



# **MANAGING LABOUR MIGRATION IN SPAIN**

**MINISTRY OF LABOUR AND IMMIGRATION**

**SECRETARY OF STATE FOR IMMIGRATION AND EMIGRATION  
DIRECTORATE GENERAL OF IMMIGRATION**

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# I. Immigration in Spain



- Spain as a **country of emigration** until very recently (early 70'),
- **Immigration**, very **growing and recent** phenomenon in Spain:
  - About 500,000 foreigners legally residing in Spain in 1999
  - Rising to 5 millions nowadays
- The Spanish **rate of foreigners in the Spanish population** very similar to other european countries (France, The Netherlands, the UK, Germany or Sweden). The main difference is that the phenomenon is **very recent** in Spain.

# I. Immigration in Spain



## Institutional Framework:

- ✓ Link immigration-employment: **Ministry for Labour and Immigration (Secretary of State for Immigration and Emigration)**, *key role*, working in close collaboration with mainly, but not only:
- ✓ **Ministry of the Interior** (asylum, border control and fight against illegal migration).
- ✓ **Ministry of Foreign Affairs and Cooperation** (external relationships and cooperation for the development).

## II. Legal framework

- Spanish Constitution,
- Worker's Statute
- Organic Law 4/2000 of 11 January on Rights and Freedoms of Aliens in Spain and on their Social Integration, as amended by Organic Laws 8/2000, 11/2003, 14/2003 and 2/2009.
- Regulations of Organic Law 4/2000, approved by Royal Decree 2393/2004, as amended by Royal Decree 1162/2009



# III. Global Approach: The 4 pillars of the spanish immigration policy

- I. **Management of migratory flows** through legal migration channels.
- II. Fight against **irregular** immigration
- III. Social **integration** of legal immigrants
- IV. **Cooperation** with countries of origin and transit



## IV. Managing labour migration

*The key principle:*



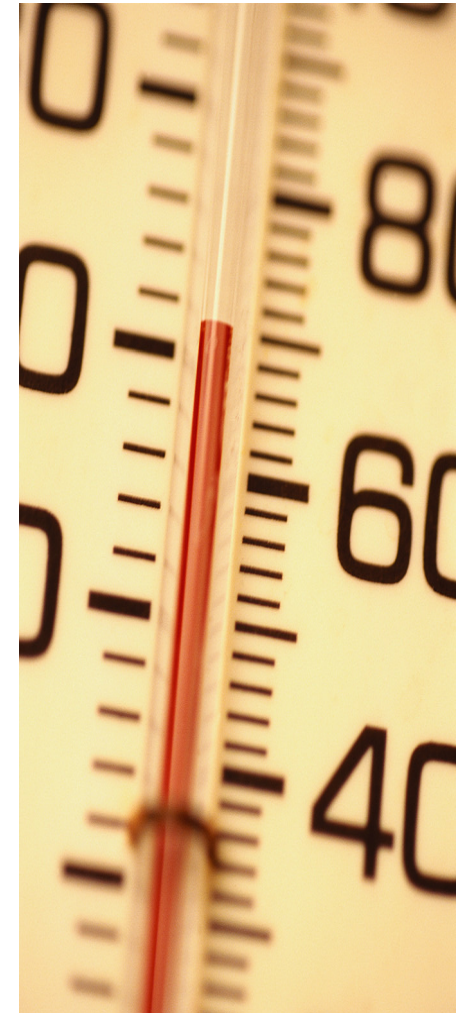
- The **National Situation of Employment:**
- demand driven
  - labour market needs.

# IV. Managing labour migration

## IV.1 Measuring the National Situation of Employment :

The key tool:

- The **Shortage Occupations List**





# IV. Managing labour migration



## The Shortage Occupations List :

*Makes easier to check that there are no residents or foreigners legal residents in Spain, ready to take the jobs to be offered to the immigrant workers.*

- ✓ **Aim:** To adjust the migratory flows to the labour market needs.
- ✓ **Content:** Occupations difficult to fill with national workers or foreigners legally residing in Spain.
- ✓ **Making process:** Participation of the social partners and the regional employment services.
- ✓ **Result:** The variation of the migratory flows is gradual and its depends on the labour market needs.

# IV. Managing labour migration

## IV.2/ Ordering hiring

2 main channels:

❑ **General Regime:**

- Shortage List
- Individual Labour Market Test

❑ **Collective management** : Collective recruitment at source scheme

*for authorising third country nationals workers living outside to enter in Spain.*



# IV. Managing labour migration

## The Collective Management



The **Collective Management** is the main legal procedure to allow seasonal workers to work in Spain and then go back to their own countries.

*It works:*

- ❖ In a **yearly** basis
- ❖ Elaboration at local, regional and national level
- ❖ **No quota**
- ❖ Priority given mainly to countries with **agreements on the management of migration flows**, signed with Spain.
- ❖ Different groups of activities: Seasonal, work and services
- ❖ **Recruitment** in the **origin** country
- ❖ **Collective** procedures

# IV. Managing labour migration.

## Collective management...

### Responsibilities



#### Employer:

- ☒ Organising **round trip**
- ☒ Paying **outward journey**.
- ☒ Organising and paying **internal travels**.
- ☒ Providing and paying an adequate **housing**.
- ☒ A **written contract** will be signed, and the **labour conditions** must be the same than for native workers; the employers must have no debts with the tax office or the Social Security.

#### Worker:

- ☒ Important **commitment:**

Seasonal workers must sign a **written compromise** to go back to their countries when the season(-s) ends.

# IV. Managing labour migration.

## Collective management...

### Mutual benefits

➤ **The fulfilment of this commitment is rewarded by two means:**

- The worker can be hired in successive years in an easier way, without going through the selection process.
- The worker hired for 4 years has an easier way to get an authorisation to work in a permanent position.

➤ **The possibility to directly hire the returned worker gives rise to circular immigration mechanisms:**

- Stabilising his/her participation in successive seasons.
- Providing the employer with workers with an exact knowledge of the environment and with appropriate experience.

# IV. Managing labour migration.



## IV.3/ Other labour adjustment initiatives

- The **Voluntary Return** programme:
  - Foreign unemployed workers returning voluntarily to their countries of origin
  - Advance and accumulated payment of unemployment allowances
  - Payment in two times
  - Worker's commitment: Return in 30 days for 3 years

# IV. Managing labour migration

## IV.4 Bilateral Agreements

- ❑ *Migratory Flows management*
- ❑ *Framework Agreements on Cooperation issues (Second Generation Agreements)*



**More information in:  
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# IMMIGRATION POLICY IN SPAN



⌘ *Thank you very much for your attention !*