

EMN

# TEMPORARY AND CIRCULAR MIGRATION: EMPIRICAL EVIDENCE, CURRENT POLICY PRACTICE AND FUTURE OPTIONS IN SPAIN

SPAIN

December 2010



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In Spain, the NCP is composed of experts from four ministries (Ministry of Labour and Immigration, Ministry of Interior, Ministry for Foreign Affairs and Cooperation and Ministry of Justice) and is coordinated by the Permanent Observatory for Immigration, a collegial body attached to the Ministry of Labour and Immigration. The NCP also collaborates with independent experts for the elaboration of EMN studies and reports.

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# **Temporary and Circular Migration: empirical evidence, current policy practice and future options in Spain**

**Spain**

This National Report presents a comprehensive overview of the status of temporary and circular migration in Spain, including legislative aspects, actions designed to manage and promote temporary and circular mobility, main lines of international cooperation on migration issues undertaken by Spain and an empirical insight from the available statistical information.

This Report has been developed by the Spanish National Contact Point of the European Migration Network and the researchers Miguel Requena and Mikolaj Stanek.

December 2010



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## Executive summary

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This report is primarily intended to provide an overview of the situation of temporary and circular migration in the Spanish context. The study begins with a review of management and regulatory policies towards temporary and circular migration, based on the general legislative framework and the strategic plans developed by different Public Administration. Secondly, it describes the legislation determining the conditions of entry, residence, employment and return of these migrants. Thirdly, it describes the main lines of Spain's international cooperation on migration issues and describes some examples of actions designed to manage and encourage temporary and circular mobility. Lastly, a descriptive analysis of the available statistical data is offered.

The study was based on a review of current legislation and analysis of documents and reports produced by Public Administration, trade unions, social organisations and international agencies. Desk research of scientific publications was also carried out. In addition, immigration experts were consulted and the State Secretariat for Immigration and Emigration processed the available statistical sources.

In this study, temporary migration is defined as a form of mobility among third-country nationals who relocate to Spain for work (paid or unpaid) or study for a specific length of time (in most cases no more than a year), returning to their country of origin at the end of this period. Circular migration is the repeated movement of foreign nationals from their country of origin to Spain within the established legal frameworks. Circular migration is also considered to be the repeated movement of foreign nationals with authorisation for stable residence in Spain back to their countries

of origin for professional reasons and for a length of time that does not entail a change of permanent residence.

Spain's policy on temporary and circular mobility is based on a legal framework that promotes recruitment in country of origin as one of the main routes of access to the Spanish labour market by foreign workers. In this context, the "Collective Management of Recruitment in Country of Origin" mechanism is used to recruit the majority of temporary workers in their country of origin. The law also provides for other forms of access authorising the residence and work of foreign nationals, outside the Contingent framework, such as fixed-term authorisations for residence and work under the General Scheme, permits for the provision of transnational services, and other authorisation granted for stays for the purposes of research, study and traineeships.

Since 2004, temporary and circular migration policies have formed part of an overall strategic framework designed to harmonise actions for the management and regulation of migration flows with those for development, collaboration on flow control and economic and political cooperation with countries of origin. In the light of this, the actions for managing temporary and circular mobility seek to: 1) create the institutional conditions for improved coordination between labour demand and the migration potential of countries of origin; 2) extend and improve relations with countries of origin; 3) develop training actions for foreign workers both in their countries of origin and at their destination, and 4) facilitate the return and resettlement of migrants in a way that is beneficial for them and their communities of origin.

The characteristics of the demand for labour generated by the Spanish labour market, the legal frameworks established after 2000 and the premises of successive programmes to promote temporary and circular migration have meant that circular and temporary migration has thus far been dominated by low skilled workers and/or low skilled jobs. However, attracting skilled labour and facilitating its temporary employment is becoming a pivotal element of migratory policy.

Moreover, international cooperation is now one of the keys to Spain's immigration policy. International cooperation on migration issues is mainly concerned with intensifying bilateral relations with countries of origin and transit, particularly through the signing of bilateral agreements. The importance of these agreements in the management and promotion of temporary and circular mobility is set down in Spanish legislation, according to which job offers under the Collective Management of Recruitment in Country of Origin system will preferably be made to countries with which Spain has signed agreements to regulate and manage migration flows. Another dimension of Spain's cooperation with countries of

origin has been its participation, together with France, Luxembourg and Portugal, in the signing of the Mobility Partnership between the European Union and Cape Verde in 2007.

Available data indicate that seasonal workers clearly form the bulk of temporary migrants in Spain. Between 2003 and 2009, the Spanish authorities granted a total of 336,732 permits for this type of seasonal work to foreign migrant workers. The growth rate remained high up to 2008 before grinding to a halt: just 4,148 permits were granted for this type of seasonal work in 2009. The agricultural sector employed 95% of seasonal workers in 2008. The total number of migrant workers accessing other categories of temporary work (i.e. senior executives, professional athletes and artists, trainees, individuals enrolled in Spanish ships, contract work for a specific project and workers in the context of the provision transnational services) amounted to less than 2,000 in 2008.

# 1 Introduction: aims, methodology and definitions

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## 1.1. Aims

In recent years, the notion of temporary and circular migration has been the subject of increasing attention in academic and political circles. This is due to the social, demographic and economic challenges facing developed countries (characterised by a demand for labour that their societies cannot meet), the increasing flexibility of labour markets (in terms of the required skills and length of contracts) and the sustained flow of migrants coming out of developing countries.

The view that the international mobility model generates a triple-win situation is becoming increasingly common. Countries of origin can foster their social and economic development with the funds earned by migrants and the transfer of qualifications and skills learned by the latter during their time in the destination country. Hence, enhancing a mobility of these characteristics is becoming a pivotal aspect of co-development policies, which constitute a clear alternative to the more traditional models based on the direct transfer of funds to developing countries. The migrants themselves also benefit from finding work through legal recruitment schemes as it brings them financial benefits and allows them to avoid situations of illegality, discrimination, exploitation and social and economic exclusion. Under this model of mobility host countries can, firstly, adjust the flow of foreign labour to the demand of their labour markets (in terms of volume and required profiles and features) and secondly, facilitate the management and control of migration flows.

At the European level, the model of temporary and circular migration is considered to be a flow management tool and, at the same time, a means of advancing the social and economic advancement of developing countries. Hence, the programme of work of the European Migration Network for 2010 includes a study on *Temporary and Circular Migration: Empirical Evidence, Current Policy Practice and Future Options in EU Member States*. The main aims of this study are:

- 1) Describe the characteristics of temporary and circular migration in the Member States and present the definitions, conceptualisations and categorisations of these forms of geographical mobility within the scope of the Member States.
- 2) Review government policies and strategies developed in relation to the temporary and circular migration of citizens of third countries, and present the views and positions of other social and political actors.
- 3) Analyse and present empirical data reflecting incidences, characteristics and trends in temporary and circular migration.

In Spain, the agency responsible for production of the report is the National Contact Point (NCP), composed of experts from four ministries (Ministry of Labour and Immigration, Ministry of Home Affairs, Ministry of Foreign Affairs and Cooperation and Ministry of Justice) and coordinated by the Permanent Observatory on Immigration. The NCP also works with independent experts to conduct studies and draft reports for the EMN. This study was drafted by Miguel Requena<sup>1</sup> and Mikolaj Stanek<sup>2</sup> and subsequently revised and completed by the NCP.

The report is primarily intended to provide an overview of temporary and circular migration in the Spanish context. It is structured as follows:

*Section 1.* Describes the aims of the study, the methodology used to obtain the information and the definitions of the terms used to describe the phenomena of temporary and circular migration.

*Section 2.* Offers an overview of the temporary and circular mobility model shaped by the migration policies developed by the Spanish Government, and its relationship

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with other political dimensions relating to international development cooperation and international relations. It also summarises the main action plans covering issues related to temporary and circular mobility. It describes the positions adopted on this issue by other social actors and their assessment of government policies. It then describes the legislative framework that regulates and manages temporary and circular mobility processes. This section pays particular attention to the regulations on the Collective Management of Recruitment in Country of Origin for workers from non-EU countries and fixed-term work and residence permits under the General Scheme, which are currently the main routes for temporary and/or circular movements for entry into Spain. The report also describes the international policy and more specifically, bilateral relations with the countries of origin of migration flows. A summary is provided of the results of Spanish policy on temporary and circular migration. Efforts to manage and encourage the voluntary return of migrants and the willingness of migrants to return to their countries of origin or re-migrate to other EU countries are discussed.

*Section 3.* Analyses the statistics available on temporary and circular migration.

*Section 4.* Provides a global assessment of policies relating to the model of temporary and circular migration, describes good practices in this area and offers recommendations to improve data collection.

## **1.2. Methodology**

Several primary and secondary sources of information have been used to prepare this report:

- 1) A review has been conducted of Spanish legislation on migration, particularly of the measures designed to manage and control movements, the recruitment of foreign workers, the obtaining of Spanish residence permits and the return of migrants to their countries of origin.
- 2) Documents produced by different agencies of the Spanish Government have been analysed. These documents set out the strategies and actions for the management, control and promotion of temporary and circular migration.
- 3) A review has been conducted of theoretical and empirical scientific studies that explore the issue of temporary and circular migration from the angle of the social processes that generate this phenomenon and from a theoretical and regulatory perspective.

- 4) Documents drawn up by local authorities, NGOs, associations and international organisations have been compiled, which include the description and definition of labour mobility schemes at the local level, contain examples of good practice in temporary worker recruitment and evaluate government policies from the point of view of social actors.
- 5) Desk research has been carried out on news publications from the press and press agencies.
- 6) Immigration experts from various fields and areas of academic research (sociology, political science, law, social work) have been consulted.
- 7) Data sources containing information on the incidence of temporary and circular migration have been collected. The data provided for this study by the Ministry of Labour and Immigration, taken from data compiled by the Ministry of the Presidency and from the Ministry of Labour and Immigration itself, have also been used to draft this report.

With regard to the features of the information sources and the difficulties encountered with their use, although the overview and broad objectives of government policies for the management and promotion of temporary and circular mobility are well defined, there is no single strategic programme that systematically records the details of the lines of action. There is also a lack of documents providing systematic and comprehensive information on the results of the strategic programmes designed for temporary and circular mobility and assessments of these in relation to their proposed aims. To overcome this obstacle, information was collected through consultations with government representatives, research on media coverage and partial studies.

The issue of temporary and circular migration has not yet been comprehensively addressed and integrated into the Spanish context. Much of the empirical analysis of the phenomenon under study focuses on the recruitment of seasonal workers, particularly in intensive farming areas (Andalusia, Murcia, Comunidad Valenciana). This is largely due to the fact that the bulk of the temporary and circular migration entering Spain is coordinated through recruitment schemes for agriculture. There are few studies on other forms of mobility, such as the mobility of workers engaged in the provision of transnational services, researchers and highly skilled workers. There are also very few legal analyses that comprehensively address the various regulatory frameworks of Spanish legislation governing the phenomena defined as temporary and circular migration.

### **1.2.1. Definitions**

This report defines the concepts of temporary and circular migration on the basis of the criteria and regulations established for these forms of international mobility in the Spanish legal framework. Where this legislation does not provide for some of the forms of mobility described in this report, the criteria are defined in accordance with the authors' assessment of the migratory situation in Spain.

#### **Temporary migration**

Throughout this report, the term “temporary migration” is used to describe movements meeting the following conditions:

- 1) The movement of a third-country national for the purpose of working (paid or unpaid) or studying for a set length of time.
- 2) The entry into Spain, period of residence and professional activity take place within the legal framework through which the foreign nationals obtain authorisation for residence and, where applicable, a work permit.
- 3) The activity is temporary and includes:
  - a) Seasonal work.
  - b) Contract work for a specific project.
  - c) Work performed by senior management staff, professional athletes and artists.
  - d) Traineeships.
  - e) Work in the framework of the provision of transnational services.
  - f) Study or higher education, research or participation in student exchanges, traineeships and volunteer work.
- 4) The length of the residence permit and, where applicable, the work permit is fixed and limited to the time required to complete the activity for which it was granted, which must be no longer than one year (in a) above, it must be no longer than

9 months within a consecutive 12-month period, and in *f*), it cannot exceed the duration of a course, research or traineeship).

- 5) Permits cannot be renewed, although they can be extended, in which case, the duration will depend on the type of activity involved.

## **Circular migration**

There are two possible situations for circular migration:

- 1) Circular migration describes the repeated movement by third-country nationals from their country of origin to Spain for the purpose of work or study on a temporary basis. The movement, period of residence and professional activity in Spain take place within the legal frameworks for temporary migration. At the end of this period of residence and activity in Spain, the foreign national in question is required to return to the country of origin, which is a prerequisite for being able to apply for subsequent authorisations to reside and work in Spain.
- 2) The report also considers circular migration to refer to the repeated movement of foreign nationals with a stable residence permit<sup>3</sup> in Spain back to their countries of origin for professional reasons and for a period whose duration does not entail a change of permanent residence.

## **Return**

This report refers exclusively to voluntary return, defined as the voluntary movement of a foreign national residing legally in Spain back to his/her country of origin with the ensuing loss or forfeit of a Spanish residence permit.

### **1.2.2. Statistical sources**

The main source of statistical data are records of residence and work permits for certain categories of migrants with characteristics meeting the definition of temporary migration (seasonal workers, contract workers for a specific project, workers providing transnational

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<sup>3</sup> Stable residence permit means a permit obtained under the General Scheme that is temporary and allows the holder to reside legally in Spain for a period of at least one year, or a long-term permit.

services, certain categories of researchers, certain categories of highly skilled workers and trainees).

Since the phenomena of circular and temporary migration are dynamic by definition, this report mainly uses data on flows of permits issued over a period. In particular, the following sources of administrative data have been used to produce the statistical part of this report:

Database of the Ministry of the Presidency

This is the most comprehensive database on flows of work and residence permits granted over a period, recorded through the Immigration Offices. It includes information on fixed-term work and residence permits granted through the General Scheme, permits granted to researchers through work permit exemptions and some of the permits issued in the context of the provision of transnational services. For our study, this source must be supplemented by others. Data are available for the period 2005-2009.

Unidad de Grandes Empresas (Large Companies Unit, UGE)<sup>4</sup>

The UGE is an administrative unit set up specifically for management purposes in 2007 to deal with several specific groups of workers whose professional activity is affected by economic, social or occupational interests. This unit is attached to the State Secretariat for Immigration and Emigration, through the Directorate General for Immigration. The database includes data on permits granted to researchers and those granted in the context of the provision of transnational services processed through this Unit. Data are only available for the period 2008-2009.

Database on Collective Management of Recruitment in Country of Origin (referred to as the "Contingent" before the most recent legislative reform in December 2009)

This database lists the permits granted to seasonal foreign workers recruited through this specific mechanism. Data are available for the period 2003-2009.

Data have been extracted from each of the sources and pooled to produce the tables in this report.

Table 1 contains a schematic outline of the specific cases of permits considered for the study and the source/s of each item.

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<sup>4</sup> This and the database of the contingent of foreign workers are managed directly by the Ministry of Labour and Immigration.

Box 1. Residence and work permits used in the study and source of the data

		Source		
		MPR (2005- 2009)	UGE (2008- 2009)	Coll. Man. Recr. Origin (2003-2009)
<b>Fixed-term residence and work + Collective Management of Recruitment in Country of Origin</b>	Collective Management of Recruitment in Country of Origin (temporary work)			X
	Initial Temporary Residence and Paid Work for Duration of Season	X		
	Fixed-term Salaried Work for Specific Project	X		
	Fixed-term Salaried Work (senior management, athletes, artists, etc.)	X		
	Fixed-term Salaried Work for Training and Work Experience	X		
	Fixed-term Salaried Work for being enrolled in Spanish ships	X		
<b>Residence and work permit in the context of the provision of transnational services</b>		X	X	
<b>Permit for research</b>		X	X	

This report has also used stock data on permits for research and study stays currently in force. This category is not the same as the residence and work permit for research as it is granted for **non-salaried** research or training, or for completing or furthering studies at any public or private official Spanish education or scientific centre. These data were taken from the Statistical Yearbooks on Immigration published by the Permanent Observatory on Immigration.

Another of the statistical sources used in this report are the Residential Variation Statistics (migration flows), produced by Spain's National Statistical Institute. These are obtained essentially from information on municipal register entries and deletions carried out as a result of changes of residence. They provide total annual internal migration flows and some external flows, the former being flows between different municipalities in Spain and the latter being movements to/from other countries. The main shortcoming of these statistics is the deletions (emigration), since very few foreign nationals ask to be removed from the registers. As a result, the majority are deleted as a matter of course, following procedures adopted by the town councils and recorded as *deletions for undue inclusion*.

From 2006, deletions due to expiry are included. These deletions are the result of legislative changes introduced by Organic Law 14/2003 on reform of the Aliens Act to Law 7/1985 regulating the basis of the Local Scheme, which provides that third-country nationals without authorisation for permanent residence are required to renew their entry in the municipal register every two years. If this renewal is not carried out, the town councils must delete the entries on grounds of expiry (*deletions due to expiry*). The registers do not provide information on the destination country either for deletions for undue inclusion or for deletions for expiry.

The National Survey of Immigrants (ENI-2007) is conducted on a sample of 15,456 individuals. This sample seeks to be representative of residents aged 16 or over not born in Spain who, at the time of the interview, have been in the country for at least a year (or have expressed their intention to stay in the country for at least a year). The survey collects data on the migration route, participation in the labour market, household structure and living conditions. Of particular interest for the study of circular mobility processes are variables reflecting the intention of migrants to return to their country of origin within five years of the interview. The ENI-2007 also collects information on the number of visits made to country of origin since the foreign national's arrival in Spain. However, caution should be adopted when analysing the phenomenon of circular migration with ENI data. Firstly, the ENI only interviews foreign nationals who have lived in Spain for at least one year before the date of the interview (or who declare their intention to remain for at least one year following the interview), and, secondly, a selection effect on the survey sample would eliminate temporary foreign nationals with the intention of leaving who had already left the country when the information was collected, and, thirdly, the data are taken from a survey conducted before the financial crisis hit.

## 2 The Spanish approach to temporary and circular migration

### 2.1. National vision, policy and programmes

#### 2.1.1. Immigration context of Spain

Since the 1990s, Spain has witnessed a sharp rise in its migration flows, making it one of the biggest immigration destinations not only in Europe but throughout the world. The last decade in particular has been marked by the arrival of economic migrants from third countries. Just ten years ago, in 2000, approximately 950 thousand foreign nationals lived in Spain. These, combined with the native population, numbered around

40.5 million people in total,<sup>5</sup> which put Spain far behind European countries with a longer tradition of migration, such as the UK, Germany and France. By 2010, 5,750,000 foreign nationals lived in Spain, which represents an increase of over 500% in the last decade. The fastest growing period was between 2000 and 2007, when the migrant population grew at an average rate of 18% per annum. As indicated by the data on migration flows in the Residential Variation Statistics, since 2008, Spain has witnessed a significant decline in foreign arrivals due to the worsening economic situation.

### **2.1.2. Background to Spanish policies**

Following the increase in the migrant population – unprecedented in the contemporary history of Spain – and high rates of illegal migration, successive governments have developed strategies aimed at managing migration flows on the premise that immigration must combine the demand for work generated by the Spanish labour market with the profile of supply from foreign workers, while avoiding situations of marginalisation and the economic exclusion of migrant groups because of their illegal status. Since 2000, Spain's migration policies have incorporated measures to promote legal and orderly immigration based on the model of recruitment in country of origin. In this approach to migration policy, the key instrument for the management of migration flows is the Collective Management of Recruitment in Country of Origin (mechanism known as the “contingent” until the most recent reform of Organic Law 4/2000 by Organic Law 2/2009 of December 2009). The measures to promote recruitment in country of origin are set down in the Organic Law on the rights and freedoms of foreigners in Spain and their social integration (Organic Law 4/2000) of 11 January 2000. This procedure was defined and regulated each year by an agreement of the Council of Ministers until 2009,<sup>6</sup> and since then, through a ministerial Order.<sup>7</sup> In this context, the promotion of the temporary and circular mobility of foreign workers is considered to be one of the keys to managing migration flows into Spain.

### **2.1.3. General legislative framework of temporary and circular migration**

The general legal framework established by Organic Law 4/2000 introduced the possibility of residence and work permits for seasonal work under a special scheme while maintaining

<sup>5</sup> Municipal register data at 1 January 2000. National Statistical Institute.

<sup>6</sup> Resolution of 26 December 2008, of the State Secretariat for Immigration and Emigration, providing for publication of the Agreement of the Council of Ministers of 19 December 2008, laying down the contingent of foreign workers in the extra-Community Scheme of Spain for 2009.

<sup>7</sup> In 2010: Order TIN/3498/2009, of 23 December 2009, governing the collective management of recruitment in country of origin for 2010.

the association with the contingent. The recruitment of seasonal workers in their countries of origin thus came to be one of the ways to manage migration flows and an important source of labour for seasonal work. Contingent management has largely, though not exclusively, been based on bilateral agreements between Spain and various countries of origin for the management of migration flows. The importance of bilateral international relations in the management of migration flows is set down in Spanish legislation, according to which job offers under the Collective Management of Recruitment in Country of Origin system will preferably be made to countries with which Spain has signed agreements to regulate and manage migration flows.<sup>8</sup> As discussed in the statistical section of this report, recruitment in the context of the Collective Management of Recruitment in Country of Origin system is the main mechanism adopted to date for temporary and circular migration. Through this system, employers can offer temporary or seasonal jobs and contract work for a specific project. Nonetheless, the legal framework for migration policy also allows for other forms, such as fixed-term work and residence permits (which include, inter alia, contract work for a specific project of a fixed duration, senior executives, professional athletes and artists, and traineeships, as well as seasonal work), permits in the context of the provision of transnational services, and those granted to researchers and students.

#### **2.1.4. Recent policy changes in relation to temporary and circular migration**

Since the Spanish Socialist Party (*Partido Socialista Obrero Español*) came into power in 2004, there has been a significant change in perspective with regard to Spanish migration policy. The new Spanish Government, aware of the fact that immigration requires a multidimensional approach that takes into account and addresses the full complexity of the phenomenon, has set four main goals: 1) more orderly management of labour migration flows, 2) fostering of international cooperation with countries of origin to address the root causes of migration (poverty, lack of prospects and development), 3) development policies aimed at the social integration of migrants, and, 4) intensification of the struggle against illegal migration and trafficking in human beings.

Policies for managing migration flows and temporary and circular migration now form part of a global strategic framework. Generally, the basis for the management and organisation of migration flows, and of circular and temporary mobility in particular, is still recruitment in country of origin, the main methods of which are Collective Management of Recruitment in Country of Origin and fixed-term permits under the General Scheme. This framework is complemented by a series of lines of action designed to transform circular

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<sup>8</sup> Royal Decree 2393/2004 and reform of Organic Law 4/2000 by Organic Law 2/2009.

migration into an element used not only to adjust the flow of workers to labour market needs, but also to improve the situation of the workers and their home communities. The general lines of action in the context of this new vision of immigration policy can be summarised as:

- a) Creation of an institutional framework that promotes and expedites orderly temporary and circular migration, meeting the needs of the Spanish labour market and providing an alternative to illegal migration.
- b) Extension and improvement of relations with countries of origin and transit of migration flows.
- c) Facilitating of the successful resettlement of returned migrants.
- d) Creation of the conditions to allow workers with temporary or circular mobility to become development agents in their places of origin by participating in cooperative projects or embarking on their own financial projects.
- e) Strengthening of ties among migrants in Spain and their home communities.
- f) Promotion of training activities among foreign nationals in Spain (with a particular focus on seasonal workers) and in countries of origin.
- g) Prevention of brain drain from these countries.
- h) Involvement of diverse levels of government, employers and social agents in setting up recruitment schemes for temporary foreign workers that not only meet the needs of local labour markets, but can also stimulate the implementation of co-development projects.

## **2.1.5. Plans and lines of action**

### **2.1.5.1. Strategic Plan for Citizenship and Integration**

The lines of action are defined in various plans and programmes developed by various Public Administration and agencies. Firstly, mention must be made of the *Plan Estratégico de Ciudadanía e Integración* (Strategic Plan for Citizenship and Integration) for 2007-2010, produced by the Ministry of Labour and Immigration and approved by the Spanish Government in 2007. Among other measures, the Plan includes actions to foster the

inclusion of seasonal workers and encourage their return with skills and resources enabling them to act as development agents in their places of origin. This is sought through active employment policies in countries of origin and voluntary return programmes. The Plan also seeks to encourage the signing of bilateral Social Security Agreements with several countries for the recognition of pension rights and other benefits, which could be a stimulus for temporary and circular mobility in the medium and long term.

### **2.1.5.2. Master Plans for Spanish Cooperation**

Policies aimed at promoting temporary and circular mobility as a factor in the development of countries of origin are also integrated into the programmes and plans developed by the Ministry of Foreign Affairs and Cooperation. The most relevant of these include the Master Plan for Spanish Cooperation for the years 2005-2008 and 2009-2012 and the documents on specific actions.<sup>9</sup> Generally, policies in this area include the development of regulatory frameworks for legal migration, with a special emphasis on schemes for temporary migration and circular mobility. Spanish policy also focuses on strengthening ties between migrants and their countries of origin and, in particular, on promoting knowledge transfer. Along these lines, assistance is afforded to migrant associations and NGOs and to the co-development projects undertaken by these organisations in countries of origin. Within this framework, it is considered particularly important to foster the movement of foreign workers as a means of transferring knowledge, technologies and skills and to promote specific projects. Another aim is that of involving highly skilled migrants in educational, training and joint business projects by conducting educational visits to countries of origin, among other measures. Other important actions in the same line include those designed to stem the loss of human capital in countries of origin through brain drain. The policies also include training actions for migrants living in Spain and the workers in countries of origin. The training of workers recruited in Spain is one of the dimensions of this line of action. Lastly, there is a proposal to set up a framework for productive return, allowing the resettlement of migrants in their countries of origin through professional and business training, financial support and the supply of information.

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<sup>9</sup> See, for example, the Co-development Consensus Document produced by the Working Group on Co-development in 2007, cited in the Master Plan for Spanish Cooperation 2009-2012 as a reference document for migration and development actions: <http://www.maec.es/es/MenuPpal/CooperacionInternacional/Publicacionesydocumentacion/Documents/Documento%20de%20Consenso.pdf>

### **2.1.5.3. Africa Plan**

The new approach to immigration policy has had a major impact on relations with certain African countries. For example, Spain's close cooperation with Morocco on migration issues in recent years has been joined by actions aimed at countries in sub-Saharan Africa. The strategy of linking development cooperation with policies to manage and structure migration flows from sub-Saharan Africa is integrated into the Action Plans for Sub-Saharan Africa (Plan for Africa 2006-2008 and 2009-12). These plans have seven main goals, which include cooperation for the adequate regulation of flows of migrants in the sub-Saharan region and to combat human trafficking. The measures to be implemented in this area in connection with temporary and circular migration include the creation of public employment services in African countries and the strengthening of existing ones for proper management of the link between supply and demand, the promotion of employment and job training.

### **2.1.6. Profiles of temporary and circular migrants**

In recent years, actions to promote circular and temporary migration have been geared towards specific demand from the labour market, which has centred on the recruitment of agricultural workers and – albeit to a much lesser extent – recruitment for jobs providing direct services to the population. The features of the demand for labour generated by the Spanish labour market described above, the legal frameworks put in place since 2000 and the premises of successive programmes to promote temporary and circular migration have meant that circular and temporary migration have thus far been dominated by low skilled foreign workers and/or jobs that do not require higher qualifications. Moreover – and particularly following the recent financial crisis – a growing need has been detected for a new productive profile based on knowledge technology and high productivity.

In this context, the attraction of highly skilled labour and the facilitation of temporary employment are becoming pivotal elements of migration policies. Back in 2007, the Ministry of Labour and Social Affairs (since 2008, the Ministry of Labour and Immigration) set up a Large Companies Unit to regulate and streamline the procedure for the recruitment of senior executives, technicians, scientists and artists in the economic, social, occupational or cultural interest. The 2007 decision of the Ministry of Labour and Social Affairs established an expedited procedure for the recruitment of high-skilled workers by public and private entities.<sup>10</sup> The new reform of the Aliens Act (Organic

<sup>10</sup> Resolution of 28 February 2007, of the State Secretariat for Immigration and Emigration: <http://extranjeros.mtin.es/es/NormativaJurisprudencia/Nacional/RegimenExtranjeria/RegimenGeneral/documentos/RESOLUCION-ALTA-CUALIFICACION.pdf>

Law 2/2009)<sup>11</sup> incorporated the guidelines of the European Directive on the Blue Card. A new regulation, currently at the draft stage, incorporates the recent changes in the Aliens Act and develops the procedures for obtaining this card. Thus, a legal framework is being developed for the recruitment of highly skilled workers for periods of less than a year, which will form the basis of the new regulation of the Aliens Act.<sup>12</sup> Moreover, mechanisms are being designed to meet the commitment to prevent brain drain from developing countries and to offset their loss of human and intellectual capital. Spain also has plans to implement the Global Code of Practice on the International Recruitment of Health Personnel agreed within the World Health Organisation and adopted at the most recent World Health Assembly.

### **2.1.7. Policies on temporary and circular migration from the point of view of social agents**

The efforts of the Spanish Public Administration to promote temporary and circular migration schemes have been welcomed by various agents of civil society. This is primarily due to the need for seasonal and temporary labour that arose in Spanish companies, especially in the agricultural sector, as of the late 1990s. Another factor that has undoubtedly influenced the positive reception of these migration policies has been the approach of the recruitment schemes, which involve the active participation not only of various levels of government but also of employers' representatives and unions. A further element that has been valued as positive is the creation of frameworks to involve actors from the third sector (associations of migrants and NGOs) in recruited worker reception and assistance processes, training initiatives and co-development projects linked to recruitment schemes for temporary workers.

However, there have also been criticisms of these programmes, aired by representatives of trade unions, NGOs, migrant associations and the scientific community over the last ten years. They refer to the processes of recruitment in country of origin of both seasonal and more stable workers. Firstly, the above organisations have criticised the selection of countries with which bilateral agreements have been signed (especially from 2000 to 2004), arguing that the criteria were motivated by reasons of diplomacy and strategic positioning and do not always coincide with the approach of the long-term migration policy or the true features of the flows of migrants they should be addressing. Secondly, and along the same lines, there has been criticism that the procedures for the recruitment

<sup>11</sup> Organic Law 2/2009, of 11 December 2009, amending Organic Law 4/2000, of 11 January 2000, on the rights and freedoms of foreigners in Spain and their social integration.

<sup>12</sup> To date, the recruitment of highly skilled workers for periods of less than a year has been limited.

of foreign workers by employers do not include measures to guarantee that they are based on criteria of qualifications and experience, as opposed to cultural or racial preferences.

## 2.2. National legislation, conditions, criteria and application

### 2.2.1. National legislation

Spanish legislation on the entry, residence and employment of foreign nationals in Spanish territory incorporates several tools to promote mobility and circular migration. Organic Law 4/2000 of 11 January 2000 (Organic Law 4/2000) and its developing regulations establish a legal framework allowing for the temporary recruitment of foreign workers that facilitates their temporary or circular mobility between their countries of origin and Spain. There are three basic types of work and residence permit for temporary workers.<sup>13</sup>

#### 1) Temporary residence and salaried employment of a fixed duration

Articles 55-57 of the regulation of Organic Law 4/2000 (Royal Decree 2393/2004) allow for the possibility of obtaining a permit for *temporary residence and work for salaried employment of a fixed duration*, aimed primarily at meeting the demand for labour to cover jobs of an essentially circumstantial and temporary nature. This type of permit is granted regardless of whether the procedure used is Collective Management of Recruitment in Country of Origin or the General Scheme.<sup>14</sup> This permit allows workers to carry out the following activities:

- a) *Seasonal*, for up to 9 months of a total of 12 consecutive months.
- b) *Contract work for a specific project*, such as the assembly of industrial or power plants, construction of infrastructure, buildings and power grids, gas systems, railways and telephone networks, assembly and maintenance of production equipment and

<sup>13</sup> These types are substantially different to permits of a more stable nature, both in terms of duration and their possibilities of renewal. Stable permits are granted for at least one year (in the case of initial permits) and subsequent renewals are permitted (while the worker is still active in the Spanish labour market) until the long-term permit is obtained.

<sup>14</sup> This type was provided for in the first Aliens Act (Organic Law 7/1985) and maintained in the current Organic Law 4/2000. Generally speaking, to obtain a residence and work permit through this method, a specific job must be offered by an employer to a named individual on the condition that the post cannot be filled by a national worker (or foreign national already resident in Spain).

its commissioning and repair. The permit has a duration of up to one year, which must coincide with the term of the contract.

- c) Activities performed by *senior management staff, professional athletes and performing artists* for up to one year, with the possibility of extension for another year.
- d) *Traineeship*, granted for the duration of the employment contract and up to one year, extendable in exceptional cases for a further period of 6 to 12 months.

In these four cases, the foreign worker must reside outside Spain at the time of recruitment and the validity period of the permit must match the term of the contract. None of these cases allow for the possibility of renewal, although they may be extended for limited periods.

The main route of access to fixed-term work permits for seasonal work and contract work for a specific project is the collective management of recruitment in country of origin, which involves the scheduled recruitment of foreign workers. The collective management procedure is developed by the Ministry of Labour and Immigration taking into account the national employment picture formulated with information provided by the National Public Employment Service and the respective proposals of the Autonomous Communities, in consultation with the Tripartite Labour Commission on Immigration. Each year, the Ministry approves an annual estimate of jobs and the expected numbers of jobs that could be covered by collective management of recruitment in country of origin in a given period. According to the provisions of Article 39 of Organic Law 4/2000, vacancies can be generic or nominative (for hiring named individuals).<sup>15</sup> Collective management of recruitment in country of origin provides for three different mechanisms regulating routes of access to the labour market: a) the list of stable job vacancies; b) the quota of job-seeking visas (for the children or grandchildren of people of Spanish origin or for certain occupations), and c) the recruitment of seasonal workers and those seeking contract work for a specific project (for the assembly of industrial or power plants, construction of infrastructure, buildings and railways, and power grids, gas systems and telephone networks, assembly and maintenance of production equipment and their commissioning and repair). In this case, the volume and features of hired labour are established throughout the year in relation to the demand for labour and the conditions of the labour market.<sup>16</sup>

<sup>15</sup> Generic offers are preferably addressed to countries with which Spain has signed immigration agreements, while nominative offers can be made to nationals of any country.

<sup>16</sup> Note that while a) and b) are characterised by a clear intention of recruiting for stable, long-term employment, the measure described in c) establishes an institutional framework for temporary and seasonal recruitment.

Foreign workers are selected for the job vacancies in their country of origin with the collaboration of the Spanish authorities and the authorities of the country in which the candidates are located. Employers intending to recruit workers in this manner may also participate directly or indirectly. The procedure is managed by the Spanish administration both in Spain (by collecting actual vacancies from employers) and in the country of origin (through the selection of candidates in close collaboration with the authorities of the country in question). The processing of recruitment in country of origin through the procedure established in Order TIN/3498/2009, with the exceptions provided for in the regulation, is decentralised via the labour and immigration departments of the government delegations. The procedures for communicating vacancies to the government of the country of origin and the selection of workers are carried out by the Directorate General for Immigration (Secretariat of State for Immigration and Emigration). In accordance with the provisions of Article 10 of Order TIN/3498/2009, the institutions that coordinate the selection of workers in the country of origin are the Public Employment Service, the Labour Department or Labour Section of the Spanish Embassy, and the company or its legal representative.

Once the availability of a candidate has been confirmed by the above institution, the date and tests required to conduct the selection process are set, in agreement with the company. The selection is made in the manner provided in the applicable agreement on the regulation and management of migration flows. If an agreement has not been signed with a given country, the established procedures are followed, with the participation of representatives of the Directorate General for Immigration and/or the relevant diplomatic mission, where appropriate. The participation of the potential employer in the recruitment is encouraged, whether directly or through business organisations or other accredited representatives.

Once the selection has been made, a document is drawn up with the names and details of the selected workers, which is signed by all three parties. Subsequently, once the Spanish police have obtained the necessary identification numbers of the foreign nationals, the company or its legal representative processes the application and obtains the necessary visas from the Spanish Consulate and organises and coordinates the journey of the workers to the job in Spain.

The collective recruitment of workers in their country of origin for fixed-term work is subject to the same conditions as any other worker performing similar work in Spain as regards the system of social contributions and benefits. Foreign workers with a fixed-term work and residence permit who start work in Spain:

- a) Must register with the Social Security system at the start of their employment.
- b) May register as job seekers with the public employment services if they lose their job before the end of the validity period of the permit or if the employment relationship fails to materialise after the permit has entered into force.

- c) Are exempt from unemployment contributions. Thus, it is impossible for them to earn contributory employment benefits of this nature. However, mandatory contributions are payable to cover the costs of occupational and non-occupational accidents and illnesses (common and professional contingencies).

## **2) Provision of transnational services**

This form of work and residence permit, whose framework allows for temporary or circular migration, is for the *provision of transnational services*. It authorises foreign workers recruited by companies established outside the EU and the European Economic Area to work in Spain on a temporary basis. The permit is granted for up to one year, which period can be renewed for another year. It may be granted in the following cases:

- a) In the event of relocation by and under the management of the foreign company in relation to a contract between the latter and the company set to benefit from the services located in Spain.
- b) Activities at a site of the foreign company (or group of companies of which it forms part) in Spain.
- c) Temporary relocation of highly skilled workers to supervise or advise on contract works or services to be performed abroad by companies based in Spain.

Pursuant to Law 45/1999 on the posting of workers in the framework of the provision of transnational services, workers are guaranteed the working conditions set down in Spanish legislation in relation to working hours, salary, non-discrimination of part-time and temporary workers and the prevention of occupational hazards. European regulations are applicable to transnational workers from third countries employed in an EU country and relocated to Spain in the framework of the transnational provision of services. Workers from third countries recruited by companies located outside EU territory must be registered with and contribute to the Spanish social security system unless there are Social Security agreements in force allowing them to continue contributing in their country of origin.

## **3) Researchers and students**

Another type of international mobility that can take the form of temporary or circular migration is the entry and residence in Spain of *researchers and students*. Article 33 of Organic Law 4/2000 provides for the possibility of the entry to Spain with “stay”

status of third-country nationals whose aim is any of the following non-work activities: completing or furthering studies, conducting research, participating in student exchanges, and work experience and volunteer work. The validity period of the permit must match the duration of the course, research or work experience. Foreign nationals who make use of this option are entitled to apply for annual extensions.

Students admitted for study, work experience or volunteer work may be employed or work on a self-employed basis, provided that this does not affect the performance of the activity for which they were granted the permit.

Spanish law provides for the possibility of granting a residence and salaried work permit to researchers in the framework of the *Special Regime for Researchers*. This is the case of foreign nationals whose sole aim is to conduct research projects in the framework of agreements signed between scientific institutions. In this case, however, the residence permit is not temporary, since it has a minimum duration of one year.

### 2.2.2. Conditions

The conditions for obtaining a fixed-term permit for residence and salaried employment are generally the same as for other permits handled through the General Scheme, regardless of whether the procedure followed is the Collective Management of Recruitments in Country of Origin or the General Scheme.

The conditions to be met by applicants for fixed-term residence and salaried employment permits are:

- 1) The granting of the permit is subject to the demand for certain occupations in the domestic labour market that cannot be filled by national workers or foreign nationals already resident in Spain. In the case of recruitment under the General Scheme, the needs for foreign labour are listed in the Catalogue of Shortage Occupations drawn up by the government authorities. The regulation also allows for the recruitment of workers in occupations not listed in the Catalogue of Shortage Occupations if the employer can show that, after making the vacancy available at the employment services for the statutory period, it has not been filled. In the case of the Collective Management of Recruitments in Country of Origin, the permit will be granted subject to the forecasts of jobs that can be filled in a given period, which are formulated by the Ministry of Labour and Immigration based on information provided by the Public Employment Service and the respective proposals of the Autonomous Communities, following consultation with the Tripartite Labour Commission on Immigration.

- 2) The foreign national must possess the qualifications or skills to perform the work, have no criminal record for crimes under Spanish law and must not stay in Spain illegally.
- 3) The employer must ensure continuous work during the validity period of the permit.

Notwithstanding the above, there are several characteristics that differ according to the type of permit.

Seasonal workers and those hired for contract work for a specific project must agree to return to their country of origin at the end of the employment relationship. To verify that this return has indeed taken place, the worker must visit the diplomatic mission or consular office within one month of the end of his/her permit for work in Spain. Senior management staff, professional athletes, artists, trainees and apprentices must agree to return to their country of origin at the end of their contract. However, they are not required to confirm their return to the diplomatic representations in their countries of origin.

Another condition set down in Spanish legislation for seasonal workers requires employers to guarantee decent accommodation with appropriate hygiene conditions and to organise the journey to Spain and back to the country of origin, bearing at least the cost of the first of these journeys and the expenses of transfer to and from the point of entry into Spain and the worker accommodation. Monitoring of compliance with accommodation conditions is carried out through the Work Departments and Provincial Labour Inspectorate. Subsidies are also provided under the Multi-regional Operational Programme "Fight against Discrimination" for actions in support of recruitment in country of origin, actions relating to the organisation and coordination of worker movement, and the hiring of workers and advice and information on employment. In addition, the Ministry of Labour and Immigration, social agents, business organisations from the agricultural sector and the *Federación Española de Municipios y Provincias* (Spanish Federation of Municipalities and Provinces) have signed a partnership agreement to coordinate actions in this area.

The legislation also requires diligence on the part of employers in ensuring that workers return to their countries of origin at the end of the employment relationship.

For the recruitment of seasonal workers and contract workers for specific projects of a fixed duration, under the collective recruitment procedure and Special Scheme, as set down in Organic Law 4/2000 and its latest amendment (Organic Law 2/2009), job offers are made preferably to countries with which Spain has signed agreements to regulate migration flows, with the exception of nominative offers.

In the case of temporary work permits for senior executives, professional athletes or artists, the necessary administrative licences must be obtained for performance of the professional activity.

The granting of a work and residence permit in the context of the transnational provision of services requires the foreign worker to be resident in the country where the company hires him or her. The activity for which the permit is granted must be the worker's regular activity, which he/she must have carried out for at least one year previously. The worker must have been recruited by the company posting him/her to Spain at least nine months previously. For their part, companies that post employees to Spain in the context of the transnational provision of services must report the relocation before work begins to the authorities of the respective autonomous region. Within a month of arriving in Spain, the relocated worker must personally apply for a Identity Card for Foreign Nationals if staying in Spain for more six months.

Spain has not developed a legislative framework to incentivise the temporary or circular migration of documented foreign nationals living in Spain to and from their countries of origin. Although any foreign worker with a valid work and residence permit may enter and leave Spain, the requirements to fulfil the necessary criteria for maintaining these permits restricts circular and temporary mobility from Spain to countries of origin. In the case of fixed-term workers, the relatively short term of their contracts and the requirement of continued or concatenated employment during the validity period of their permits are factors making it difficult for them to go back to their country of origin before the expiry of their permits. For foreigners with stable but temporary residence and work permits (for 1, 2 or 5 years), their circular or temporary mobility to their countries of origin is limited by the renewal requirements of these permits. In particular, non-EU foreign nationals who hold temporary work and residence permits (i.e. not long-term permits) are required to demonstrate their continued link with the Spanish labour market, which, in practice, requires them to stay in Spain without interruptions.<sup>17</sup> Only in the case of migrants with long-term residence permits (obtained after residence for a continuous five-year period) are there no practical restrictions on movement between Spain and countries of origin.

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<sup>17</sup> Holders of temporary residence permits for salaried work must provide evidence of the continuity of the contract under which the permit was granted. If this contract is terminated, the applicant must show that he/she has worked for at least 6 months of the year and has a new contract with the same characteristics or a new job offer. If the period worked was at least 3 months, the worker must provide evidence of a new employment contract or that the relationship was severed through no fault of his/her own or that he/she has actively sought further employment. Self-employed workers must demonstrate the continuation of the economic activity for which their initial permit was granted, as well as compliance with their tax and Social Security obligations.

### **2.2.3. Application**

As explained above, foreign nationals who are granted fixed-term work permits must agree to return to their country of origin at the end of the contract under which they were granted this permit. Seasonal workers and contract workers for a specific project must visit the Spanish diplomatic missions in their country of origin to confirm their return.

Compliance with the commitment to return affords workers a number of benefits. For example, they can be employed in subsequent seasons without having to undergo further selection procedures. Moreover, if a worker repeats for two years (four years before the latest legislative reform, Organic Law 2/2009), the procedure for obtaining a stable residence permit is expedited and he/she will be able to access “nominative” job offers.

By contrast, failure to meet this commitment may constitute grounds for the denial of subsequent work permit applications in the three years following expiry of the previous permit. This measure is intended to boost legal immigration in this type of activity, discouraging illegal immigration by punishing both the workers and employers who breach their legal obligations.

In recent years, another mechanism has been introduced to encourage circular migration, this time to stable foreign residents (it does not cover workers with fixed-term permits). It involves implementation of the Voluntary Return Programme with Advance Payment of Contributory Unemployment Benefit for non-EU workers (APRE).<sup>18</sup> Royal Decree-Law 4/2008 opens the possibility for their return to Spain, integration in the labour market and the recovery of their legal status after a three-year period.

## **2.3. International cooperation**

### **2.3.1. Bilateral cooperation**

As already mentioned, international cooperation has become a pivotal element of Spanish immigration policy. In recent years, Spain has worked intensely at both multilateral and bilateral cooperation on migration matters with countries of origin and transit. International cooperation on migration has mainly involved strengthening bilateral relations with countries of origin and transit for migration and, most particularly, the signing of bilateral agreements. The relevance of these agreements in the management and promotion of temporary and circular mobility is set down in Spanish legislation, according to which

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<sup>18</sup> The basis and features of this programme are described in section 2.5.1.

job offers under the Collective Management of Recruitment in Country of Origin system will preferably be made to countries with which Spain has signed agreements to regulate and manage migration flows.

As stated elsewhere in this report, since 2000, bilateral agreements have constituted an important mechanism for recruiting workers (both stable and seasonal) in their country of origin. Nonetheless, in 2004, international collaboration adopted a new dimension that now includes, in addition to worker recruitment procedures, flow control, the prevention of illegal immigration, readmission procedures and development cooperation. This “second generation” of framework agreements on migration matters links immigration policy to development policy and incorporates elements of technical cooperation with third countries. In order to adapt the profile of workers to the structure of demand in the Spanish labour market while also fostering the development of countries of origin, these agreements include actions to promote training in the country of origin and set up technical cooperation offices. The agreements also establish measures for the voluntary return of migrants and the distribution of information on channels of legal migration and the risks of their illegal alternatives, as well as measures to build the institutional capacity of the countries of origin.

To date, Spain has signed bilateral agreements with Colombia (2001), Ecuador (2001), Morocco (2001), the Dominican Republic (2002), Romania (2002), Bulgaria (2003) and Mauritania (2007). It has also signed cooperation agreements on immigration with Gambia (2006), Guinea (2006), Guinea Bissau (2008), Cape Verde (2007), Mali (2007), Senegal (2007) and Niger (2008), all of which are second-generation agreements. The latter address cooperation in immigration matters in a more comprehensive and coherent way than their predecessors. For example, they still deal with the recruitment of labour for seasonal or stable work in the framework of the Collective Management of Recruitments in Country of Origin procedure, but they go a step further by incorporating provisions on the struggle against illegal immigration, the readmission of undocumented migrants, return, the integration of migrants into the host society and development actions.

### **2.3.2. Multilateral and Community cooperation**

At multilateral and Community level, Spain has actively participated in the production of the *Global Approach to Migration* document included in the Conclusions of the Brussels European Council of 15 and 16 December 2005. Together with France and Morocco and with the collaboration of the European Commission, Spain also organised the first Euro-African Ministerial Conference on Migration and Development, which was held in July 2006 in Rabat. One of the dimensions of Spain’s cooperation with countries

of origin in the context of EU policies on circular and temporary mobility was its joint participation with France, Luxembourg and Portugal in the signing of the Partnership between the European Union and Cape Verde in 2007.

## 2.4. Results of Spanish policies on temporary and circular migration

### 2.4.1. National level actions

As part of the strategies summarised in 2.1.5., a series of actions are being implemented in order to establish a framework for temporary and circular mobility in the medium to long term. Firstly, the legal changes undertaken in recent years have expedited and facilitated the adaptation of the Collective Management of Recruitments in Country of Origin to the needs of the labour market. This system is currently based on a detailed analysis of the labour market and its needs that involves local governments, employers and trade unions in the calculation of demand and the specification of worker profiles. Since 2004, framework agreements have been signed with many countries of origin or transit for migration, most notably in sub-Saharan Africa.<sup>19</sup> Based on the agreements with Senegal and with the assistance of the International Labour Organisation, a board of employment has been set up in Dakar to select candidates, manage the administrative processing of permits and train workers for employment in Spain. Since 2006, Spain has funded the creation of 12 training workshops in several African countries (Senegal, Mauritania, Mali, Gambia, Guinea-Bissau, Cape Verde, Guinea and Ghana). These trainee workshops are designed to train African workers in sectors covering the financial needs of their own countries as well as those of the Spanish labour market. The purpose is to train workers at these centres so that they are prepared when Spanish business owners seek their services through the Collective Management of Recruitments in Country of Origin procedure. In 2007, the agreements signed with Senegal led to the hiring of 700 workers from this country on farms in Andalusia and a further 2,000 in Spanish ships. Workers from Mauritania (2008) and Mali (2008 and 2010) have also been recruited during agricultural seasons in recent years. Of the actions established in the Mobility Partnership Agreement with the Republic of Cape Verde, Spain participates in the *Mobilising Cape Verdean Skills Abroad for the Socio-economic Development of Cape Verde* programme, developed by the Institute of Communities of Cape Verde abroad. The goal of the programme is to strengthen the capacity and skills of Cape Verde professionals working in their country's key sectors while fostering the role of the qualified Cape Verdean diaspora as agents for co-development, and to strengthen the links between Cape Verde and the institutions of

<sup>19</sup> Agreements have been signed with Mauritania, Cape Verde, Guinea Bissau, Guinea, Mali, Niger, Senegal, the Philippines and Mexico.

the destination countries. The programme also seeks to build the institutional capacity of Cape Verde in the management of its migration policy, particularly in the sector with powers to deal with the diaspora.<sup>20</sup>

#### **2.4.2. Local level actions**

Due to the specific geographical characteristics of the demand for migrant labour in Spain and the role of local actors (municipal authorities, regional governments, local employers' associations) in promoting the recruitment set down in Spanish law, a considerable number of local actions are being undertaken to encourage and reinforce the temporary and circular mobility of workers from third countries under bilateral agreements. These include the *Temporary and Circular Labour Migration* project launched by Unió de Pagesos (the Catalan farmers' union) and the Pagesos Solidaris foundation, and the project for the *Comprehensive management of circular migration flows between Morocco and Huelva*, implemented by the municipality of Cartaya, in the autonomous region of Andalusia.

##### **2.4.2.1. Temporary and Circular Labour Migration Project**

This project seeks to facilitate the repeat recruitment of seasonal agricultural workers in the regions of Catalonia, Valencia and the Balearic Islands while also training migrant workers so that they may undertake financial, community or family projects on their own when they return to their countries of origin, thus becoming development agents in their communities.<sup>21</sup> The model has been launched in Catalonia, where it focuses primarily on the recruitment of Colombian workers. However, as it is replicated in other regions of Spain, it will also incorporate workers from other countries.

##### **2.4.2.2. Project for the Comprehensive management of circular migration flows between Morocco and Huelva**

Another example of the successful application of the circular and temporary mobility model at local level is the AENEAS-Cartaya programme for the *Comprehensive management of circular migration flows between Morocco and Huelva*, launched by the municipality of Cartaya and the Foundation for Foreign Workers based on experiences of the recruitment

<sup>20</sup> The programme was implemented from October 2008 to October 2010.

<sup>21</sup> The project is funded by the Generalitat of Catalonia and has also received funding from EU AENEAS (2007-2008).

of farmhands from Eastern Europe (Romania, Poland), Latin America and Morocco.<sup>22</sup> The model is an example of coordination between different levels of Public Administration, employer associations, trade unions and associations and NGOs, aimed at simplifying and streamlining the procedures for hiring seasonal workers for agricultural work, ensuring adequate conditions of reception and promoting training activities for recruited employees with a view to reintegrating them into the labour markets of their countries of origin.

## **2.5. Voluntary return policies**

An issue of particular note in the migration policy adopted by Spain in recent years has been the promotion and guarantee of the voluntary return of migrants to their countries of origin, with the assurance that their return to their communities of origin will also drive the development of the latter. Hence, provisions such as financial assistance for migrant returns and measures to promote their positive reintegration (such as micro-credit lines and training plans) are being incorporated into bilateral cooperation agreements on migration.

### **2.5.1. Voluntary Return Programme with Advance Payment of Contributory Unemployment Benefit for non-EU workers (APRE)**

In the context of its national policies, in late 2008, Spain introduced a voluntary returns programme under the Advance Payment of Contributory Unemployment Benefit for non-EU workers programme (APRE),<sup>23</sup> which allows for the cumulative and advance payment of unemployment benefit to foreign workers who return to their countries of origin.<sup>24</sup> For the foreign nationals who opt in to this programme, all the contributions they have made in Spain and in their country of origin can be computed for their future pension. The programme is aimed at third-country nationals who are unemployed and entitled to benefits and whose countries have signed bilateral social security agreements with Spain.<sup>25</sup> Foreign nationals who opt in to the Plan must agree to go back to their home countries and not return to Spain within three years. After this period, the foreign nationals in question may return to Spain and will be given preference in registering for

<sup>22</sup> Since 2007, the municipality of Cartaya has also taken part in the pilot project for the reception of Senegalese seasonal workers under bilateral relations between Spain and Senegal.

<sup>23</sup> Developed by Royal Decree-Law 4/2008 and Royal Decree 1800/2008.

<sup>24</sup> Under this programme, migrants receive 40% of their unemployment benefit in Spain, after it has been awarded, and the remaining 60% is paid in their countries of origin.

<sup>25</sup> Spain has signed Social Security Agreements with twenty countries: Andorra, Argentina, Australia, Brazil, Canada, Chile, Colombia, Ecuador, United States, Philippines, Morocco, Mexico, Paraguay, Peru, Dominican Republic, Russia, Tunisia, Ukraine, Uruguay and Venezuela.

the recruitment of non-Community foreign workers through the Collective Management mechanism. Moreover, individuals who opt for voluntary return and subsequently return to Spain will recover their former status as temporary or long-term residents. The APRE is intended to encourage circular mobility as it allows migrants to decide on their life and career strategies in relation to the job opportunities in their home countries and in Spain. The programme also seeks to promote the development of countries of origin by returning skilled workers with professional experience and financial resources so that they may continue working there.

### **2.5.2. Programme for Voluntary Migrant Return with Social Care (PREVIE)**

Prior to the APRE programme, an assisted return programme – PREVIE – was in place, addressed to vulnerable migrant groups. The authority responsible for the Voluntary Return Plan is the Ministry of Labour and Immigration, which bears the costs of its funding. The plan is managed by different NGOs<sup>26</sup> and by the International Organization for Migration (IOM). Similar programmes are being carried out in Catalonia (PREVICAT), funded by the Generalitat of Catalonia and managed by the IOM, and in the Community of Madrid (PREVICAM), which is funded by the regional government. These programmes are aimed at non-EU foreigners<sup>27</sup> who are in the country both legally and illegally. Candidates must be in a socially vulnerable situation and have been residing continuously in Spain (in Catalonia for PREVICAT and in the Community of Madrid for PREVICAM) for at least six consecutive months. These foreign nationals must agree not to return to Spain within three years of their departure. The assistance consists of the payment of the ticket home, financial aid for the journey and the costs of resettlement in their country.

### **2.5.3. Programme for Productive Migrant Return with Social Care**

This programme seeks to encourage productive return by training interested parties to set up small family businesses before they leave Spain. The beneficiaries undertake to participate in a project to create a small business in their country. The programme provides advice, guidance and an assessment of candidates and projects, mentoring

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<sup>26</sup> These include Asociación América España Solidaridad y Cooperación (AESCO), Asociación Comisión Católica Española de Migración (ACCEM), Asociación de Cooperación Bolivia España (ACOB), Caritas Española, CEPAIM, Comisión Española de Ayuda al Refugiado (CEAR), Cruz Roja Española, Federación de asociaciones rumanas en España (FEDROM), Movimiento para la Paz, el Desarme y la Libertad (MPDL) and RESCATE.

<sup>27</sup> Migrants from the countries of the Mediterranean basin (Mauritania, Morocco, Tunisia, Algeria and Libya) cannot join the PREVICAT programme.

(where necessary), education and training, monitoring and technical assistance, the ticket home and financial aid.

## **2.6. Return and re-emigration – empirical evidence**

### **2.6.1. Return**

According to data from the National Survey of Immigrants conducted in early 2007 by the National Statistical Institute, just 7.6% of third-country nationals expressed the desire to return to their countries of origin within five years of the interview. However, the worsening economic conditions since 2007 have influenced an increase in return flows, as reflected in the number of departures of foreign residents entered on municipal registers. The data obtained from the Residential Variation Statistics, drawn up using the entries and deletions in municipal registers of inhabitants, indicate that the number of foreign nationals registered in Spain who have left the country has increased since 2007. Between 2007 and 2008, the number of third-country nationals leaving Spain increased from 175,000 to 195,000, representing an increase of 11.5%. Between 2008 and 2009, this number rose to 216,000, representing a year-on-year increase of 10.5%.

### **2.6.2. Emigration of foreign nationals residing in Spain to other Member States**

Information on migration flows to other countries can be obtained from the Residential Variation Statistics. However, as explained in 1.2.2. *Statistical sources*, these emigration figures are inaccurate because foreign nationals leaving the country do not inform their town or city council, so the data on these departures is estimated from other available information.

Data on recent years indicates that there is not a marked phenomenon of re-emigration to other European Union countries to date. The absolute number of third-country nationals moving to another Member State is on the rise, albeit only gradually. During 2007, 1,200 non-EU citizens registered in Spain left the country for other EU Member States and, in 2009, this figure had risen to just 1,600.<sup>28</sup>

<sup>28</sup> The data provided should only be regarded as an approximation to the trend (which is growing, as can be seen). This is because, as previously noted, they only include reported deletions from municipal registers and do not reflect departures that took place without requesting removal from the register. Thus, the inaccuracy of this source, in the case of foreign nationals, should be taken into account when determining the migratory destination, since information on the destination country is missing in a high percentage of cases (over 85%).

### 3 Data on circular and temporary migration

Statistical information on the phenomena of temporary and circular migrations is currently relatively scarce in Spain. There are no general sources of data covering the diverse dimensions of these movements, so it would be challenging to make an empirical assessment of the overall phenomenon at the present time, or at least to make this assessment to the desired degree of accuracy, detail or disaggregation. To the best of the authors' knowledge, no general research has yet been designed in Spain to specifically address the phenomenon of circular and temporary migration. General surveys of the foreign-born population – such as the National Survey of Immigrants (ENI 2007) – compile information about foreign nationals at a given point in time, so they do not collect data on migrants on short (or long) stays who have already left the country. It is also difficult to determine who or how many will leave Spain after a short period of time from these sources.

In any case, there are several specific administrative records that can provide an insight into some of the dimensions of temporary migration in Spain. In particular, as regards the temporary migration of *third-country nationals*, information is available on foreign nationals with seasonal work permits, workers posted for the transnational provision of services and researchers and students entering Spain. However, it should be noted at the outset that the information obtained from administrative records has inherent limitations. Firstly, this type of data does not allow us to determine whether, on expiry of the work and residence permit, the worker returns to his/her home country or stays on in Spain. It is actually the permit that is temporary, though this does not necessarily extend to the migration. Secondly, the lack of information on temporary migration is also due to the fact that the administrative arrangements used to date for calculating the stock of migrants in Spain are not sufficiently accurate for determining the departures (removals) of the foreign population. Examples of such arrangements include municipal registers and the Central Register of Foreign Nationals, which contains the valid residence permits granted to third-country nationals and the registration certificates of EU nationals and their families.

Moreover, it has not yet been possible to determine the frequency with which residence and work permits are granted to a single person in a given period of time, so the feasibility of studying the incidence and characteristics of circular mobility from countries of origin to Spain are severely limited. Information on the circular migration of *third-country nationals who move back to their countries of origin* while maintaining their residence in Spain is also deficient in this country; in fact, the scant information available to study this phenomenon is taken from general surveys of the migrant population, with all their limitations.

### 3.1. Temporary migration

#### 3.1.1. Workers with fixed-term work and residence permits

In Spain, workers with fixed-term residence and work permits clearly account for the bulk of temporary migrants in the country. Within this category, the most significant group are seasonal workers. Between 2003 and 2009, the Spanish authorities granted a total of 336,732 permits for this type of seasonal work to foreign nationals (Table 1).

TABLE 1. *Residence and work permits granted to seasonal workers by nationality, 2003-2009*

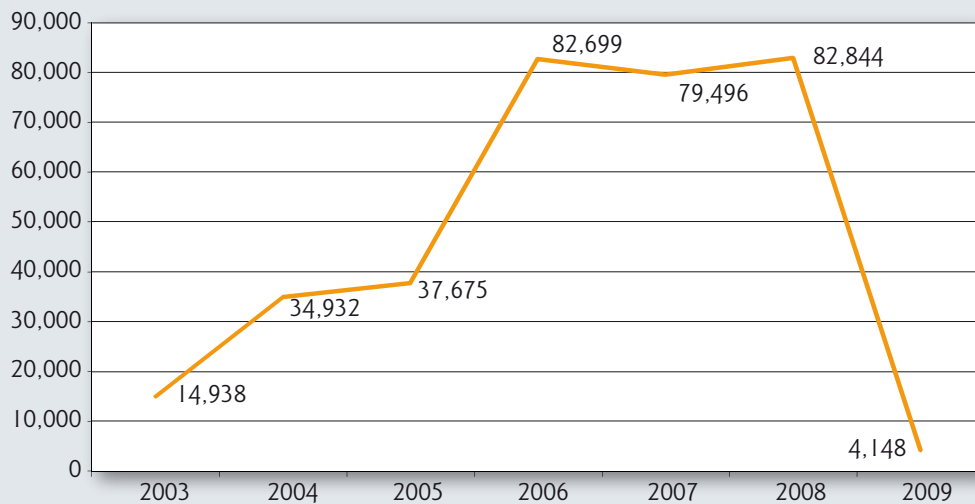
	Total	2003	2004	2005	2006	2007	2008	2009
<b>Total</b>	<b>336,732</b>	<b>14,938</b>	<b>34,932</b>	<b>37,675</b>	<b>82,699</b>	<b>79,496</b>	<b>82,844</b>	<b>4,148</b>
Romania	212,249	5,998	19,193	23,365	57,984	50,616	55,093	0
Poland	38,859	7,729	11,438	8,934	10,758	0	0	0
Morocco	34,205	129	965	935	3,355	13,815	13,813	1,193
Bulgaria	23,555	70	1,040	1,292	6,725	7,794	6,634	0
Colombia	10,094	544	988	1,102	1,355	2,371	2,431	1,303
Ecuador	4,310	35	205	413	510	1,544	1,158	445
Argentina	2,521	177	27	15	365	573	1,046	318
Ukraine	1,739	83	140	209	190	155	818	144
Senegal	1,147	0	28	0	16	911	139	53
Peru	1,477	23	47	17	13	792	376	209
Slovak Republic	669	124	127	263	155	0	0	0
Dominican Rep.	393	0	43	37	51	180	67	15
Philippines	310	0	0	0	40	0	270	0
Cuba	792	0	176	167	272	146	26	5
South Africa	498	0	30	114	133	86	75	60
Brazil	351	0	66	88	59	47	57	34
Uruguay	290	0	0	0	25	23	204	38
Bolivia	118	0	32	24	9	20	18	15
Russian Federation	343	0	31	72	87	81	38	34
China	396	0	45	121	52	52	66	60
Belarus	127	8	18	101	0	0	0	0

	Total	2003	2004	2005	2006	2007	2008	2009
Chile	165	7	15	0	23	9	66	45
Lithuania	54	0	54	0	0	0	0	0
Thailand	330	0	0	0	308	0	22	0
India	42	0	42	0	0	0	0	0
Mauritania	40	0	0	0	0	0	40	0
Honduras	34	0	0	0	0	0	25	9
United States of America	43	0	14	0	16	8	0	5
Mexico	90	0	15	0	0	33	30	12
Hungary	28	0	0	13	15	0	0	0
Czech Republic	28	0	8	20	0	0	0	0
Vietnam	18	0	18	0	0	0	0	0
Canada	118	0	16	102	0	0	0	0
Burkina Faso	12	0	12	0	0	0	0	0
Israel	10	0	10	0	0	0	0	0
Moldova, Republic of	10	0	10	0	0	0	0	0
Panama	10	0	0	0	0	0	0	10
Mali	9	0	9	0	0	0	0	0
Kenya	8	0	0	0	0	0	8	0
Other	1.223	5	59	271	183	240	324	141
Unknown	17	6	11	0	0	0	0	0

Source: Ministry of Labour and Immigration and Ministry of the Presidency. Includes permits granted under the General Scheme and the hiring of workers under the Collective Management of Recruitments in Country of Origin procedure.  
Source: Ministry of Labour and Immigration and Ministry of the Presidency. Includes permits granted under the General Scheme and the hiring of workers under the Collective Management of Recruitments in Country of Origin procedure.

A sharp rise in the growth rate can be observed up to 2008. During this period, the number of permits increased more than fivefold, from just under 15,000 in 2003 to over 80,000 in 2008. Growth has since ground to a halt, with just 4,184 permits being granted for this type of seasonal work in 2009.

GRAPH 1. *Residence and work permits granted to seasonal workers, 2003-2009*



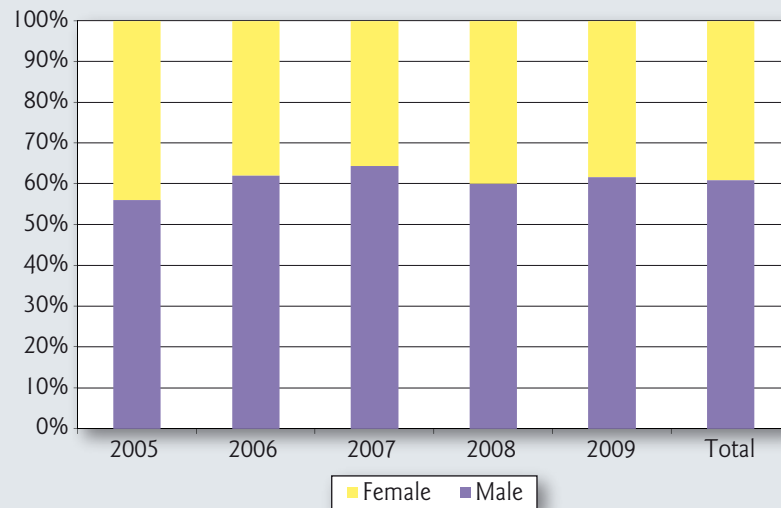
Source: Ministry of Labour and Immigration and Ministry of the Presidency. Includes permits granted under the General Scheme and the hiring of workers under the Collective Management of Recruitments in Country of Origin procedure.

In short, the growth of seasonal immigration in Spain has followed a similar pattern to general immigration, i.e. it has changed in relative synchrony with the economic cycle, experiencing an upswing in the boom years and a sharp contraction when the recession hit.

The data on seasonal work permits reveal the diverse origin of these migrants. Nonetheless, this diversity of origin should not obscure the marked concentration of origins: the holders of such permits have been mainly Romanian, accounting for almost two thirds (63%) over the period. Together with Polish (up to 2006), Moroccan, Bulgarian and Colombian workers, they represented 95% of seasonal migrants who were granted permits in Spain between 2003 and 2009. If we add to these figures workers from Ecuador, Argentina, Ukraine and Senegal, together they account for 98% of seasonal migration with permits.

Two marked characteristics can be observed in this group of seasonal migrants. Firstly, agriculture is the main occupation of the workers: if we take one of the years with the highest number of seasonal workers (2008), 95% were granted permits for agricultural employment. Secondly, with an approximate ratio of 60/40, there are more men than women in the group (Graph 2).

GRAPH 2. Residence and work permits granted to seasonal workers  
by sex (%), 2005-2009



Source: Ministry of Labour and Immigration and Ministry of the Presidency. Includes permits granted under the General Scheme and the hiring of workers under the Collective Management of Recruitments in Country of Origin procedure.

In addition to this significant group of seasonal migrants, there is a very small group of temporary migrants who are granted fixed-term permits for salaried work 1) such as senior executives, professional athletes and artists, 2) in the area of training or apprenticeships, 3) enrolled in Spanish ships and 4) on contract work for a specific project. The Ministry of the Presidency has provided data on this type of permits since 2007, which is shown in Table 2.

TABLE 2. Residence and work permits granted for other temporary workers,  
2003-2009

	Total	2007	2008	2009
<b>Total</b>	<b>1,915</b>	<b>333</b>	<b>894</b>	<b>688</b>
Senior executives, professional athletes, artists and other	682	145	267	270
Training and apprenticeships	72	10	30	32
Enrolled in Spanish ships	687	48	316	323
Contract work for specific projects	474	130	281	63

Source: Ministry of the Presidency.

### 3.1.2. Workers in the context of the provision of transnational services

As explained earlier, these are temporary foreign workers employed by a company located in a non-EU state outside the European Economic Area operating in Spain. In general, they are highly skilled workers. According to the available data (Table 3), there is a low but increasing number of foreigners applying for permits under this scheme in Spain. At the end of the period studied, the number of annual permits for these workers appears to level off at around one thousand.

Of the workers providing transnational services who are resident in Spain, a significant number come from the United States, Mexico and India; Brazilians also hold a significant weight, albeit to a lesser extent. The vast majority of these workers are male (over 90% in 2009), employed mainly in the services sector (60% in 2009), as is to be expected given the nature of the activities of these transnational companies.

TABLE 3. *Residence and work permits granted to Intra-Corporate Transferees by nationality, 2006-2009*

	Total	2006	2007	2008	2009
<b>Total</b>	<b>2,421</b>	<b>3</b>	<b>420</b>	<b>1,055</b>	<b>943</b>
United States of America	471	0	96	85	290
Mexico	315	0	80	141	94
India	296	0	0	165	131
Brazil	118	0	15	51	52
Argentina	79	0	10	42	27
Venezuela	73	0	0	59	14
Chile	62	0	0	37	25
Philippines	31	0	0	20	11
Saudi Arabia	23	0	0	13	10
Other	953	3	219	442	289

Source: Ministry of the Presidency (2006-2009) and Ministry of Labour and Immigration (2008-2009: Large Companies Unit).

### 3.1.3. Researchers

The number of researchers who have carried out projects in Spain between 2005 and 2009 is around 2,000 people (Table 4), a very low annual presence. Indeed, in the years with the greatest volume (the last two of the above period), there were just over 600 researchers. Hence, although very few foreign researchers are entering Spain and this number represents a very small proportion of the total annual immigration figures, the records point to a growing trend in the above period. This growth is consistent with the prominent internationalisation of Spanish science that has taken place in recent years.

TABLE 4. *Residence and work permits granted to researchers by sex, 2005-2009*

	Total	2005	2006	2007	2008	2009
<b>Total</b>	<b>2,051</b>	<b>215</b>	<b>98</b>	<b>451</b>	<b>664</b>	<b>623</b>
Male	1,215	126	44	271	397	377
Female	836	89	54	180	267	246
% Male	59.2%	58.6%	44.9%	60.1%	59.8%	60.5%

Source: Ministry of the Presidency (2006-2009) and Ministry of Labour and Immigration (2008-2009: Large Companies Unit).

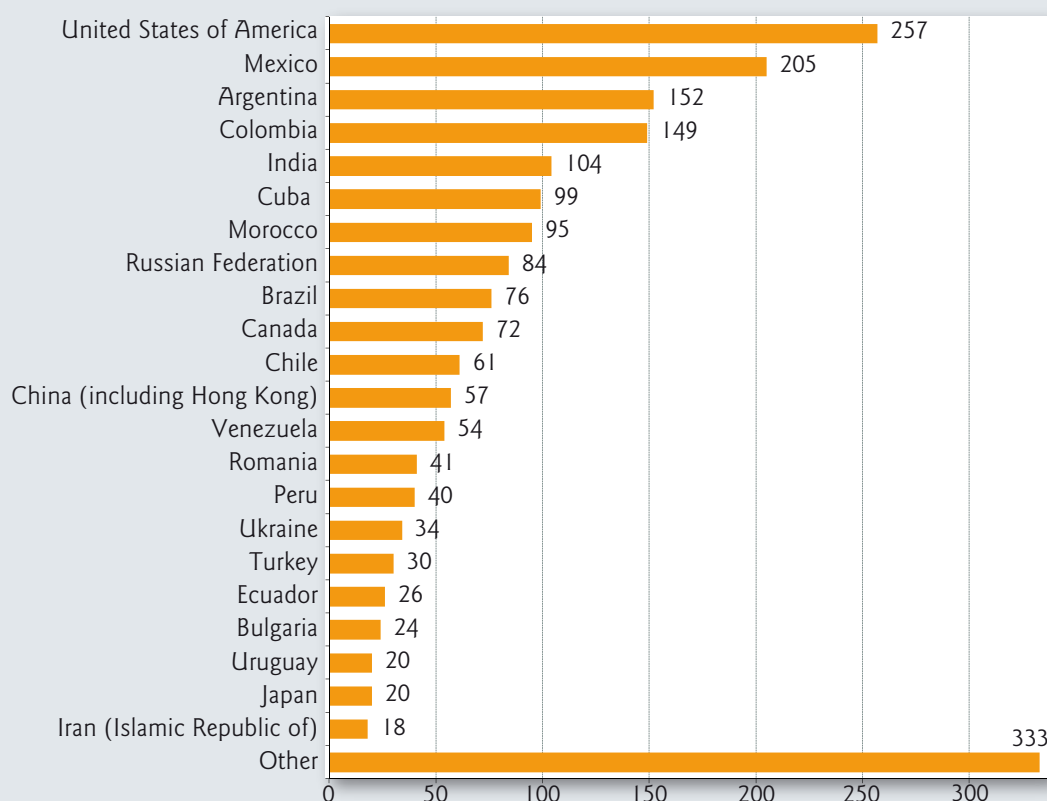
The proportion of men to women has essentially remained stable over the years in this group, with men accounting for around 60%. Only in 2006, when the lowest number of permits of the entire series (just 98) were granted to researchers, was the proportion of women higher than that of men, at 55%.

By nationality (Graph 3), the majority of the foreign researchers came from the United States (13%). However, if we consider large geographical regions, Latin American countries stand out as the region with the largest group of researchers (43% of the total), mainly from Mexico, Argentina and Colombia. There is also a small number of researchers from India who are steadily increasing in number.

### 3.1.4. Students

In recent years, coinciding with the greatest increase in immigration that the country has ever known, Spain has become an attractive destination for a growing number of students. Between 1999 and 2009 (Graph 4), the stock of student residence permits in force has grown by nearly 70% (i.e. at an annual rate of 6.2%), from 26,638 students at

GRAPH 3. *Residence and work permits granted to researchers by nationality.  
Cumulative data 2005-2009*



Source: Ministry of the Presidency (2006-2009) and Ministry of Labour and Immigration (2008-2009: Large Companies Unit).

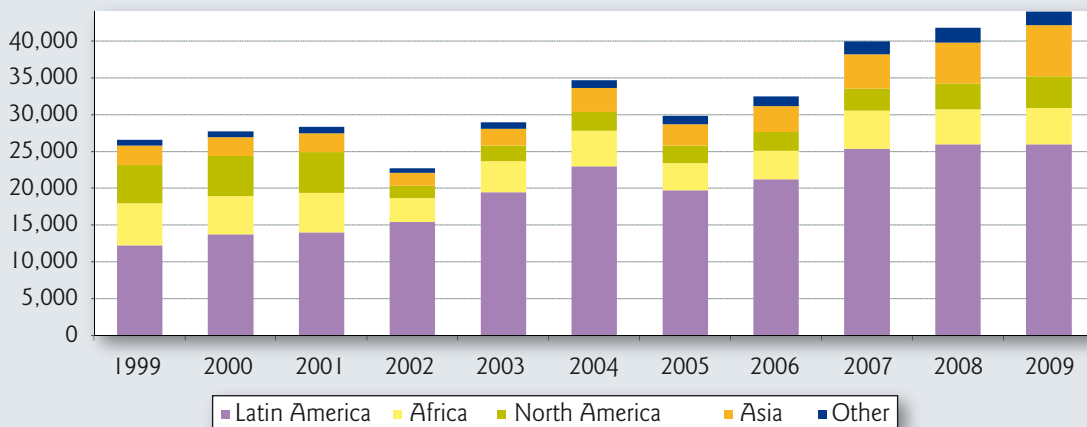
the beginning of the period to 44,465 by the end.<sup>29</sup> The growth rate has been continuous throughout the period, with the exceptions of 2002 and 2005.

By far, the majority of these students – who do not include EU citizens, as they do not require such a permit – are from Latin American countries (59% in 2009), although Asian countries also account for a significant proportion (16% in 2009). African and North American citizens (not including Mexicans) together represent around 20% (2009 figures). The weight of other countries in the total is much lower.

Interestingly, there are slightly more women than men in general among students with residence permits for study purposes, with a ratio of 1.1:1 (Table 5). This slight predominance of women is due mainly to the arrival of students from the United States and Canada, Asia, European countries outside the EU and, since 2005, Latin American countries. Among African students, however, there are more men than women.

<sup>29</sup> Of these permits, 95% were residence permits for students and just 5% were permits for their families.

GRAPH 4. Foreign nationals with a valid residence permit for study purposes, by continent of nationality, 31 December, 1999-2009



Source: Statistical Yearbook of Immigration, Permanent Observatory for Immigration (Ministry of Labour and Immigration).

TABLE 5. Foreign nationals with a valid residence permit for study purposes, by continent of nationality. Percentage of male, 31 December 1999-2009

	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
<b>Total</b>	<b>28,637</b>	<b>29,813</b>	<b>30,382</b>	<b>24,789</b>	<b>31,046</b>	<b>36,724</b>	<b>31,905</b>	<b>34,494</b>	<b>41,981</b>	<b>43,837</b>	<b>46,474</b>
<b>% Male</b>	<b>46.8%</b>	<b>46.2%</b>	<b>46.2%</b>	<b>48.6%</b>	<b>48.5%</b>	<b>47.4%</b>	<b>47.8%</b>	<b>47.3%</b>	<b>46.7%</b>	<b>46.0%</b>	<b>45.5%</b>
Latin America	50.0%	49.8%	49.8%	49.5%	49.1%	47.5%	49.0%	48.1%	46.9%	46.4%	46.3%
Africa	59.4%	57.2%	57.4%	54.7%	54.9%	54.8%	54.1%	54.2%	55.0%	55.9%	54.7%
North America	28.5%	28.7%	28.8%	34.8%	33.8%	34.9%	33.6%	33.5%	33.7%	32.1%	33.6%
Asia	43.0%	43.3%	43.2%	46.7%	49.7%	50.4%	48.9%	49.0%	48.5%	47.7%	46.8%
Other	38.6%	38.9%	38.3%	36.9%	35.1%	33.8%	33.2%	35.9%	36.2%	36.0%	34.6%

Source: Statistical Yearbook of Immigration, Permanent Observatory for Immigration (Ministry of Labour and Immigration).

The data on permits also indicate that the bulk of these students (90%) are aged over 20, so we can assume that the vast majority are university students.

## 3.2. Circular migration

### 3.2.1. Circular migration of residents of a third country

Based on data from the National Survey of Immigrants (ENI), whose questionnaire asked respondents about their future migration intentions, it can be inferred that the vast

majority of Spain's migrant population appears to have moved to the country with the intention of staying for relatively long periods of time. In 2007, the foreign nationals who planned to stay in Spain (81%) exceeded the number who planned to return to their country of birth (7%) by a ratio of 12:1. Just over one in ten had no clear future plans and a statistically insignificant proportion planned to travel to a third country. On the whole, these data point to a type of migration composed for the most part of permanent movements with little room for circular mobility.<sup>30</sup>

The data on the future plans of foreign nationals thus paint a portrait of an essentially permanent immigration with a very low incidence of temporary and circular movements. This is perfectly consistent with what we know of their migration routes. The ENI also tells us that the number of countries in which foreign nationals resided before coming to Spain is very low: the bulk of the migrants (90%) made the trip from their country of origin to Spain with no intermediate migrant stays.

### **3.2.2. Circular migration of third-country nationals established in Spain**

According to the ENI, 62.5% of the foreign nationals residing in Spain in 2007 (approximately 2.8 million people) had made a return visit to their country of origin since entering their destination country. Many of these foreign nationals were not strictly speaking economic migrants, but pensioners from developed countries (especially in Europe). In all events, of the foreign nationals who claimed to have returned to their home countries after settling in Spain, most had done so for a holiday or to visit family and friends. In other words, only very small migrant minorities stated that they had made regular trips back to their birth countries (1.7%) or travelled for work (1.4%). Thus, approximately 75,000 (for regular stays) and 65,000 (for working visits) people are involved in these forms of circular migration. With regard to other aspects, the figures are so scarce that further breakdowns are not practicable and nor is it possible to control for third variables (country of origin, sex, age, occupation, etc.) that could shed some light on the factors driving these circular movements. Thus, any attempt to extend the analysis through either of these two methods would produce statistically insignificant findings.

To summarise, based on the limited data available, it would appear that the circular migration of third-country nationals who have settled in Spain is a negligible phenomenon. Nonetheless, this is to be expected from essentially economic migrants in low-skilled occupations. In other words, the vast majority of migrants living in Spain have embarked

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<sup>30</sup> As noted above, caution must be exercised in interpreting the survey data due to possible selection bias caused by the cross-sectional nature of these data.

on a permanent and long-term migration and do not, therefore, make regular trips back to their countries of origin while maintaining their residence in Spain.

### 3.3. Return

The available data on the Spanish programme of voluntary returns of migrants to their home countries further confirm the view that the movements of the bulk of Spanish migrants are permanent and for economic reasons, as reiterated throughout this report.

The data (Table 6) clearly show that the real impact of Spanish programmes for voluntary return has been thus far very limited. Between 2003 and 2010, a total of 12,906 individuals have opted in to the voluntary return programme on humanitarian grounds, an insignificant figure when compared with the close to 6 million migrants living in Spain. For its part, the Productive Migrant Return with Social Care Programme involved 99 migrants in 2010, 60% of whom were from Ecuador and Bolivia.

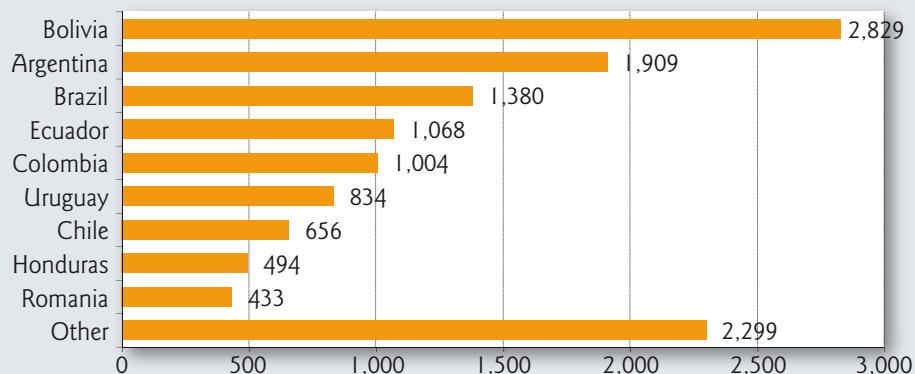
TABLE 6. *Immigrants under the voluntary return programme on humanitarian grounds, 2003-2010*

	Total
<b>Total</b>	<b>12,906</b>
2003	604
2004	1,176
2005	928
2006	958
2007	1,184
2008	1,821
2009	4,022
2010	2,213

Source: Ministry of Labour and Immigration.

Nonetheless, as shown in Table 6, the programme attracted a more or less stable number of migrants up to 2007 and has since begun to attract increasing numbers of beneficiaries. In 2009, many more migrants joined the programme than in past years. The programme ended 2010 with a figure above the average of number of beneficiaries for the years before 2009, though well below the previous year.

GRAPH 5. *Immigrants under the voluntary return programme on humanitarian grounds by nationality. Cumulative data 2003-2010*



Source: Ministry of Labour and Immigration.

The migrants opting to join the programme are mainly Latin Americans, from Argentina, Bolivia, Brazil, and to a lesser extent, Colombia, Ecuador and Uruguay, who together account for 70% of the beneficiaries.

The available data on the advance payment of unemployment benefit under the Voluntary Return Programme with Advance Payment of Contributory Unemployment Benefit for non-EU workers (Table 7) indicate that a running total of 15,773 migrants (up to the end of 2010) have joined this programme. Three out of every four processed applications have been approved, and the number of waivers or withdrawn applications is far greater than the number of denied applications.

TABLE 7. *Voluntary Return Programme with advanced payment of contributory unemployment benefit. Cumulative data up to 31-12-2010*

	Applications registered	Applications processed				Applications pending <sup>(2)</sup>
		Total	Approved	Denied	Other <sup>(1)</sup>	
<b>Total</b>	<b>15,773</b>	<b>15,620</b>	<b>11,516</b>	<b>625</b>	<b>3,479</b>	<b>153</b>

Source: Ministry of Labour and Immigration.

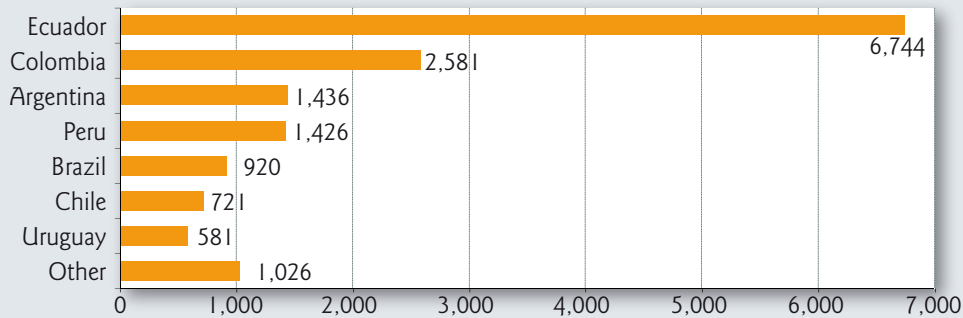
<sup>(1)</sup> Cases waived or withdrawn.

<sup>(2)</sup> Cases pending due to lack of documentation or for countries without bilateral Social Security Agreements.

By nationality (Graph 6), there is a predominance of Ecuadorian migrants, who constitute almost half of these applicants (44%), followed at some distance by Colombians (17%), the second largest nationality. Together, these two nations account for 60% of applications

for advance payment of unemployment benefit. Nationals of Argentina, Peru, Brazil, Chile and Uruguay represent smaller numbers; in total, these five nations represent 33% of applicants under this programme.

GRAPH 6. Applications received under the Voluntary Return Programme with advanced payment of contributory unemployment benefit, by nationality. Cumulative data up to 31-12-2010



Source: Ministry of Labour and Immigration.

## 4 Conclusions

### 4.1. Examples of good practice

For the past ten years, the management and promotion of temporary and circular migration flows has been a pivotal element of migration management policy in Spain, which adopts the view that this type of international mobility allows migrants to adapt to labour market needs. This is especially important with the changing demand for labour in today's difficult economic climate.

Since 2004, the policy towards temporary and circular migration has been integrated into a global strategic framework seeking to harmonise the development of frameworks for an orderly migration that meets the needs of the Spanish labour market. This involves actions aimed at furthering the economic and social advancement of developing countries and strengthening bilateral and multilateral relations with third countries in political and economic matters.

Several actions are being implemented for the management of migration flows. These include:

- The introduction of regulations to encourage the circular movement of seasonal workers from their place of origin. In particular, compliance with the commitment to return allows temporary foreign workers to obtain work in subsequent seasons without having to take part in new selection processes.
- The creation of boards of employment (Dakar, Senegal) to facilitate local administrative management and to enable workers to acquire the preparation needed by Spanish companies.
- The development of educational programmes (e.g. training workshops) to improve the level of preparation of foreign workers for their subsequent recruitment in Spain.
- The involvement of diverse levels of Public Administration, employers and other social agents in setting up schemes for the recruitment of foreign workers at the local level. Examples include the “Temporary and Circular Labour Migration” project and the “Comprehensive management of circular flows of migrants between Morocco and Huelva” programme.

Actions to promote development in place of origin have included the following best practices:

- Actions to improve the skills level of temporary foreign workers already in Spain, thus enabling them to become development agents in their hometowns.
- Actions to assist with the resettlement of migrants through financial aid, microcredits and participation in co-development activities in their places of origin.

Examples of best practices in international relations include:

- The increase in the number of countries with which Spain has signed bilateral agreements on migration.
- The inclusion in the framework of bilateral agreements of a series of measures to integrate labour recruitment schemes and actions for institutional-capacity building in countries of origin, development cooperation and measures for voluntary return.

## **4.2. Recommendations – data sources**

One of the keys to the temporary and circular migration management policy is knowing the scale, intensity and qualitative characteristics of the phenomenon. Although the quality of statistical data has improved in recent years, changes in the migration context and, hence, the new hurdles to be overcome by public policy have created a challenge for Public Administration and researchers in the development of new strategies for collecting

and processing statistical information. The following are the most significant lines of action with respect to the provision of data on temporary and circular mobility:

- 1) Firstly, the growing significance of schemes for the temporary recruitment of workers in their countries of origin highlights the need to strengthen the development and use of tools providing access to accurate and complete statistical information at national and Community level on foreign nationals participating in circular and temporary migration into Spain. Organic Law 4/2000, as amended by Organic Law 2/2009, provides for the creation of a centralised register of information and data on foreign nationals and European Union citizens resident in Spain and their permits.<sup>31</sup> Within this legal framework, these tools will be developed to address the need to centralise at the national level all records of data collected on the entry, residence and employment of foreign nationals through the various forms of temporary and circular mobility (seasonal workers, transnational service providers, researchers etc.).
- 2) The creation of new sources of statistical data is also recommended in order to approach processes of geographical mobility from a longitudinal perspective so as to determine the incidence and scale of circular migration. One way of achieving this aim could be to create registers combining information on registrations and withdrawals from the Social Security system with information on visas granted and the information obtained from the Spanish diplomatic representations where foreign workers with fixed-term residence permits are required to report their return at the end of their contracts.

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<sup>31</sup> Its fifth additional provision states: «Procedures relating to matters of immigration resulting from compliance with the provisions of this Organic Law shall be processed by means of a common software application whose implementation and coordination across the departments involved shall be the responsibility of the Ministry of Labour and Immigration. Such application, which shall ensure the protection of personal data, shall record the information and data on foreign nationals and European Union citizens resident in Spain, together with their permits, encourage compliance with legislative provisions on the electronic access of citizens to public services and provide real-time information on the status of permit applications regulated under this Act to the administrative bodies with powers in each of the phases thereof, as well as their participation in the phase that falls within their scope. This software application shall also allow the government agencies involved to generate statistical databases in order to obtain reliable and up-to-date information on the relative magnitudes of immigration and foreign nationals. In compliance with the provisions of Community legislation in this area, procedures for transit and stay visas will be processed using the software specifically created for this purpose, responsibility for which shall fall upon the Ministry of Foreign Affairs and Cooperation. Such software shall be interconnected with the common software application, ensuring that the database of the latter contains information on the details of visas requested and granted at consular offices and Spanish diplomatic missions abroad. The Ministry of Home Affairs, pursuant to its powers in public order and public and national security, shall keep a Central Register of Foreign Nationals. The regulations shall define any interconnection required for the common software application to contain information that could affect the administrative status of foreign nationals in Spain.»

- 3) Lastly, since certain forms of temporary and circular mobility take place outside the frameworks established by recruitment in country of origin schemes and are hence very difficult to cover with official registers, it is becoming increasingly clear that studies based on sample data are required both at origin and destination. This research, although presenting methodological challenges due to sampling approach, implementation and high costs, would provide valuable information on migration routes.

#### **4.3. Recommendations – cooperation with third countries**

Recent experience has revealed the importance of international cooperation with the countries of origin of migration flows in the implementation of programmes to promote temporary and circular migration. Both the achievements and challenges arising from implementation of the strategies in recent years have brought to light certain issues that ought to receive the special attention of national and Community authorities.

Firstly, there is a need for joint collaboration between EU Member States and countries of origin in the framework of multilateral and multidimensional relations, covering issues of migration flow management, development assistance and border control.

Secondly, it is necessary to build on the institutional capacities of the governments of countries of origin for the management of migration flows. It is also becoming increasingly clear that we must increase the number of diplomatic representations, consular offices and jointly run employment services in order to streamline the processes of recruitment, selection and return of foreign workers.

## **R**eferences

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Abad Quintanal, Gracia (2007): "Los desafíos de la UE en materia migratoria: la cooperación con terceros estados", *UNISCI Discussion Papers*. Madrid, Universidad Complutense de Madrid.

Adepoju, Aderanti; Noorloos, Femke van; Zoomers, Annelies (2010): "Europe's Migration Agreements with Migrant-Sending Countries in the Global South: A Critical Review", en *International Migration*, vol. 48, nº 3, pp. 42-75.

Aparicio Wilhelmi, Marco; Roig Moles, Eduard (2006): "La entrada por razones laborales y el trabajo de los inmigrantes. El progresivo desarrollo de un sistema ordenado de entrada laboral", en Aja, E. y Arango, J. (eds.): *Veinte años de inmigración en España. Perspectiva jurídica y sociológica (1985-2004)*, Barcelona, Fundació CIDOB, pp. 145-174.

Aubarell, Gemma (2009): "El papel de la política española de inmigración en la estrategia euromediterránea", en Zapata Barrero, R. (ed.): *Políticas y gobernabilidad de la inmigración en España* Barcelona, Ariel, pp. 289-308.

Bruquetas-Callejo, María; Garcés-Mascareñas, Blanca; Morén-Alegret, Ricard; Penninx, Rinus; Ruiz-Vieytez, Eduardo (2008): "Immigration and integration policymaking in Spain", *IMISCOE Working Paper* IMISCOE.

Cachón, Lorenzo (2004): "Los acuerdos bilaterales celebrados por España con Ecuador y Colombia", en Geronimi, E., Cachón, L. y Texidó, E. (eds.): *Acuerdos bilaterales de migración de mano de obra: estudio de casos*, Ginebra, Oficina Internacional de Trabajo, pp. 23-93.

Cachón, Lorenzo (2009): *La "España inmigrante": marco discriminatorio, mercado de trabajo y políticas de integración*, Barcelona, Anthropos Editorial.

Carballo de la Riva, Marta (2009): "Migraciones y desarrollo: la incidencia de África Subsahariana en la agenda política". Madrid, Instituto Universitario de Desarrollo y Cooperación. Universidad Complutense de Madrid.

Cebolla Boado, Héctor; González Ferrer, Amparo (2008): *La inmigración en España (2000-2007). De la gestión a la integración de los inmigrantes*, Madrid, Centro de Estudios Políticos y Constitucionales.

Commission, European (2007): "Aeneas programme. Programme for financial and technical assistance to third countries in the area of migration and asylum. Overview of projects funded 2004-2006". Brussels, European Commission.

Ferrero Turrión, Ruth; López Sala, Ana (2009): "Nuevas dinámicas de gestión de las migraciones en España: el caso de los acuerdos bilaterales de trabajadores con países de origen", en *Revista del Ministerio de Trabajo e Inmigración*, vol. 80, nº, pp. 119-132.

Gómez, Francisco Javier (2006): "Las autorizaciones de trabajo por cuenta ajena de los extranjeros no comunitarios: los efectos de su carencia", en *Revista del Ministerio de Trabajo e Inmigración*, vol. 63, nº, pp. 101-138.

Gordo Márquez, Mercedes (2008): "La contratación en origen de rumanos para actividades agrícolas de temporada en España", en *Cuadernos de geografía*, vol. 84, nº, pp. 237-262.

Gordo Márquez, Mercedes (2009): "Implantación de los contratos en origen en las campañas agrícolas de temporada: el liderazgo de la provincia onubense", en Gordo Márquez, M.; Felicidades García, J. (eds.): *Explorando los contratos en origen en los campos españoles*, Huelva, Universidad de Huelva, pp. 119-143.

Grau Pineda, María del Carmen (2009): "El contingente de trabajadores extracomunitarios como mecanismo ¿idóneo? de regulación de flujos migratorios laborales en España", en *Justicia laboral: revista de Derecho del Trabajo y de la Seguridad Social*, vol. 40, nº, pp. 55-82.

Hierro, Francisco Javier (2005): "Algunas cuestiones sobre la protección social de los trabajadores inmigrantes empleados en la agricultura", en *Revista de derecho migratorio y extranjería*, vol. 9, nº, pp. 65-81.

León, Bernardino (2008): "La gestión concertada de los flujos migratorios: El diálogo España/UE-África Subsahariana en materia de inmigración", en Pinyol, G. (ed.): *La dimensión exterior de las políticas de inmigración en la Unión Europea. V Seminario Inmigración y Europa* Barcelona, CIDOB, pp. 11-15.

López Sala, Ana (2007): "La política española de inmigración en las dos últimas décadas: del asombro migratorio a la política en frontera y la integración", en *Inmigración en Canarias: contexto, tendencias y retos*, Santa Cruz de Tenerife, Fundación Pedro García Cabrera, pp. 23-38.

Millán Jaldón, Juan Antonio (2009): "Modelo Cartaya de migración circular: su definición conceptual y estratégica. Fórmula de codesarrollo idónea para fomentar flujos migratorios legales, complementar el control de frontera y la lucha contra el tráfico ilícito de personas y la migración legal", en Gordo Márquez, M.; Felicidades García, J. (eds.): *Explorando los contratos en origen en los campos españoles*, Huelva, Universidad de Huelva, pp. 145-154.

Pajares, Miguel (2010): *Inmigración y mercado de trabajo. Informe 2010*, Madrid, Ministerio de Trabajo e Inmigración.

Panizzon, Marion (2010): "Standing together apart: Bilateral migration agreements and the temporary movement of persons under "mode 4" of GATS", *Centre on Migration, Policy and Society Working Paper* Oxford, University of Oxford.

Pérez, Carmen (2008): "La perspectiva española de la dimensión exterior de la política de inmigración de la UE", en Pinyol, G. (ed.): *La dimensión exterior de las políticas de*

*inmigración en la Unión Europea. V Seminario Inmigración y Europa*, Barcelona, CIDOB, pp. 145-149.

Pinyol i Jiménez, Gemma (2007): "España en la construcción del escenario euroafricano de migraciones", en *Revista CIDOB d'afers internacionals*, vol. 79-80, nº, pp. 87-105.

Pinyol i Jiménez, Gemma (2009): "La gestión de la acción exterior: ¿una nueva diplomacia migratoria?", en Zapata Barrero, R. (ed.): *Políticas y gobernabilidad de la inmigración en España* Madrid, Ariel, pp. 267-288.

Reher, David; Cortés, Luis; González, Fernando; Requena, Miguel ; Sánchez, María Isabel; Sanz, Alberto; Stanek, Mikolaj (2008): *Informe Encuesta Nacional de Inmigrantes (ENI-2007)*, Madrid, Instituto Nacional de Estadística.

Relaño Pastor, Eugenia (2004): "Los continuos cambios de la política de inmigración en España", en *Migraciones Internacionales*, vol. 2, nº 3, pp. 110-141.

Ruiz-Giménez, Itziar; Cebolla, Héctor (2007): *Origen y causas de la emigración de África a España*, Madrid, Centro de Estudios Políticos y Constitucionales.

San Martín Mazzucconi, Carolina (2006): "El acceso de los extranjeros al mercado de trabajo: Régimen general y contingente", en *Revista del Ministerio de Trabajo y Asuntos Sociales*, vol. 63, nº, pp. 139-173.

Zapata-Barrero, Ricard; Faúndez, Rocío; Sánchez Montijano, Elena (2009): "Migración Laboral, Temporal y Circular (MLTC) de trabajadores entre Colombia y España. Un modelo a consolidar y replicar". Barcelona, Grup de Recerca Interdisciplinari en Immigració; Universitat Pompeu Fabra.

### **Spanish legislation governing the temporary and circular mobility of third-country nationals**

- Law 45/1999, of 29 November 1999, concerning the posting of workers in the framework of the transnational provision of services (BOE – Official State Gazette, 30 November 1999).  
<http://www.boe.es/boe/dias/1999/11/30/pdfs/A41231-41239.pdf>
- Organic Law 4/2000 on the rights and freedoms of foreigners in Spain and their social integration (BOE, 12 January 2000).

[http://extranjeros.mtin.es/es/NormativaJurisprudencia/Nacional/RegimenExtranjeria/RegimenGeneral/documentos/LeyOrganica\\_Dchos\\_Libertades.pdf](http://extranjeros.mtin.es/es/NormativaJurisprudencia/Nacional/RegimenExtranjeria/RegimenGeneral/documentos/LeyOrganica_Dchos_Libertades.pdf)

- Organic Law 8/2000, of 22 December 2000, amending Organic Law 4/2000, of 11 January 2000, on the rights and freedoms of foreigners in Spain and their social integration (BOE, 23 December 2000).  
[http://extranjeros.mtin.es/es/NormativaJurisprudencia/Nacional/RegimenExtranjeria/RegimenGeneral/documentos/Ley\\_Organica\\_8-2000.pdf](http://extranjeros.mtin.es/es/NormativaJurisprudencia/Nacional/RegimenExtranjeria/RegimenGeneral/documentos/Ley_Organica_8-2000.pdf)
- Royal Decree 2393/2004, of 30 December 2004, approving the Regulation of Organic Law 4/2000, of 11 January 2000, on the rights and freedoms of foreigners in Spain and their social integration (BOE, 7 January 2005).  
<http://extranjeros.mtin.es/es/NormativaJurisprudencia/Nacional/RegimenExtranjeria/RegimenGeneral/documentos/RD2393-04.pdf>
- Royal Decree-Law 4/2008, of 19 September 2008, on cumulative and advance payment of unemployment benefit to foreign workers returning to their country of origin (BOE, 20 September 2008).  
[http://extranjeros.mtin.es/es/NormativaJurisprudencia/Nacional/RegimenExtranjeria/RegimenGeneral/documentos/rd\\_retorno\\_prestacion\\_desempleo.pdf](http://extranjeros.mtin.es/es/NormativaJurisprudencia/Nacional/RegimenExtranjeria/RegimenGeneral/documentos/rd_retorno_prestacion_desempleo.pdf)
- Royal Decree 1800/2008, of 3 November 2008, implementing Royal Decree-Law 4/2008, of 19 September 2008, on cumulative and advance payment of unemployment benefit to foreign workers returning to their country of origin (BOE, 11 November 2008).  
[http://extranjeros.mtin.es/es/NormativaJurisprudencia/Nacional/RegimenExtranjeria/RegimenGeneral/documentos/reglamento\\_prestacion\\_desempleo\\_retorno.pdf](http://extranjeros.mtin.es/es/NormativaJurisprudencia/Nacional/RegimenExtranjeria/RegimenGeneral/documentos/reglamento_prestacion_desempleo_retorno.pdf)
- Royal Decree 1162/2009, of 10 July 2009, amending the Regulation of Organic Law 4/2000, of 11 January 2000, on the rights and freedoms of foreigners in Spain and their social integration, approved by Royal Decree 2393/2004 of 30 December 2004 (BOE, 23 July 2009).  
[http://extranjeros.mtin.es/es/NormativaJurisprudencia/Nacional/RegimenExtranjeria/RegimenGeneral/documentos/RD1162\\_2009.pdf](http://extranjeros.mtin.es/es/NormativaJurisprudencia/Nacional/RegimenExtranjeria/RegimenGeneral/documentos/RD1162_2009.pdf)
- Organic Law 2/2009, of 11 December 2009, amending Organic Law 4/2000, of 11 January 2000, on the rights and freedoms of foreigners in Spain and their social integration (BOE 12 December 2009).  
[http://extranjeros.mtin.es/es/NormativaJurisprudencia/Nacional/RegimenExtranjeria/RegimenGeneral/documentos/LOr\\_2\\_2009.pdf](http://extranjeros.mtin.es/es/NormativaJurisprudencia/Nacional/RegimenExtranjeria/RegimenGeneral/documentos/LOr_2_2009.pdf)

- Order TIN/3498/2009, of 23 December 2009, regulating the collective management of recruitment in country of origin for 2010 (BOE, 29 December 2009).  
<http://extranjeros.mtin.es/es/NormativaJurisprudencia/Nacional/RegimenExtranjeria/RegimenGeneral/documentos/ContratacionesOrigen2010.pdf>

### **Bilateral agreements on migration with third countries**

- Agreement between the Kingdom of Spain and the Republic of Ecuador on the Regulation and Management of Migration Flows, signed in Madrid on 29 May 2001.  
[http://extranjeros.mtin.es/es/NormativaJurisprudencia/Internacional/ConveniosBilaterales/ConveniosMigratorios/documentos/Acuerdo\\_Espana\\_Ecuador.pdf](http://extranjeros.mtin.es/es/NormativaJurisprudencia/Internacional/ConveniosBilaterales/ConveniosMigratorios/documentos/Acuerdo_Espana_Ecuador.pdf)
- Agreement between Spain and Colombia on the regulation and management of migrant worker flows, signed in Madrid on 21 May 2001.  
[http://extranjeros.mtin.es/es/NormativaJurisprudencia/Internacional/ConveniosBilaterales/ConveniosMigratorios/documentos/Acuerdo\\_flujos\\_COLOMBIA.pdf](http://extranjeros.mtin.es/es/NormativaJurisprudencia/Internacional/ConveniosBilaterales/ConveniosMigratorios/documentos/Acuerdo_flujos_COLOMBIA.pdf)
- Agreement between the Kingdom of Spain and the Republic of Bulgaria on the regulation of migrant worker flows between the two States, signed in Madrid on 28 October 2003.  
[http://extranjeros.mtin.es/es/NormativaJurisprudencia/Internacional/ConveniosBilaterales/ConveniosMigratorios/documentos/en\\_vigor\\_ACUERDO\\_flujos\\_BULGARIA.pdf](http://extranjeros.mtin.es/es/NormativaJurisprudencia/Internacional/ConveniosBilaterales/ConveniosMigratorios/documentos/en_vigor_ACUERDO_flujos_BULGARIA.pdf)
- Entry into force of the Labour Force Agreement between the Kingdom of Spain and the Kingdom of Morocco, signed in Madrid on 25 July 2001.  
<http://extranjeros.mtin.es/es/NormativaJurisprudencia/Internacional/ConveniosBilaterales/ConveniosMigratorios/documentos/aem-25-7-01.pdf>
- Provisional application of the Agreement between the Kingdom of Spain and the Republic of Poland on the Regulation and Management of Migration Flows between the two States, signed in Warsaw on 21 May 2002.  
[http://extranjeros.mtin.es/es/NormativaJurisprudencia/Internacional/ConveniosBilaterales/ConveniosMigratorios/documentos/aplicacion\\_provisional.pdf](http://extranjeros.mtin.es/es/NormativaJurisprudencia/Internacional/ConveniosBilaterales/ConveniosMigratorios/documentos/aplicacion_provisional.pdf)
- Agreement between the Kingdom of Spain and Romania on the Management of Migrant Worker Flows between the two States, signed in Madrid on 23 January 2002 (BOE, 3 December 2002).  
[http://extranjeros.mtin.es/es/NormativaJurisprudencia/Internacional/ConveniosBilaterales/ConveniosMigratorios/documentos/acuerdo\\_Espana\\_Rumania.pdf](http://extranjeros.mtin.es/es/NormativaJurisprudencia/Internacional/ConveniosBilaterales/ConveniosMigratorios/documentos/acuerdo_Espana_Rumania.pdf)

- Agreement on the Regulation and Management of Migrant Worker Flows between the Kingdom of Spain and the Dominican Republic, signed in Madrid on 17 December 2001 (BOE, 5 September 2002). It has been provisionally applied since 16 January 2002.  
[http://extranjeros.mtin.es/es/NormativaJurisprudencia/Internacional/ConveniosBilaterales/ConveniosMigratorios/documentos/Acuerdo\\_Espana\\_RDominicana.pdf](http://extranjeros.mtin.es/es/NormativaJurisprudencia/Internacional/ConveniosBilaterales/ConveniosMigratorios/documentos/Acuerdo_Espana_RDominicana.pdf)
- Framework Agreement on Cooperation between the Kingdom of Spain and the Republic of Senegal, signed in Dakar on 10 October 2006.  
<http://www.boe.es/boe/dias/2008/07/15/pdfs/A30878-30879.pdf>
- Framework Agreement on Cooperation as regards Immigration between the Kingdom of Spain and the Republic of Cape Verde, signed *ad referendum* in Madrid on 20 March 2007.  
[http://extranjeros.mtin.es/es/NormativaJurisprudencia/Internacional/ConveniosBilaterales/ConveniosMigratorios/documentos/Acuerdo\\_Marco\\_Cabo\\_Verde.pdf](http://extranjeros.mtin.es/es/NormativaJurisprudencia/Internacional/ConveniosBilaterales/ConveniosMigratorios/documentos/Acuerdo_Marco_Cabo_Verde.pdf)
- Agreement between the Kingdom of Spain and the Islamic Republic of Mauritania on the Regulation and Management of Migrant Worker Flows between the two States.  
<http://extranjeros.mtin.es/es/NormativaJurisprudencia/Internacional/ConveniosBilaterales/ConveniosMigratorios/documentos/A44027-44030.pdf>
- Provisional application of the Agreement on Cooperation as regards Immigration between the Kingdom of Spain and the Republic of Guinea Bissau, signed *ad referendum* in Bissau on 27 January 2008, and Exchange of Letters dated 11 July and 29 September, with amendments.  
[http://extranjeros.mtin.es/es/NormativaJurisprudencia/Internacional/ConveniosBilaterales/ConveniosCooperacionInmigracion/documentos/guinea\\_bisau\\_acuerdo\\_03062009BOE\\_A\\_2009\\_9177.pdf](http://extranjeros.mtin.es/es/NormativaJurisprudencia/Internacional/ConveniosBilaterales/ConveniosCooperacionInmigracion/documentos/guinea_bisau_acuerdo_03062009BOE_A_2009_9177.pdf)
- Provisional application of the Framework Agreement on Immigration between Spain and Gambia.  
[http://extranjeros.mtin.es/es/NormativaJurisprudencia/Internacional/ConveniosBilaterales/ConveniosCooperacionInmigracion/documentos/Cooperacion\\_Gambia.pdf](http://extranjeros.mtin.es/es/NormativaJurisprudencia/Internacional/ConveniosBilaterales/ConveniosCooperacionInmigracion/documentos/Cooperacion_Gambia.pdf)
- Provisional application of the Framework Agreement on Immigration between Spain and Guinea.  
[http://extranjeros.mtin.es/es/NormativaJurisprudencia/Internacional/ConveniosBilaterales/ConveniosCooperacionInmigracion/documentos/Cooperacion\\_Guinea.pdf](http://extranjeros.mtin.es/es/NormativaJurisprudencia/Internacional/ConveniosBilaterales/ConveniosCooperacionInmigracion/documentos/Cooperacion_Guinea.pdf)

- Provisional application of the Framework Agreement on Cooperation as regards Immigration between the Kingdom of Spain and the Republic of Mali, signed in Madrid on 23 January 2007 (BOE, 4 June 2008).  
[http://extranjeros.mtin.es/es/NormativaJurisprudencia/Internacional/ConveniosBilaterales/ConveniosCooperacionInmigracion/documentos/acuerdo\\_mali.pdf](http://extranjeros.mtin.es/es/NormativaJurisprudencia/Internacional/ConveniosBilaterales/ConveniosCooperacionInmigracion/documentos/acuerdo_mali.pdf)
- Provisional application of the Framework Agreement on Cooperation as regards Immigration between the Kingdom of Spain and the Republic of Niger, signed in Niamey on 10 May 2008.  
[http://extranjeros.mtin.es/es/NormativaJurisprudencia/Internacional/ConveniosBilaterales/ConveniosCooperacionOperativa/documentos/acuerdo\\_niger.pdf](http://extranjeros.mtin.es/es/NormativaJurisprudencia/Internacional/ConveniosBilaterales/ConveniosCooperacionOperativa/documentos/acuerdo_niger.pdf)

### **Government programmes that include the management and promotion of circular and temporary migration**

- Strategic Plan for Citizenship and Integration 2007-2010  
[http://www.mtin.es/es/sec\\_emi/IntegralInmigrantes/PlanEstrategico/index.htm](http://www.mtin.es/es/sec_emi/IntegralInmigrantes/PlanEstrategico/index.htm)
- Master Plan for Spanish Cooperation 2005-2008  
[http://www.aecid.es/export/sites/default/web/galerias/programas/Vita/descargas/Plan\\_Director\\_Esp.pdf](http://www.aecid.es/export/sites/default/web/galerias/programas/Vita/descargas/Plan_Director_Esp.pdf)
- Master Plan for Spanish Cooperation 2009-2012  
[http://www.aecid.es/export/sites/default/web/galerias/publicaciones/descargas/libro1\\_PlanDirector\\_LR.pdf](http://www.aecid.es/export/sites/default/web/galerias/publicaciones/descargas/libro1_PlanDirector_LR.pdf)
- Action Plan for Sub-Saharan Africa 2006-2008  
[http://www.maec.es/es/Home/Paginas/planafrica2006\\_08.aspx](http://www.maec.es/es/Home/Paginas/planafrica2006_08.aspx)
- Action Plan for Sub-Saharan Africa 2009-2011  
[http://www.maec.es/es/Home/Paginas/planafrica2009\\_12.aspx](http://www.maec.es/es/Home/Paginas/planafrica2009_12.aspx)

### **Websites consulted**

#### *a) Government*

- Ministry of Labour and Immigration - [www.mtin.es/](http://www.mtin.es/)
- State Secretariat for Immigration and Emigration - <http://extranjeros.mtin.es>

- State Secretariat for Social Security - [http://www.seg-social.es/Internet\\_1/index.htm](http://www.seg-social.es/Internet_1/index.htm)
- Ministry of Foreign Affairs and Cooperation - [www.maec.es/](http://www.maec.es/)
- Casa Africa - [www.casafrica.es](http://www.casafrica.es)

*b) Non-government*

- Voluntary return (<http://www.retornovoluntario.net/>)
- International Organization for Migration – voluntary return (<http://www.iom.int/jahia/Jahia/about-migration/managing-migration/cache/offonce/lang/es/pid/662>)
- International Labour Organization (<http://www.ilo.org/global/lang--es/index.htm>)
- IMISCOE ([www.imiscoe.org/](http://www.imiscoe.org/))
- Unió de Pagesos (<http://www.uniopagesos.es/>)
- Fundación Agricultores Solidarios (<http://www.pagesossolidaris.org>)
- AENEAS-CARTAYA project ([http://www.cartaya.es/index.php?option=com\\_content&view=article&catid=134:normativa&id=231:marco-legal-contratacion-en-origen-&Itemid=1&el\\_mcal\\_month=4&el\\_mcal\\_year=2010](http://www.cartaya.es/index.php?option=com_content&view=article&catid=134:normativa&id=231:marco-legal-contratacion-en-origen-&Itemid=1&el_mcal_month=4&el_mcal_year=2010))
- Centro de Estudios y Documentación Internacionales de Barcelona ([www.cidob.org/](http://www.cidob.org/))
- Afrol News (<http://www.afrol.com/es/>)
- Foreign nationals website (<http://www.intermigra.info/extranjeria/index.php>)
- European Centre for the Study of Migration Flows (CEMIGRAS) (<http://www.flujosmigratorios.org/>) (<http://www.flujosmigratorios.org/>)
- AENEAS ([http://www1.dicoruna.es/ipe/ayudas/carpetasDG/JusticiaeInterior/aeneas/progr\\_aeneas.htm](http://www1.dicoruna.es/ipe/ayudas/carpetasDG/JusticiaeInterior/aeneas/progr_aeneas.htm))

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