An Assessment of the New Legislation on Migration Control in Spain: from Amnesties to Regular Avenues for Legal Migration

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Abstract

The characteristics of the new immigration legislation implemented since 2004 have expanded the channels for legal migration in Spain. In this paper we provide an analysis of the transition from illegal to legal migration and the other way around by taking into consideration a case study in the province of Barcelona. First, we demonstrate the potential of using administrative-based data on migrants' work and residence permits to undertake quantitative longitudinal analysis. Second, we provide an evaluative case study of the new immigration legislation on the trajectories of new migrants. We then highlight how, even if illegal migration has reduced as a result of the economic downturn, non-nationals who reside legally could switch to an illegal status caused by the same economic recession, in particular for those whose work permits are not renewed upon their expiration.

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1 Introduction

After a rapid shift to becoming a country of immigration at the end of the 20th century, Spain has experienced an immigration boom over the past few years. The number of new migrants has risen from around 1 million in the year 2000 to 5,6 million at the beginning of 2009, thus changing the proportion of foreign-born over the total population from 3 to 12 per cent. Such a rapid increase has been explained primarily by a strong demand for labour-intensive and low-skilled jobs in specific occupational sectors (construction, agriculture, domestic services, cleaning). Spain's migration inflows have been so significant that they have accounted for nearly 50 per cent of the net absolute migration in the EU (European Union), to the extent that it has had the highest absolute net migration in the EU (with a peak of 920 thousand arrivals in 2007) and the second highest in the world after the USA. The international boom on immigration has also been accompanied by a significant increase of the number of unauthorised migrants in the EU, with the southern parts accounting for the largest absolute numbers. Although numbers of unauthorised migrants vary greatly in accordance with the implementation of regularisation programmes some estimates already indicated that the EU probably 'hosted' between seven and eight million irregular migrants in 2005 (Papademetriou, 2005). Within this context, the growth of undocumented migration has been one of the main characteristics of the inflows arrived at the end of the 20th century in the European Union along with the significant changes in the age and sex structure of the immigrant populations (Salt, Clark and Schmidt, 2000).

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These facts have provoked a constant debate of EU Member State positions to control migration by setting broader objectives on illegal migration and carrying out regularisations as an accompanying measure to increased immigration restrictions. As a result, the legislation and literature on regularisation policies has expanded significantly over the past few years both in Spain (Aja, and Díez, 2005) and elsewhere in Europe (Blaschke, 2008; Greenway, 2007). While describing the main characteristics of illegal migration and regularisation, questions have also been posed to understand the main causes and consequences of regularisation, such as its effectiveness as a policy tool as well as its socio-economic impact in different national economies and migratory frameworks. Although different country profiles also indicate different structural conditions, many scholars have pointed out how the role of irregular migration as a structural factor has been predominant, most notably within a context of growing informal economies (Baldwing-Edwards and Arango, 1999; Izquierdo, 2003a). Within this context, although the development of informal strategies affects all immigrants, the situation becomes more relevant for unskilled non-nationals, introducing significant differentials where labour market conditions are poor and social exclusion prevails (Martínez Veiga, 2003).

Since Spain's accession to the EU in 1986, the role of amnesties granting legal status to non-nationals who were in breach of national immigration rules has not only been fundamental as a strategy by the state to re-establish a formal regularity in the labour market but also a demand of the EU to make statistics of non-nationals more visible and accessible. Within this context, Spain's four previous extraordinary regularization programs have granted legal status to over one million immigrants overall (108.000 in 1991, 200,000 in 2000, 230,000 in 2001 and 578,000 in 2005). The implementation of these regularisations clearly fell within the establishment of an EU policy framework with respect to immigration, with the Amsterdam Treaty of 1997 marking the adoption of measures in relation to (a) conditions of entry and work and residence permits and (b) illegal immigration and illegal residence. However the importance of illegal immigration and illegal residence in Spain became very apparent already in 1986 with the first immigration law (which for many marked the first regularisation programme). The 1991 regularisation programme was also related with another EU signature on 19th of June of 1991, the adoption of the Schengen system, which introduced the right of freedom of movement for long-term residents and as a consequence the abolition of

internal controls. This had implications not only for more strict migratory controls within the EU (Costa-Lascoux, 1991; Convey and Kupieszewski, 1995; and 1996; Huysmans, 2000; Guiraudon, 2003) but also established a Mutual Exchange Mechanism to fight against illegal migration of third country nationals (COM, 2006), indicating a more reserved approach towards regularisation and preference for return migration to the country of origin.

Since previous regularisations have proved insufficient to manage Spain's increasingly complex irregular immigration (Baldwin-Edwards and Kraler, 2009), a new immigration legislation was implemented in 2004, which included the 2005 extraordinary regularisation program, as well as a new approach based on a flexible and continued regularisation scheme through which irregular migrants can access legal status. The latter is clearly in contrast with the massive and periodic access that characterised previous "amnesties". The new legislation, which came into force in 2006, is based on the idea of 'attachment' as the only channel to qualify for legal status for those who entered the country without inspection or overstayed a tourist/student visa.

While a fair amount is known about the net effect of international migration on Spain's population growth, research assessing the effect of the new legislation on immigration is just starting to get under way. This research is in line with previous studies (Jasso *et al*, 2008; Massey and Capoferro, 2004) and showcases analysis on the transition from illegal to legal migration and *vice versa* by using administrative-based data on migrants' work and residence. The research also provides more empirical evidence of the relationship between legislation and demographic behaviour generally (Shuck, 2007) and more specifically with regard to population subgroups (Cornelius and Rosenblum, 2005; Glystos, 2005).

The research is part of a joint collaboration between the Government Sub-delegate's Office in the province of Barcelona, the Diputació of Barcelona and the Centre d'Estudis Demogràfics in the Universitat Autònoma de Barcelona. The objectives of this research are threefold:

1) To demonstrate the potential of using administrative-based data to undertake quantitative analysis;

2) To provide an evaluative case study of the new immigration legislation on the trajectories of regularised migrants and their sociodemographic characteristics; and
3) To highlight the effect of the economic recession on regularised migrants.

Thus, the main research questions we address in this study are: 1) *How does the new legislation on immigration perform after the 2005 normalisation?* 2) *What are the trajectories of regularised migrants and their sociodemographic characteristics?* 3) *What are the effects of the economic recession on regularised migrants?*

2 The new legislation on migration control in Spain

Spain's previous extraordinary regularization programs to the 2005 normalisation programme are commonly described as necessary steps following the goals and objectives defined by the EU immigration policy agenda (Arango and Jachimowicz, 2005). However the restrictive migration policy set by the EU until then clearly clashed with the migratory processes in Spain, and more specifically the country's increasingly complex unauthorized migration flows in a context of unprecedented economic growth. As a consequence Spain developed a more comprehensive approach to tackle irregular migration while trying to comply with EU requirements for border enforcement.

In 2004 a new immigration legislation was implemented, which included the 2005 extraordinary regularisation programme as well as a new approach based on the expansion of flexible channels for economic migration and settlement of new migrants. The former was technically speaking a 'normalisation' process whereby foreign workers without legal status were given a renewable one-year residence and work permit to those who could prove residence in Spain since August 8th 2004, no criminal records and a future employment contract of at least six months duration (only three months for those in the agriculture sector). Since the main objective of the 2005 normalisation programme was to reduce the stock of illegal migrants, and in particular illegal migrants working in the informal economy, thus contributing the reduction of the informal economy too. In order to accomplish this task, employers were given responsibility for 'normalising' foreign workers (except in the case of independent domestic workers). The 2005 normalisation programme was held between February 7th and May 7th of 2005 and received nearly 700 thousand applications in Spain.

As noted earlier, the regularization program was part of a more ambitious and comprehensive reform on immigration. After the 2005 normalisation programme, the new legislation on immigration also included a continued regularisation scheme through four mechanisms as the only channels to qualify for legal status for those who entered the country without inspection or overstayed a tourist or student visa. These mechanisms only apply to those who have lived in Spain for a period of at least three years and have no criminal records (both in Spain and in the country of origin), and can be briefly described as follows:

1) Labour attachment. It applies to non-nationals who are illegally residing in the country but can prove the existence of a labour relationship with an employer of at least one-year duration.
2) Social attachment. It applies to non-nationals who are illegally residing in the country but can provide a work contract of at least one-year duration when the application is submitted, and either family links in Spain (spouse or civil partner, direct descendants or direct relatives in the ascending line) or the establishment of social links within the local community.
3) Family attachment. It only applies to descendants whose parents were originally Spanish.
4) Special circumstances. These include reasons under the protection of the law on the Right to Asylum and refugee status. A temporary residence is also granted for humanitarian reasons based on discrimination practices, for victims of trafficking, domestic violence and for those who suffer from an illness which cannot be treated at the country of origin. In addition, special circumstances also include collaboration with administrative, fiscal, police and judicial authorities on national security and/or public interest. The latter is generally requested by authorities rather than by applicants themselves.

While the practical significance of 'attachment' is to gain temporary residence in the country since the implementation of its specific legislation in 2006, another important argument is to stress its significance as a procedure to give irregular migrants the right to territory at local level. This argument is clearly in line with the idea that precarious residence may lead to a range of negative economic and social effects not only for migrants and their dependents but also for the broader societies in which they reside.

Under the current legislation this in turn requires the existence of family and local networks and administrative registration of irregular migrants locally to access to social services such as health or benefits advice. For this purpose, since the implementation of the new legislation on migration control in Spain, the two relevant aspects of the national policy are managed at local level are: 1) Family reunification; and 2) Regularisation of illegal migration. Although the central government offices of immigration are still crucial in the decision-making process for these two aspects, municipalities have become an integral part of the channels used by Spanish government to grant residence permits, including permits for the purpose of family reunification. For the latter, an official report is issued by local authorities on the grounds of housing characteristics to accommodate children, parents or partners. Similarly reports are issued by local authorities on the basis of duration of residence as well as other key aspects such as language skills, membership in municipal associations, the existence of social and family networks, which again are used by the central government offices to grant residence permits.

In addition to these channels available to provide legal status to irregular migrants, Spain has a work permit scheme which entitles new migrants to reside in Spain and carry out a labour or professional activity whether as an employee or as self-employed. Since some of the demand is highly seasonal, a quota for overseas recruitment has been maintained since the 1990s too. Finally, other residence permits are available for family reunification purposes to non-nationals whose residence has been Spain for at least one year and whose residence / work permit states the authorisation to reside at least for another year in Spain.

3 Data and methods

The Government Sub-delegate's Office in the province of Barcelona operates and maintains one of the largest administrative-based systems of work and residence permits in Spain with more than with 1.3 million entries of individual data for non-nationals with temporary work and residence status recorded between January 2004 and June 2009 in the province of Barcelona. This case study has used this ‘original’ administrative-based dataset under special licence. One of the special features of the dataset that makes it particularly relevant is that it contains individual data for those non-nationals who were granted legal status through the 2005 normalisation as well as

applicants to the four subsequent mechanisms to qualify for legal status after the 2005 normalisation. The dataset comprises relevant data for the province of Barcelona which was home to 802.006 non-national residents in January 2009 (14.2% of non-nationals in Spain).

The main strength of this administrative dataset is that consists of a record of applications for a work and/or residence permit from which a unique life-long identification is assigned to an individual. This basically means that a full record of all changes to the information is also maintained. Data elements of interest in the dataset include: 1) year of entry (in the administrative-based system); 2) type of permit; 2) status (conceded or denied); 3) nationality ; 4) age (computed from date of birth); and 5) sex.

Due to the significant amount of information recorded, the dataset allows analyses of population subgroups separately and to focus on specific geographic areas. However, because the administrative dataset is used for determining eligibility of non-nationals to work and/or reside in Spain data are typically limited to information required for the Government Sub-delegate's Office and, therefore, do not include a broad range of socioeconomic and demographic variables that could be critical to research. Additionally, the administrative dataset lack the information about non-nationals whose work and/or residence experience is not recorded in the system.

Methodologically, we first provide a descriptive assessment of the differences between individuals who applied to the 2005 normalisation programme and the continued regularisation scheme in 2006. A longitudinal approach has been used to estimate the relative risk of the terminal event (i.e. legal or illegal status) of applicants with work and/or residence permits issued during the 2005 normalisation and after 2006 throughout the continued regularisation scheme. For this purpose the Kaplan-Meier (KM) method has been used along with the Cox proportional hazard model (Cox, 1972). First, KM analysis is applied to determine the actual survival times of applicants with work and/or residence permits denied by nationality categorising time into equal intervals.

Hence, the probability, *s(t)*, that an applicant with a work permit denied from a population subgroup will remain beyond time *t* has been calculated as follows:

$$\hat{s}(t) = \prod_{ti<t} \frac{n_i - a_i}{n_i}$$

Where, corresponding to each t_i is n_i, the number at risk just prior to time t_i, and a_i, the number of applicants at time t_i. The KM analysis has been applied without censoring and, therefore, n_i is the number of applicants with work and/or residence permits denied just prior to time t_i.

Second, the Cox proportional hazard model is fitted with covariates to predict the probability that a case will remain at time t_i, assuming that changes in the levels of the independent variables will produce proportionate changes in the hazard function, independent of time. The hazard function, *H(t)*, is obtained after the following Cox regression model:

$$h(t) = [h_0(t)]e^{(b_1X_1+b_2X_2+\ldots b_kX_k)}$$

Where *h(t)* is the hazard function at time *t*, $h_0(t)$ is the baseline hazard or hazard for an individual when the value of all the independent variables equal zero, *e* is the base of the natural logarithms, b_k the regression coefficient and X_k the metric covariates. The model assumes a log-linear relationship between the hazard function and the covariates. One can also express the model as the relative hazard:

$$\left[\frac{h(t)}{h_0(t)}\right] = e^{(b_1X_1+b_2X_2+\ldots b_kX_k)}$$

Since the KM analysis cannot be used to determine the effect of a metric independent variable on survival without a loss of information, even when these are reduced to categories), the Cox proportional hazard model has been used to estimate the extent to which background factors (defined by nationality and sex) predict differential effects in survival of successful and unsuccessful applicants of work and/or residence permits.

The key variables used in the model are as follows:

1) The status variable (i.e. the event or censoring variable), which is used as the dependent variable in Cox regression. In our study refers to applicants with legal status and *vice versa*. Our analysis takes into consideration right-censored observations so when the censoring event is indicated by the status variable means that it is has not occurred by the end of the measurement period.
2) The time variable used is a simple counter of units of time (years) since the start of the analysis (2005 for the normalisation, and 2006 for the continued regularisation scheme).
3) The covariates used in the Cox model are categorical (sex with 2 categories, and nationality with 10 categories).
4) The categorical covariates, which have been employed in Cox regression and converted automatically by the statistical package PASW into a set of dummy variables. As a result we omit one category (also the baseline in the analysis) and, therefore, the regression coefficient compares the effect of the dummy with the baseline categories (males, and Argentina).
5) Cox regression was performed entering all model variables in one step (enter option).

4 Descriptive analyses of the regularisation programmes

On one hand the 2005 normalisation programme allowed 81.398 individuals to access a work permit whereas a total 7.841 were denied. On the other hand the number of individuals who have accessed the continued regularisation scheme between 2006 and 2009, either attachment or exceptional permits, totalled 54.825 individuals who accessed a concession and 15.740 individuals who did not (see Table 1). It is clear that the level of success was greater amongst those who entered the 2005 normalisation, with 9 successful applicants out of 10. This contrasts with those who entered the continued regularisation scheme since 2006, with a rate of success of 77.7% for the whole period of study. It is evident nonetheless that there has been a significant increase between the starting year in 2006 (56.1% successful applicants) and the first six months in 2009 (79.4% successful applicants). Table 1 also shows how the most popular permits were the social attachment permit and the permit for exceptional circumstances, which accounted for almost half of the successful applicants between 2006 and 2009.

The analysis of the 2005 normalisation programme and continued regularisation scheme since 2006 by principal nationalities (top 18) shows the significance of some groups in both programmes but also marks group discontinuity (see Tables 2 and 3). For example, by taking the top 5 nationalities in the continued regularisation programme, only Argentineans appear to have increased the number of entries by about 27.5% compared to their figures on the 2005 normalisation. The other four nationalities have decreased, with the Ecuadorians showing a significant reduction from 22.224 successful applicants in 2005 to 3.693 between 2006 and 2009 (-83.4%). However, as shown in Figure 1 it is clear that the majority of nationalities with an important growth during the period 2006-2009 are all Latin American (Dominican Republic, Cuba, Mexico, Brazil, Peru, Venezuela, Paraguay, Argentina and Chile). This process would go in line with a trend that reflects what is known as the Latino Americanisation of the immigrant flows in Spain which, in practical terms, can be referred to as a substitution process of previous migrant inflows with an African origin predominantly (Izquierdo, 2003b; Domingo, 2006).

Since the stock data on work and/or residence permits are not be able to capture the impact of the economic downturn in Spain, data on international absolute net migration are used to depict the slowdown in the inflows in Spain and other European countries (see Figure 2). The noticeable decrease in Spain from year 2007 would reflect the start of the economic slowdown and, therefore, the impact of having fewer employment opportunities for international migrants (Domingo and Recaño, 2010). From this perspective employment relationships also become less secure with the risk of migrants regularised (most of whom entered the country on family-based permits), fall back into illegal status as they cannot meet the conditions for legal status when the renewal is due. Another side to the story is the potential number of applicants who secure their legal status by buying labour contracts and/or residence registrations (Mazzucato, 2006).

5 Age and sex structure of the study populations

It is commonly understood that migrants have on the whole a young profile. In this part of the paper attention is given to the age and sex profile of recently regularised migrants in Spain through the 2005 normalisation and the continued regularisation scheme from 2006. Whereas past OECD (1994) reports signalled how migrants regularised in 1991 were mostly young and male compared to the USA, more recently data shows how the

age and sex structure of new migrants has changed significantly since. As noted earlier on, an important difference between the 2005 normalisation and the continued regularisation that follows is that the former was focused to illegal migrants already working in the informal economy with a predominance of males on their mid twenties and early thirties. This contrasts significantly with the population found in the continued regularisation scheme (see Figure 3), where migrants from all ages are found, including 4.799 people under aged and 1.362 aged sixty five and over. These two groups make up to 8.3% of the total applicants, with a greater representation of men (55 and 55.5% respectively). The age profile of the most recent regularisation programme is likely to reflect processes of undocumented family reunification as well as the remains of previous regularisation programmes that fell back into illegal status (Moya, 2006).

The analysis of age and sex profiles by nationality (see Figure 4) reveals to certain extent the preferences and benefits of the regularisation programmes to specific nationalities occupying a wide range of labour positions. After years of unprecedented economic growth, particularly in the construction sector, a drop in demand for labour in this sector may result in a dramatic increase of the number of illegal migrants. Some recent reports on regularisations in Europe (Baldwin-Edwards and Kraler, 2009) highlight nonetheless how the transition back into the informal economy is likely to be low for migrants working in construction (mostly African) and restaurants, but high amongst those employed in the agriculture sector (mostly Sub-Saharan) and housekeeping (Latin-American countries). Traditionally, this sector and others such manufacturing and public works, have been exclusive to young males. On the contrary, the tourism industry and its services such as restaurants and hotels have always demanded a constant influx of females, many of them in doing domestic work too. Other categories of services in positions that nationals never fill up have also been popular amongst new migrants over the last decade in Spain. Within this context an increase of the feminine labor niches occurred over the past years, where the role of Latin American countries has been predominant, thus providing care for children and the elderly and allowing more Spanish women to take jobs in the labour market. However, these jobs were not the only ones on offer in Spain, with self-employment occupations also important as demonstrated by the arrival of dentists, nurses, from Latin American countries too (Argentina, Peru, Uruguay and Brazil).

6 Survival analyses

First, in this part of the paper the KM method is used to estimate the survival time of applicants of the 2005 normalisation and the continued regularisation scheme with permits denied by nationality. The KM analysis is performed using 10 nationalities whose time to event (denial of application) is followed. The mean survival times are expressed in years (see Figures 5 and 6). The results show how survival times of applicants of the 2005 normalisation range between 2.96 (Argentina) and 3.08 (Pakistan) years, whereas the lowest and highest survival times of applicants of the continued regularisation scheme are 1.7 (Argentina) and 2.2 (Senegal) years. This basically means that some groups such as those from Pakistan and Senegal stay longer with permits denied whereas applicants from Argentina always appear to remain less time without work and/or residence permits.

The cumulative survival percent at any given year (on the x axis) can be interpreted as the probability of survival to that time. Thus, for example, the vast majority of applicants who were denied a work permit through the 2005 normalisation remained without work and/or residence permits a year later, a situation that changed significantly in 2007 and 2008 when the probability of experiencing denial of applicants of the 2005 normalisation lowered to 50 per cent. Nonetheless, in 2009 that probability drops to almost zero. The results of KM analysis for applicants with permits denied of the 2005 normalisation would clearly suggest the importance of implementing the continued regularisation scheme from 2006 onwards as a new window to access regularisation for those left out in the 2005 normalisation. However, although it may have worked as a safety net for full regularisation, the equivalent KM analysis of the continued regularisation scheme reveals larger differences in the cumulative survival between nationalities. For example, those applicants from Senegal and Pakistan had a probability of 30 per cent of experiencing illegality in 2008, with a minimal reduction still for the Senegalese a year later. On the contrary, other nationalities such as those from Argentina, Peru and Ecuador all seem to have a lower probability of remaining illegal as time goes on. In order to look at these differences in greater detail we use the Cox proportional hazard model to determine whether applicants with legal or illegal status differ after controlling for demographics (sex and nationality). Tables 4 and 5 show the parameters and diagnostics of the model. The correspondent survival functions are

shown in Figures 7 and 8. The figures illustrate the probability of continued success on status through time (t).

The model has been expressed in two different ways, both for the applicants of the 2005 normalisation and the continued regularisation scheme. In the first model the variable status is coded as denied (0) and conceded (1), whereas in the second model the coding of the variable status is reversed, with conceded (0) and denied (1), as a way to assess the two transitions.

In the first model of the 2005 normalisation (when denied = 0 and conceded = 1), we detect how the hazard of remaining in legal status (i.e. with a work permit conceded) decreases for most nationalities included in the model compared with the baseline category (Argentina). The decrease is found significant (p-values <.05) for the following nationalities: Pakistan, China, Bolivia, Morocco and Ecuador. The greatest decrease is however found amongst the Pakistani, whose hazard rate is -12.7% compared with the baseline category. Applicants from China and Bolivia experience a decrease of -7% and -4.7% in the hazard rate respectively compared with the baseline category. These three nationalities show how *Exp(B)* is < 1 with p-values <.01. The analysis by sex reveals that hazard of staying in legal status by females is increased 1.030 times when X (represented males) increases from 0 to 1. This represents that females, experience an increase of +3% in the hazard rate compared with males.

On the contrary, in the second model of the 2005 normalisation (when conceded = 0 and denied = 1), we can notice how the risk of being illegally (i.e. with a work permit denied) increases for most nationalities included in the model compared with the baseline category (Argentina). The results suggest how the risk is greater and significant (p-values <.05) for the following nationalities: Pakistan, China, Dominican Republic, Peru, Morocco and Colombia. The greatest decreases are found again amongst the Pakistani and the Chinese, whose risk increases by a factor of 2.024 and 1.778 respectively when X (represented by the baseline category) increases from 0 to 1. This represents that those applicants from Pakistan and China experience a risk of being illegally which is +102.4% and +77.8% respectively compared with the baseline category. Within this model, the analysis by sex demonstrates that the risk of remaining illegal by females is decreased 0.653 times when X (represented males) increases from

0 to 1. This means that females experience a decrease of -34.7% in the equivalent risk compared with males in our model.

In the first model of the continued regularisation scheme (when denied = 0 and conceded = 1), we find a pattern similar to that of the 2005 normalisation. The hazard of remaining in legal status decreases for most nationalities although it is only found significant (p-values <.05) for the following: Pakistan, Senegal, Bolivia and Colombia. The greatest decrease is experienced by the Senegalese, whose hazard of remaining in legal status only increases by a factor of 0.512 when X (represented by the baseline category) increases from 0 to 1. In other words, applicants from Senegal experience a decrease of -48.8% in the hazard rate of staying legal compared with those from Argentina. Applicants from Pakistan are also found to undergo a decrease in the hazard rate of nearly -34% compared with the baseline category. The analysis by sex of the first model of the continued regularisation scheme shows how the hazard rate of females for remaining in legal status increases +16.7% compared with males.

Finally, in the second model of the continued regularisation scheme (when conceded = 0 and denied = 1), we observe how the risk of remaining illegal is significant (p-values <.05) for the following nationalities: Senegal, Bolivia, Pakistan and Colombia. The largest increases are detected amongst the Senegalese, the Bolivians and the Pakistani, whose risk increases by a factor of 2.037, 1.590 and 1.530 respectively when X (represented by the baseline category) increases from 0 to 1. This means that applicants from Senegal experience an increase of +103.7% on the risk of being illegal compared with the baseline category. Applicants from Bolivia and Pakistan experience an increase of +59% and +53% respectively for the equivalent risk. The analysis by sex in this model shows how females experience a decrease of -24.3% on the risk of being illegal compared to males.

7 Summary and final considerations

This paper has demonstrated the potential of using administrative-based data to carry out quantitative analyses of irregular migration in Spain. Within this context, it has provided empirical evidence to say that despite the continued regularisation scheme has been more restrictive compared to previous “amnesties” (with 77.7% successful applicants compared to 90% from the 2005 normalisation), the scope of this new

scheme is more far reaching, as the set of criterion used to for eligibility in the 2005 normalisation was clearly labour-orientated in order to reduce illegal migrants working in the informal economy. Within this context, it is therefore possible that the continued regularisation scheme might prove more effective (also in the years to come) under the current economic climate, thus allowing more migrants to access legality.

The demographic analysis has shown how the age and sex profile of non-nationals with a previous illegal experience is not only male dominated. The presence of females in the continued regularisation scheme is significant as well as groups in older and younger ages. Differences between nationalities are also important and are affected by the year of arrival. For example, Ecuatorians are overrepresented in 2005 because it coincides with their arrival in large numbers as so Bolivians and Brazilians. The decrease in their numbers also coincides with more restrictive migration policies such as the demand of the Schengen visas. Also mentioned, the increase of Latin American nationalities from 2006 onwards would go in line with their favouring in Spain's latest migratory process. This is easily perceptible with the mechanism of family attachment of the continued regularisation scheme, where the majority of applicants are from Mexico, Venezuela, Argentina or Chile. From this point of view the favouring has a policy-making origin. However, since social capital is expected to differ between nationalities it might play an important role in the lives of migrants, from the type of jobs they access to the career paths they take in later stages after arrival. Here it is important to highlight the process of language acquisition is not a barrier for Latin American nationalities and therefore their performance in the job market is likely to be smoother. On the contrary it can have a significant bearing for the rest of nationalities whose language skills do not include Spanish and/or another official languge in Spain such as Catalan. Some of these aspects were probably reflected in the analysis of survival, where applicants from Pakistan, China and Senegal persistently performed worse (i.e. the hazard of remaining legal is always lower, and the risk of being illegal is always greater compared with the baseline category).

What can we briefly say about the new legislation on migration control in Spain? It is clear that one of the main strenghts of the new policy is that includes a continued regularisation scheme whereby people who entered the country without inspection or overstayed a tourist or student visa are able to qualify for legal status through one of the

four mechanisms available (labour attachment, social attachment, family attachment and special circumstances). As a consequence extraordinary amnesties might not be necessary in the near future to regularise migrant workers whose arrival was largerly explained by Spain's unprecedented economic growth and the existence of narrow legal channels for legal migration. However, the new channels for legal migration are not so much to control the migration potential in source countries but to manage an already source of undocumented immigrants whose residence is already in Spain. From this perspective, the continued regularisation scheme recognises the validity of continued residence of non-nationals but, at the same time, has put an increased demand on formal labour relations and legal residence under special circumstances. The growth in the number of applicants of the continued regularisation scheme has been significant since its implementation in 2006, thus indicating how the new system is able to reduce the number of people with illegal status.

Despite the influx of international immigration has decreased since the second semester of 2008, more undocumented immigrants are expected: first, applicants whose status was illegal before the economic crisis started are now less likely to obtain a successful application; second, more applicants whose status was legal at the end of the study period might fall back into illegality amid growing unemployment rates. Since the Spanish legislation makes the status of new migrants dependent on their labour activity this clearly poses risks when the economic climate is unfavourable. Within this context, the absolute number of non-nationals unemployed in the last quarter of the year 2009 was just over 140 thousand, which almost represents 30% of all non-nationals of working ages resident in the province of Barcelona. Therefore, one may expect that new migrants without employment are likely to fall back into illegality and become applicants of the continued regularisation scheme through one of its mechanisms.

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TABLE 1. APPLICANTS OF RESIDENCE PERMITS BY TYPE AND STATUS. PROVINCE OF BARCELONA, 2006-2009*.

		Permit					%
		Type of attachment				Total	Total
YEAR	STATUS	Labour	Social	Familiar	Exceptional		
2006	Conceded	44	857	16	350	1,267	56.1%
	Denied	9	856	2	126	993	43.9%
	Total	53	1,713	18	476	2,260	100.0%
2007	Conceded	115	5,400	131	9,901	15,547	78.3%
	Denied	45	3,337	18	916	4,316	21.7%
	Total	160	8,737	149	10,817	19,863	100.0%
2008	Conceded	293	12,751	106	11,592	24,742	78.0%
	Denied	82	5,810	19	1,084	6,995	22.0%
	Total	375	18,561	125	12,676	31,737	100.0%
2009	Conceded	188	6,438	26	6,620	13,272	79.4%
	Denied	30	2,909	5	492	3,436	20.6%
	Total	218	9,347	31	7,112	16,708	100.0%
Total	Conceded	640	25,446	279	28,460	54,825	77.7%
	Denied	166	12,912	44	2,618	15,740	22.3%
	Total	806	38,358	323	31,078	70,565	100.0%
% Total	Conceded	1.2%	46.4%	0.5%	51.9%	100.0%	
	Denied	1.1%	82.0%	0.3%	16.6%	100.0%	

*Source: Own elaboration with the Government Sub-delegate's Office data. NB: *Year 2009 includes the first semester only.*

TABLE 2. SUCCESSFUL APPLICANTS OF REGULARISATION PROGRAMMES BY PRINCIPAL NATIONALITIES (TOP 18). PROVINCE OF BARCELONA, 2006-2009*.

	2005	2006-2009					Total	Total
	Normalisation	Continued regularisation					absolute	%
	2005	2006	2007	2008	2009	Total	Change	Change
1 Morocco	11,411	365	1,807	2,708	1,566	6,446	-4,965	-43.5%
2 Bolivia	7,522	42	880	3,424	1,845	6,191	-1,331	-17.7%
3 Argentina	3,593	73	1,491	2,096	922	4,582	989	27.5%
4 Ecuador	22,224	260	1,417	1,336	680	3,693	-18,531	-83.4%
5 Colombia	5,798	64	1,082	1,311	761	3,218	-2,580	-44.5%
6 Dominican R.	673	17	939	1,338	762	3,056	2,383	354.1%
7 Brasil	1,131	16	732	1,139	667	2,554	1,423	125.8%
8 Peru	1,130	22	773	956	493	2,244	1,114	98.6%
9 Pakistan	3,956	37	518	884	740	2,179	-1,777	-44.9%
10 Uruguay	2,168	31	585	919	375	1,910	-258	-11.9%
11 Cuba	481	15	634	807	383	1,839	1,358	282.3%
12 Chile	1,389	35	453	735	335	1,558	169	12.2%
13 Venezuela	956	20	472	698	329	1,519	563	58.9%
14 Paraguay	1,032	5	218	788	431	1,442	410	39.7%
15 China	1,759	23	248	704	358	1,333	-426	-24.2%
16 Mexico	395	13	336	386	213	948	553	140.0%
17 India	865	10	147	402	29	588	-277	-32.0%
18 Senegal	1,316	5	94	271	160	530	-786	-59.7%
Total	81,398	1,267	15,547	24,742	13,272	54,825	-26,573	-32.6%

*Source: Own elaboration with the Government Sub-delegate's Office data. NB: *Year 2009 includes the first semester only.*

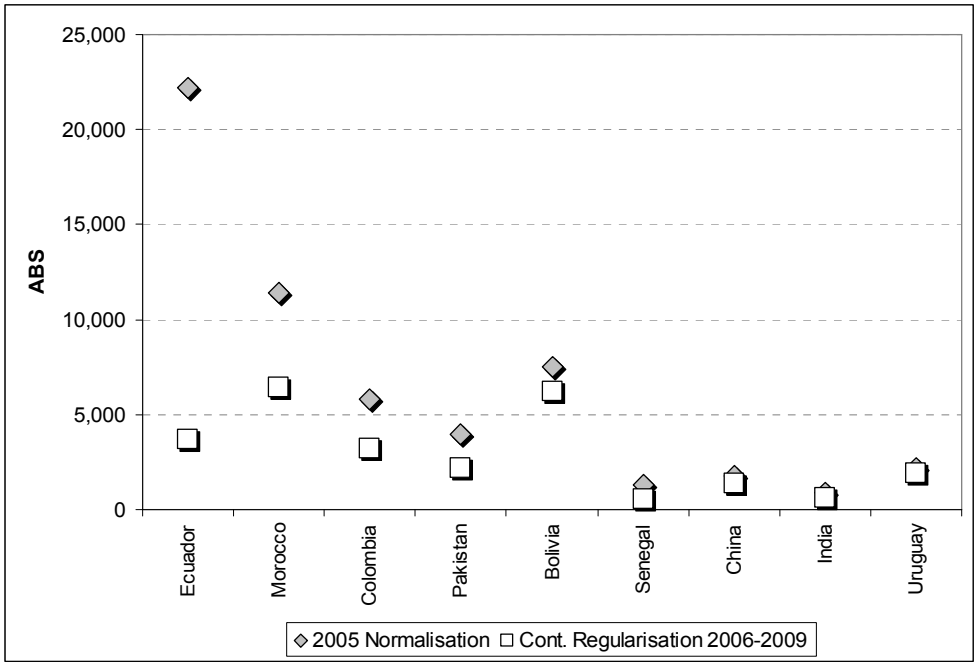
TABLE 3. UNSUCCESSFUL APPLICANTS OF REGULARISATION PROGRAMMES BY PRINCIPAL NATIONALITIES (TOP 18). PROVINCE OF BARCELONA, 2006-2009*.

	2005	2006-2009					Total	Total
	Normalisation	Continued regularisation					absolute	%
	2005	2006	2007	2008	2009	Total	Change	Change
1 Pakistan	1,801	66	493	1,667	475	2,701	900	50.0%
2 Marroc	1,452	246	871	931	548	2,596	1,144	78.8%
3 Bolívia	492	59	425	822	407	1,713	1,221	248.2%
4 Equador	548	155	377	292	145	969	421	76.8%
5 Índia	362	23	91	284	361	759	397	109.7%
6 Argentina	168	31	179	302	154	666	498	296.4%
7 Xina	556	25	109	328	100	562	6	1.1%
8 Colòmbia	221	49	193	182	87	511	290	131.2%
9 Brasil	86	16	123	203	100	442	356	414.0%
10 R. Dominicana	52	11	145	149	69	374	322	619.2%
11 Paraguay	73	2	58	166	81	307	234	320.5%
12 Perú	83	12	109	123	56	300	217	261.4%
13 Xile	86	22	76	144	53	295	209	243.0%
14 Uruguay	119	13	84	147	47	291	172	144.5%
15 Senegal	154	16	87	103	71	277	123	79.9%
16 Cuba	31	9	49	91	49	198	167	538.7%
17 Veneçuela	55	3	43	99	44	189	134	243.6%
18 Mèxic	30	7	32	34	26	99	69	230.0%
Total general	7,841	993	4,316	6,995	3,436	15,740	7,899	100.7%

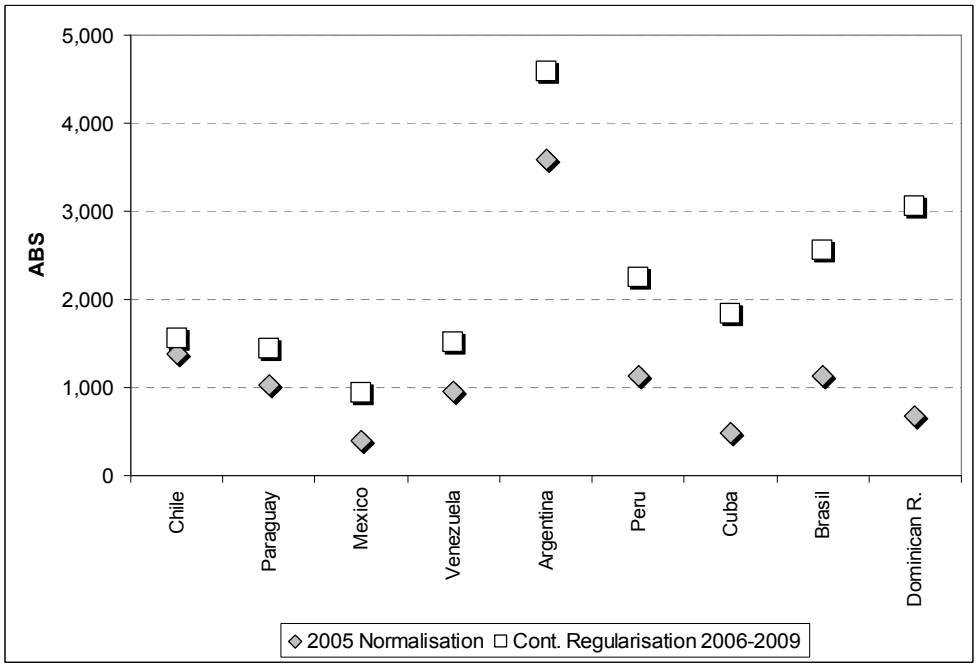
*Source: Own elaboration with the Government Sub-delegate's Office data. NB: *Year 2009 includes the first semester only.*

FIGURE 1. COMPARING THE ABSOLUTES OF THE 2005 NORMALISATION AND CONTINUED REGULARISATION BY PRINCIPAL NATIONALITIES (TOP 18). PROVINCE OF BARCELONA, 2006-2009*.

+ 2005 Normalisation

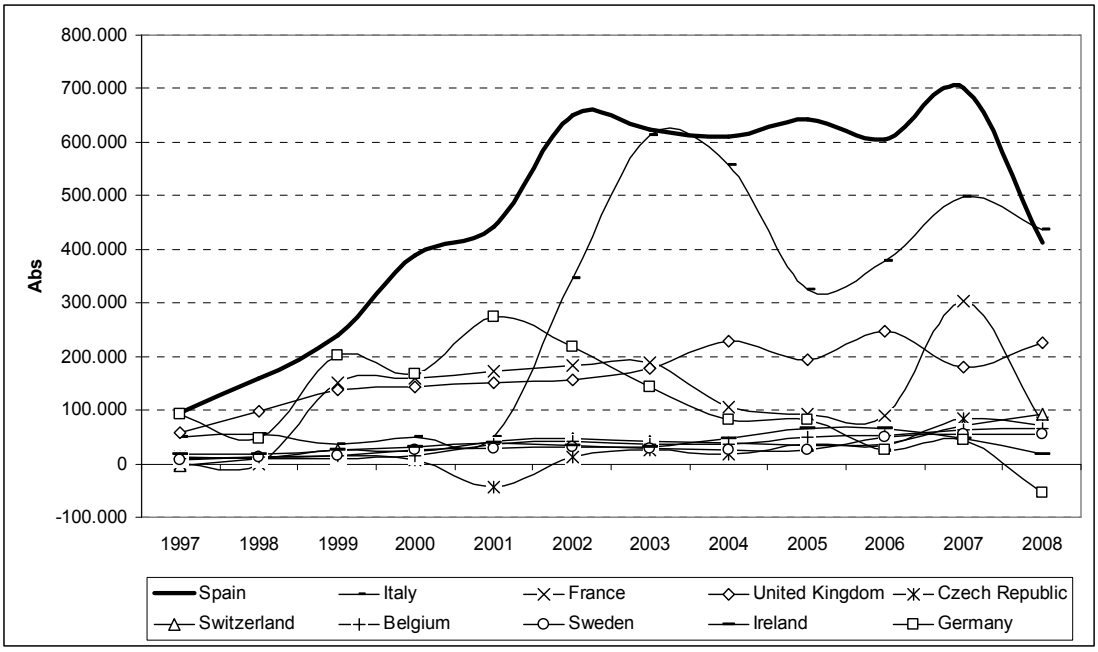


+ Cont. Regularisation 2006-2009



*Source: Own elaboration with the Government Sub-delegate's Office data. NB: *Year 2009 includes the first semester only.*

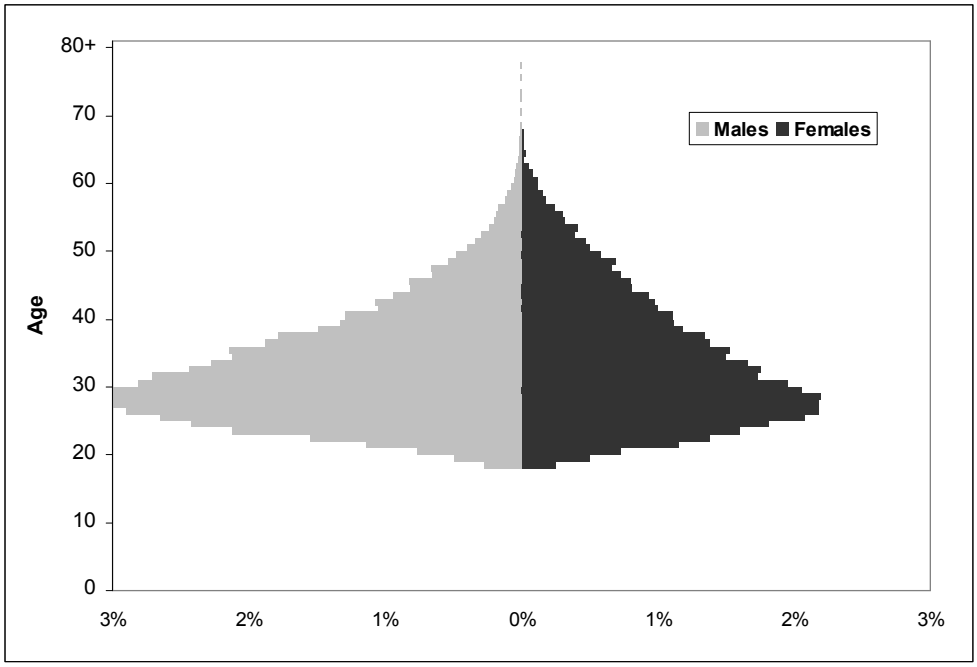
FIGURE 2. ABSOLUTE NET MIGRATION IN THE EUROPEAN UNION, 1997-2008 (TOP 10 COUNTRIES)



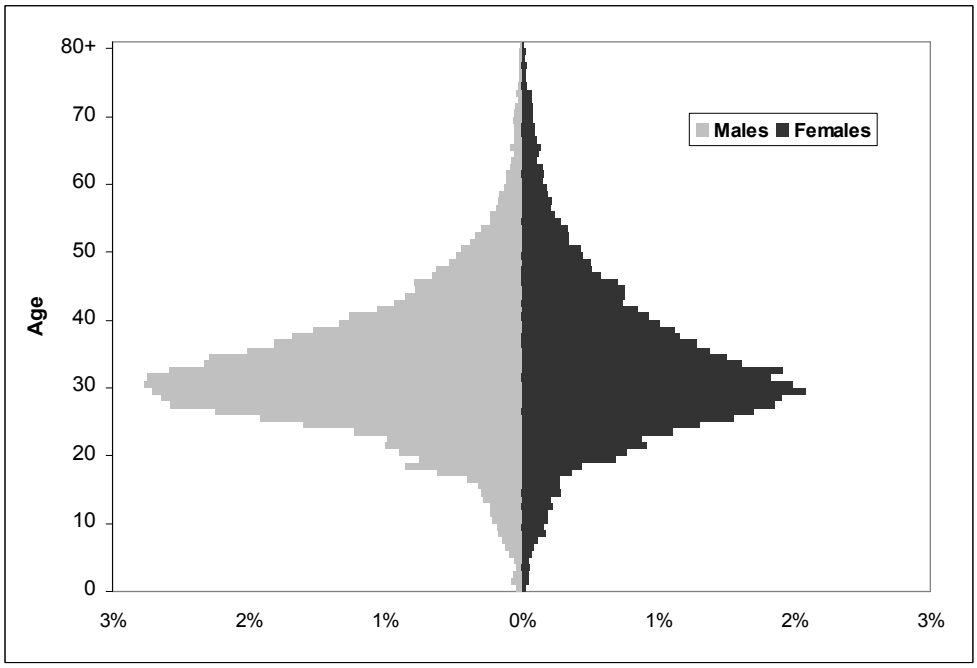
Source: Own elaboration using Eurostat data.

FIGURE 3. POPULATION PYRAMIDS OF THE 2005 NORMALISATION AND CONTINUED REGULARISATION. PROVINCE OF BARCELONA, 2006-2009*.

2005 Normalisation



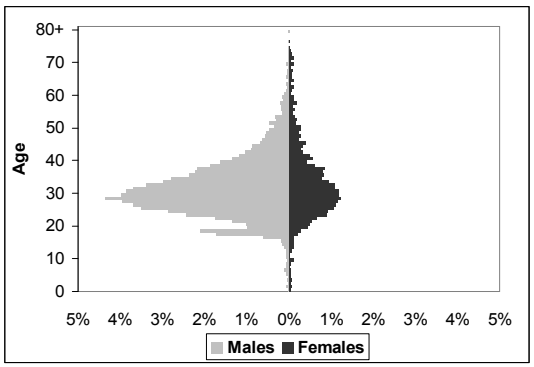
Cont. Regularisation 2006-2009



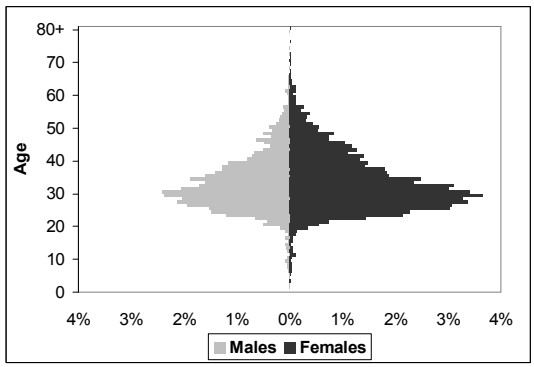
*Source: Own elaboration with the Government Sub-delegate's Office data. NB: *Year 2009 includes the first semester only.*

FIGURE 4. POPULATION PYRAMIDS OF THE CONTINUED REGULARISATION BY SELECTED NATIONALITIES. PROVINCE OF BARCELONA, 2006-2009*.

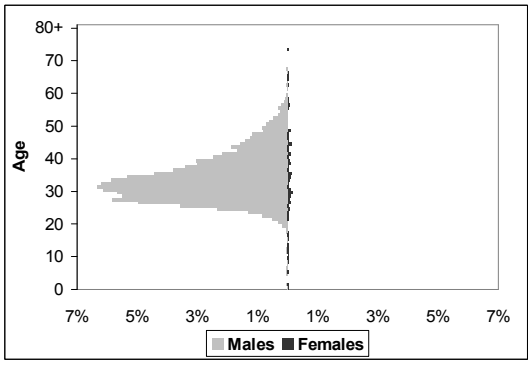
Morocco



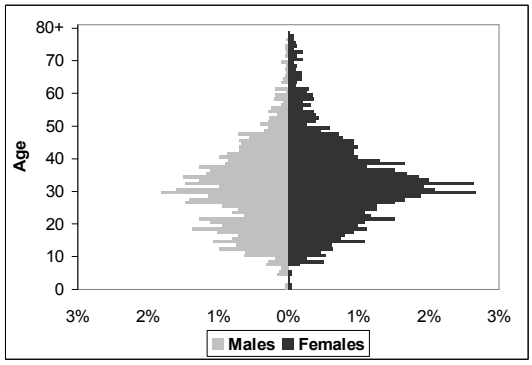
Bolivia



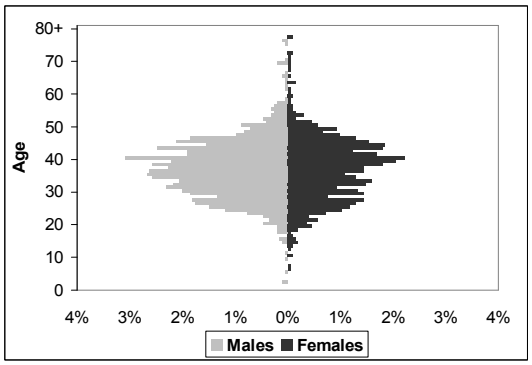
Pakistan



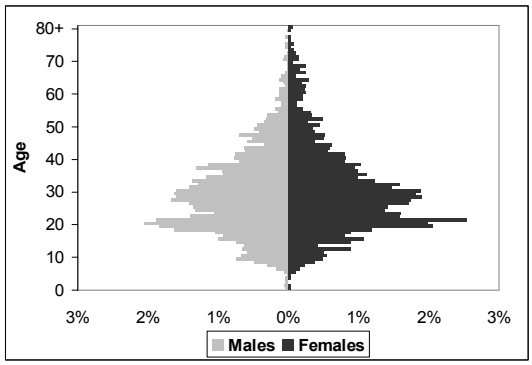
Colombia



China

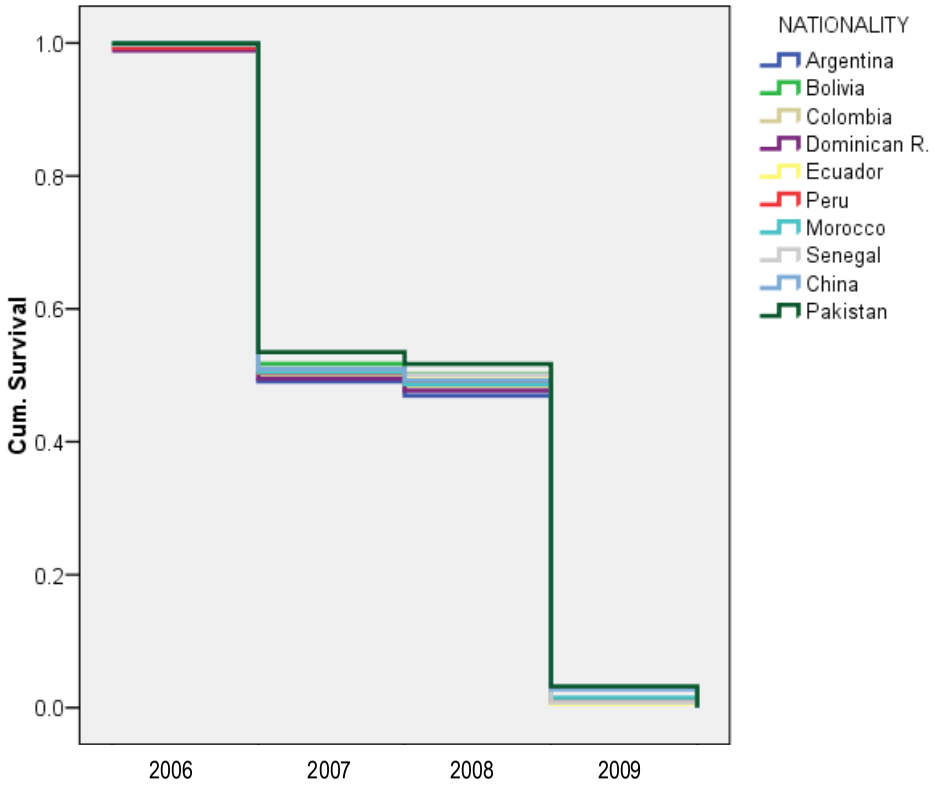


Ecuador



*Source: Own elaboration with the Government Sub-delegate's Office data. NB: *Year 2009 includes the first semester only.*

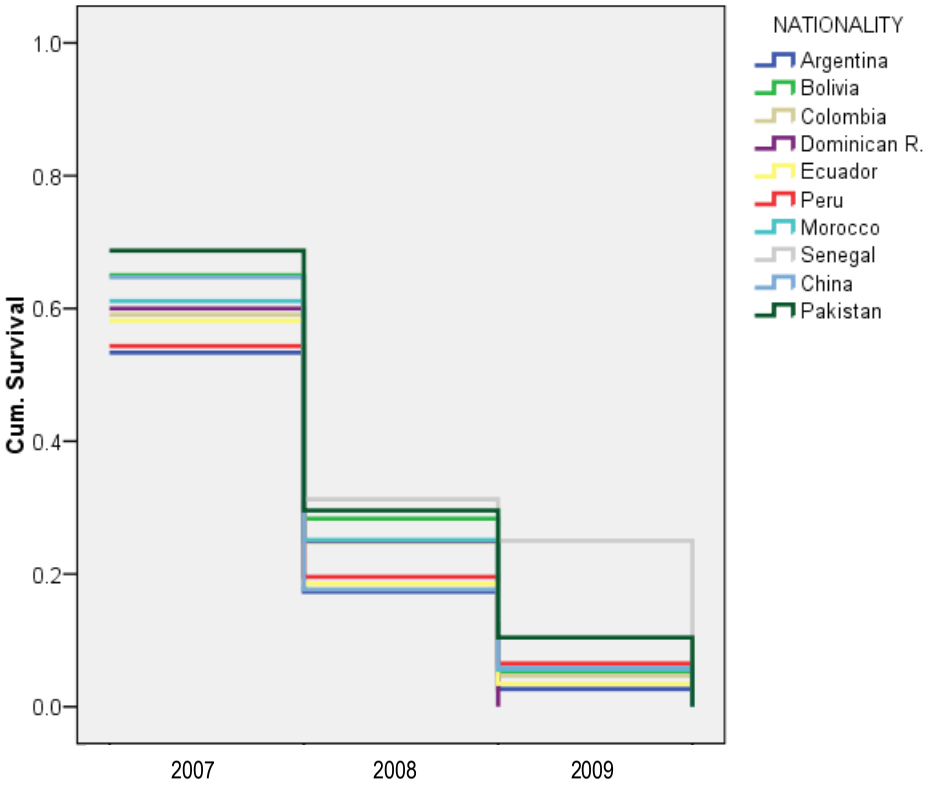
FIGURE 5. SURVIVAL TIME OF APPLICANTS OF THE 2005 NORMALISATION WITH PERMITS DENIED (KAPLAN MEIER ANALYSIS) BY NATIONALITY. PROVINCE OF BARCELONA, 2006-2009*.



NATIONALITY	Mean			
	Survival time	Standard error	CI 95% Lower	CI 95% Upper
Argentina	2.965	0.013	2.940	2.990
Bolivia	3.030	0.009	3.013	3.046
Colombia	2.986	0.010	2.966	3.005
Dominican R.	2.971	0.029	2.913	3.028
Ecuador	3.002	0.005	2.992	3.011
Peru	2.995	0.022	2.951	3.039
Morocco	3.005	0.007	2.991	3.019
Senegal	3.017	0.021	2.975	3.058
China	3.029	0.018	2.993	3.064
Pakistan	3.083	0.012	3.059	3.107
Global	3.008	0.003	3.002	3.014

*Source: Own elaboration with the Government Sub-delegate's Office data. NB: *Year 2009 includes the first semester only.*

FIGURE 6. SURVIVAL TIME OF APPLICANTS OF THE CONTINUED REGULARISATION SCHEME WITH PERMITS DENIED (KAPLAN MEIER ANALYSIS) BY NATIONALITY. PROVINCE OF BARCELONA, 2006-2009*.



NATIONALITY	Mean			
	Survival time	Standard error	CI 95% Lower	CI 95% Upper
Argentina	1.733	0.066	1.604	1.863
Bolivia	1.983	0.081	1.824	2.142
Colombia	1.886	0.073	1.743	2.029
Dominican R.	1.850	0.127	1.601	2.099
Ecuador	1.801	0.032	1.738	1.864
Peru	1.804	0.134	1.541	2.067
Morocco	1.918	0.030	1.859	1.976
Senegal	2.250	0.296	1.670	2.830
China	1.882	0.102	1.683	2.082
Pakistan	2.087	0.090	1.911	2.262
Global	1.880	0.018	1.844	1.916

*Source: Own elaboration with the Government Sub-delegate's Office data. NB: *Year 2009 includes the first semester only.*

TABLE 4. RESULTS OF COX MODELLING FOR THE ANALYSIS OF HAZARD OF APPLICANTS OF THE 2005 NORMALISATION BY SEX AND NATIONALITY. PROVINCE OF BARCELONA, 2005-2009*.

Denied (0) / Conceded (1)[¥]

							CI 95.0%	
	B	SE	Wald	df	P-values	Exp(B)	Lower	Upper
SEX: Females	0,030	0,007	20,066	1	0,000	1,030	1,017	1,044
NATIONALITY			87,681	9	0,000			
Bolivia	-0,048	0,015	9,587	1	0,002	0,953	0,925	0,983
Colombia	-0,021	0,016	1,680	1	0,195	0,979	0,949	1,011
Dominican Republic	-0,024	0,031	0,578	1	0,447	0,976	0,918	1,038
Ecuador	-0,030	0,014	4,683	1	0,030	0,971	0,945	0,997
Peru	-0,028	0,025	1,235	1	0,267	0,972	0,925	1,022
Morocco	-0,031	0,015	4,597	1	0,032	0,969	0,942	0,997
Senegal	-0,025	0,025	1,015	1	0,314	0,975	0,929	1,024
China	-0,072	0,022	11,064	1	0,001	0,930	0,891	0,971
Pakistan	-0,136	0,018	59,856	1	0,000	0,873	0,843	0,903

¥ Baseline categories: Males (SEX) and Argentina (NATIONALITY). Event (N=108.453, 96.4%); Censored (N=4.047, 3.6%).

Conceded (0) / Denied (1)[¥]

							CI 95.0%	
	B	SE	Wald	df	P-values	Exp(B)	Lower	Upper
SEX: Females	-0,425	0,037	131,259	1	0,000	0,653	0,608	0,703
NATIONALITY			239,529	9	0,000			
Bolivia	0,006	0,090	0,005	1	0,945	1,006	0,843	1,201
Colombia	0,191	0,091	4,343	1	0,037	1,210	1,011	1,447
Dominican Republic	0,472	0,155	9,219	1	0,002	1,603	1,182	2,174
Ecuador	0,014	0,080	0,031	1	0,861	1,014	0,866	1,187
Peru	0,470	0,127	13,714	1	0,000	1,601	1,248	2,053
Morocco	0,207	0,082	6,328	1	0,012	1,230	1,047	1,446
Senegal	0,000	0,135	0,000	1	0,997	1,000	0,767	1,302
China	0,576	0,104	30,785	1	0,000	1,778	1,451	2,179
Pakistan	0,705	0,086	67,756	1	0,000	2,024	1,711	2,395

¥ Baseline categories: Males (SEX) and Argentina (NATIONALITY). Event (N=4.047, 3.6%); Censored (108.453, 96.4%).

*Source: Own elaboration with the Government Sub-delegate's Office data. NB: *Year 2009 includes the first semester only.*

TABLE 5. RESULTS OF COX MODELLING FOR THE ANALYSIS OF HAZARD OF APPLICANTS OF THE CONTINUED REGULARISATION SCHEME BY SEX AND NATIONALITY. PROVINCE OF BARCELONA, 2006-2009*.

Denied (0) / Conceded (1)[¥]

	B	SE	Wald	df	P-values	Exp(B)	CI 95.0% Lower	CI 95.0% Upper
SEX: Females	0,154	0,048	10,440	1	0,001	1,167	1,062	1,281
NATIONALITY			29,736	9	0,000			
Bolivia	-0,246	0,123	4,023	1	0,045	0,782	0,615	0,994
Colombia	-0,237	0,116	4,192	1	0,041	0,789	0,628	0,990
Dominican Republic	-0,214	0,178	1,450	1	0,228	0,807	0,569	1,144
Ecuador	-0,007	0,091	0,006	1	0,939	0,993	0,831	1,187
Peru	0,072	0,169	0,182	1	0,669	1,075	0,772	1,496
Morocco	-0,100	0,091	1,214	1	0,271	0,905	0,757	1,081
Senegal	-0,669	0,264	6,421	1	0,011	0,512	0,305	0,859
China	-0,084	0,146	0,331	1	0,565	0,919	0,690	1,225
Pakistan	-0,413	0,128	10,499	1	0,001	0,661	0,515	0,849

¥ Baseline categories: Males (SEX) and Argentina (NATIONALITY). Event (N=2.242, 69.2%); Censored (N=996, 30.8%).

Conceded (0) / Denied (1)[¥]

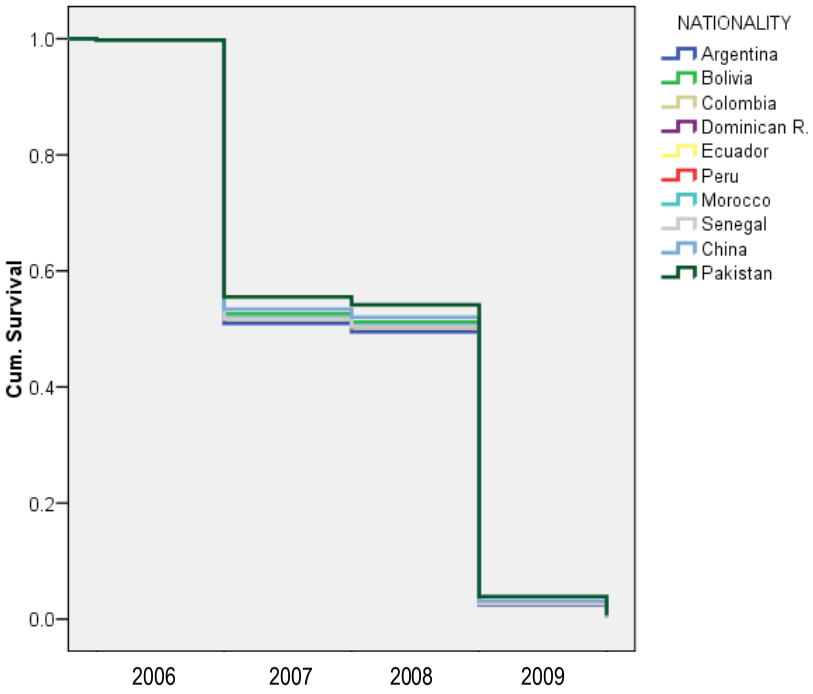
	B	SE	Wald	df	P-values	Exp(B)	CI 95.0% Lower	CI 95.0% Upper
SEX: Females	-0,278	0,077	13,160	1	0,000	0,757	0,652	0,880
NATIONALITY			39,144	9	0,000			
Bolivia	0,464	0,183	6,410	1	0,011	1,590	1,110	2,276
Colombia	0,362	0,179	4,073	1	0,044	1,436	1,011	2,042
Dominican Republic	0,384	0,254	2,297	1	0,130	1,469	0,893	2,415
Ecuador	0,026	0,159	0,027	1	0,870	1,026	0,751	1,403
Peru	-0,125	0,313	0,161	1	0,689	0,882	0,478	1,629
Morocco	0,024	0,156	0,025	1	0,876	1,025	0,754	1,392
Senegal	0,711	0,256	7,745	1	0,005	2,037	1,234	3,362
China	0,209	0,231	0,823	1	0,364	1,233	0,784	1,938
Pakistan	0,425	0,180	5,569	1	0,018	1,530	1,075	2,178

¥ Baseline categories: Males (SEX) and Argentina (NATIONALITY). Event (N=996; 30.8%); Censored (N=2.242, 69.2%).

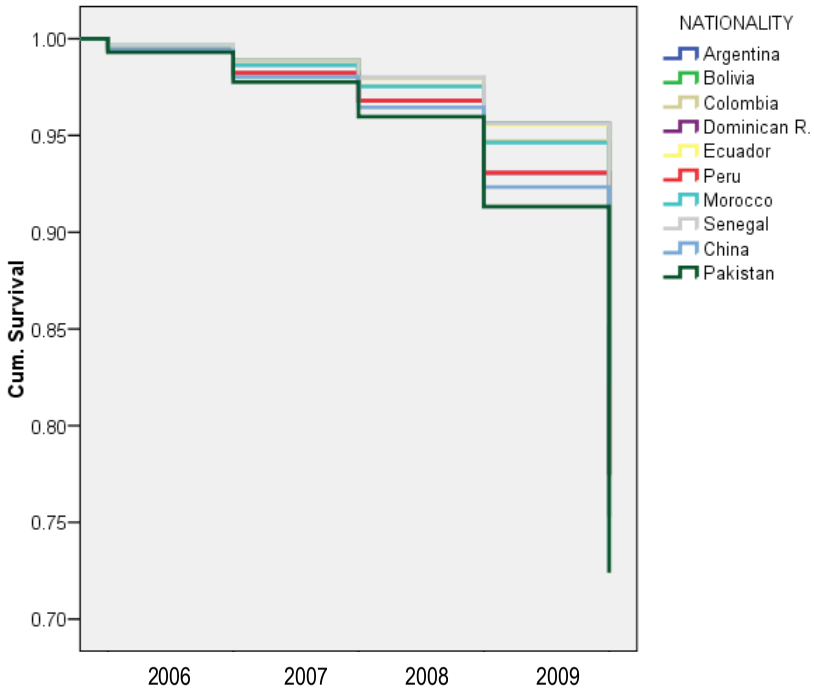
*Source: Own elaboration with the Government Sub-delegate's Office data. NB: *Year 2009 includes the first semester only.*

FIGURE 7. SURVIVAL FUNCTION OF APPLICANTS OF THE 2005 NORMALISATION (COX REGRESSION) BY NATIONALITY. PROVINCE OF BARCELONA, 2006-2009*.

Denied (0) / Conceded (1)

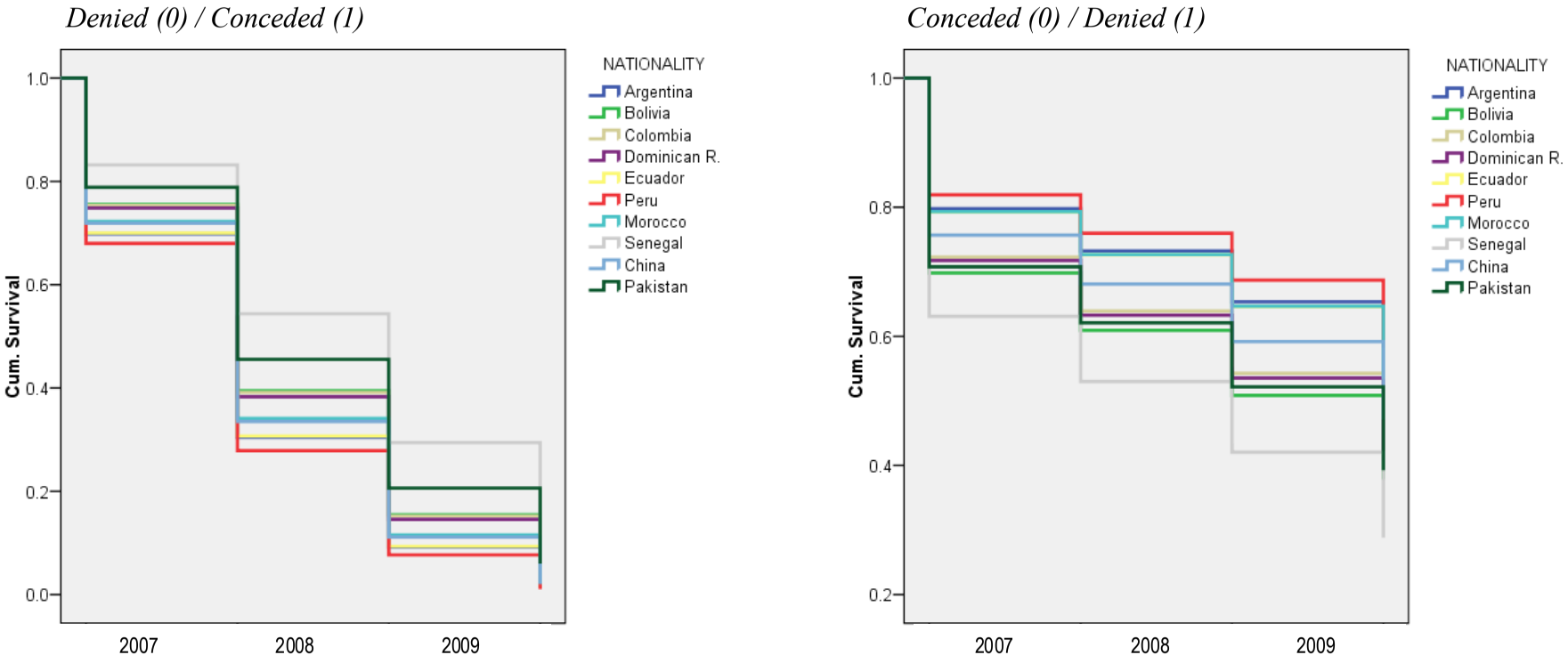


Conceded (0) / Denied (1)



*Source: Own elaboration with the Government Sub-delegate's Office data. NB: *Year 2009 includes the first semester only.*

FIGURE 8. SURVIVAL FUNCTION OF APPLICANTS OF THE CONTINUED REGULARISATION SCHEME WITH PERMITS DENIED (KAPLAN MEIER ANALYSIS) BY NATIONALITY. PROVINCE OF BARCELONA, 2006-2009*.



*Source: Own elaboration with the Government Sub-delegate's Office data. NB: *Year 2009 includes the first semester only.*