decade 1998-2008, and its intensity has progressively fallen in recent years. Meanwhile, the EU as a whole

currently faces a challenge of similar numerical proportions with the mass influx of refugees and asylum seekers coming from a variety of locations. Nevertheless, the legal statute of these groups comes with a series of political, social and judicial requirements that are still under construction within the EU law. This is a new challenge that calls for the reactivation, review and improvement of the public discourse and policy arena, both within Europe and in Spain. Yet, this must be dealt with from solid bases involving the instruments of international law on human rights. In principle, these premises represent a guarantee for the successful outcome of current and future events and the protection of rights of all affected people.

Experiences from the other side of the Atlantic can hold an inspiration for the countries of Latin America, which are currently facing the challenge of receiving and accommodating international migratory flows of varying intensities. It is not time for creating an alarm or adopting short-sighted positions focusing solely on security. It is the time to rather elevate the discourse employed, and understand that we are talking about people with rights and legitimate grounds for seeking a better life in another place, while new scenarios will prove lasting and beneficial to all. With the advent of different population models to those we have seen up to now, there is a pressing need to learn peaceful coexistence that fosters social cohesion. In order to achieve this, the proactive involvement and coordination of all public authorities is essential, as is the participation of civil society in all spheres. If this does not happen, labour migration from third countries in Latin America may quickly become yet another problem of a long list of issues still to be tackled.

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How to Manage Migrations in Latin America? The Spanish case as a model to follow

Abstract
This research paper focuses on the key challenge that poses the sudden and massive reception of immigrants to build inclusive societies that guarantee peaceful coexistence between natives and newcomers. Some Latin American countries are experiencing unexpected changes in population models, resulting in receiving states of international migration flows. Yet, both the underdevelopment of legislation on immigration and the absence of public integration policies show the need to pursue successful management models as an example. This paper presents an analysis of the Spanish case study between 1998 and 2008, highlighting the driving factors that enabled the integration of newcomers in that decade. Considering the cultural proximity to Latin America and other matching contextual aspects, the article concludes with some recommendations for adopting similar migration and integration policies inspired by the Spanish case.
Keywords: international migration flows, migration law, integration public policies, Spain

¿Cómo Gestionar las Migraciones en Latinoamérica? El caso español como modelo a seguir

Resumen
Este artículo de investigación se centra en el desafío que plantea la recepción masiva y repentina de inmigrantes para construir sociedades inclusivas que garanticen la coexistencia pacífica entre los nativos y los recién llegados. Algunos países de América Latina están experimentando cambios inesperados en sus modelos de población, habiéndose convertido en receptores de flujos migratorios internacionales. Sin embargo, tanto la falta de desarrollo en las legislaciones migratorias como la ausencia de políticas públicas de integración de inmigrantes en la región han revelado la urgencia de buscar modelos de gestión que hayan resultado exitosos y que puedan ser trasladables. Este artículo presenta un análisis del caso español entre 1998 y 2008, destacando aquellos aspectos que fueron clave para que la integración de millones de migrantes internacionales se diera de forma pacífica y cohesionada. Teniendo en cuenta la proximidad cultural con América Latina y otros factores

contextuales coincidentes, el artículo concluye que el modelo español es un ejemplo a tener en cuenta y proporciona algunas recomendaciones para la construcción de políticas públicas de integración.

Palabras clave: flujos migratorios internacionales, derecho migratoria, políticas públicas de integración, España

Como Gerenciar as Migrações na América Latina? O caso espanhol como modelo a seguir

Resumo

Este artigo de pesquisa concentra-se no desafio colocado pela recepção massiva e súbita de imigrantes para construir sociedades inclusivas que garantam a coexistência pacífica entre nativos e recém-chegados. Alguns países latino-americanos estão experimentando mudanças inesperadas em seus modelos populacionais, tendo se tornado receptores de fluxos migratórios internacionais. No entanto, tanto a falta de desenvolvimento da legislação migratória quanto a ausência de políticas públicas para a integração de imigrantes na região revelam a urgência de buscar modelos de gestão que tenham sido bem-sucedidos e possam ser transferidos. Este artigo apresenta uma análise do caso espanhol entre 1998 e 2008, destacando os aspectos fundamentais para a integração de milhões de migrantes internacionais de maneira pacífica e coesa. Levando em conta a proximidade cultural com a América Latina e outros fatores contextuais coincidentes, o artigo conclui que o modelo espanhol é um exemplo a ser levado em conta e fornece algumas recomendações para a construção de políticas públicas de integração.

Palavras-chave: fluxos migratórios internacionais, direito migratório, políticas públicas de integração, Espanha