

**REGIONAL REPORT.**  
**IMMIGRATION IN ARAGON.**

**Legal context.**

- 1- The access to the residence.
- 2- The control of illegal immigrants (periodical amnesties...).
- 3- Rights of illegal immigrants: what about the access to education/ health system.
- 4- View of the services offered by public administrations to immigrants related to social and labour inclusion.

**Target groups in the partners regions and background.**

- 5- Origin country of the immigrants.
- 6- % and nº of immigrants.
- 7- References to skills and qualifications they bring from their countries (average of qualified people...).
- 8- View of the most important problems that affect the targets groups regarding with the labour insertion.

**View of the labour market:**

- 9- What sectors and occupations give more jobs to the immigrants.
- 10- What about self-employment.
- 11- Forecast of economic activities with more future for this collective.

## **Legal context.**

### **1- The access to the residence by foreigners from third countries non belonging to the EU.**

The foreigners that wish to live at Spain more than three months will have to obtain previously any of the following residence permits:

- Temporary
- Permanent

Basically the essential condition to access the residence permit is to have the intention of carrying out an economical activity by others' or own account and have already obtained an administrative authorisation to work, or be a beneficiary of the right for the familiar regrouping.

The Spanish legislation links directly the residence permit to the work permit. There are three sorts of work permits to work by others' account that are analogue to other three work permits to work by own account.

Work permits by others' account: They can be complementary among them, in such way that the mobility opportunities of the immigrants increases with time. The first sort (sort A) has a strictly temporary nature, non renewable, with the same duration as the work contract, with a maximum period of nine months, with three more months as graciousness period to leave Spain; and it's limited to the sector and region, or even to the contracting company. The second sort (Sort B) has a duration equal to the contract too, with a maximum of a year, and it can be renewable for two years more, with the possibility of executing several activities. At the end of this second permit renewed, it can be obtained the third sort of permit (sort C), valid for three years, without limits of sector or region. When this longer permit expires, the Spanish Administration can offer a permanent work permit for any sort of employment.

These work permits can be conceded to the immigrants if these conditions are fulfilled:

- Insufficient number of workers in all the national territory able for the performance of a profession or an occupation offered by a firm.
- The job offer management, submitted necessarily to the public service of employment, has been concluded with a negative result (in a period of 15 days). The Public Service of employment may substitute the exigency of this individual certificate by a generic certification regarding to the non-existence of workers available to fill certain work posts, taking into account the results of the similar offers management in the three previous months. Such a certification will have a validity of three months.

The Ministry of Employment determines annually the number of foreign workers needed, according to specific territorial fields and activity sectors (several organisations, employers' confederations, ....are listened).

The work contracts managed through the quota will have to be signed by foreigners that neither stay or are resident on Spanish territory, so with the new Law on aliens there are new conditions for contracting foreign labour force, it's compulsory to contract in origin. The immigration quota for Aragon in 2002 has been "0".

## **2- The control of illegal immigrants and the system of periodical amnesties.**

Spain has accumulated a certain experience in extraordinary processes for regulation of illegal immigrants. In two occasions Spain has offered second opportunities to foreigners whose illegality could answer to labour or administrative difficulties (1990-1991 for immigrants from Marocco and 1996 for exllegal). In other three occasions more ambitious operations have been initiated: in 1985 – 1986 it was applied the amnesty to 38.181 applicants and in 2000 137.454 applications were accepted from the 246089 applications done. The immigrants rejected in this last operation would have another second opportunity, because the government acceded to examine by second time the cases eliminated only for not being able to prove the presence in Spain before 1<sup>st</sup> June 1999.

In Aragon, these processes were increased by another one at a regional level. In fact, this last regularisation let all the immigrants inscribed on the Census before 31th May 2001 and with a work offer presented before 30<sup>th</sup> June 2001, be able to obtain work and residence permits. Through these successive regularisations, it can be said that most of the immigrants that resided in our region before 31th may 2001, have a permit today or are pendant of their concession.

### **Rights of immigrants: with residence permit and illegal.**

All the foreigners have the rights for meeting, association, demonstration but they only will be able to execute them when they have placement or residence permits to live at Spain.

Regarding with the right for education, the young minor than 18 years old has the right for education: basic, free and compulsory education.

The right for the access to the infants' education (voluntary character) is expressed as the guarantee of a sufficient number of vacancies to ensure the schooling of the population that apply for it.

The public Authorities will promote that resident foreigners that need it, can receive a training aimed at their better social integration.

Regarding to the access to the health systems, the foreigners inscribed on the town Census will have a right to health assistance (in the same conditions as the Spanish people), the same as the foreigners minor than 18 years old. The foreigners that stay at Spain have the right for the health assistance of urgency. The pregnant foreigners that stay at Spain will have a right for health assistance.

The aids for the housing is a right of the residents.

The resident foreigners will have the same rights as the Spanish at the time of acceding to the benefits of Social Security.

All the foreigners will have a right for the basic social services and benefits.

The right to the familiar regrouping is a resident's right, instead of their familiars' rights. The worker will have to have resided legally at least one year in Spain before applying for the regrouping. And he will have to have a permit for another year, an adequate housing and subsistence means.

The free juridical assistance is limited in the judicial and administrative procedures that imply the denying of the entry or the expulsion, to the foreigners that are in Spain and have not enough economical resources.

In the rest of judicial litigations it's offered only to the resident foreigners.

Regarding with the guarantees in the administrative procedures, it's excepted the cases of denying the visas, that will only have to be motivated when it's about familiar regrouping or work by other's account.

Regarding with the concession of work and residence permits (not in the prorogation) the administrative silence will have negative character, this is, when three months pass from the application without answer, it's understood that the permit is not given.

The reform of the Spanish Law has established two important premises for the control of flows: The reform eliminates the earlier in force exception according to which the foreigners with a denied application for a permanent regularisation process hadn't to leave the country. The other novelty is that the lack of authorisation to stay at Spain is a cause for leaving compulsory Spain.

The new Law regulates the process for permanent regularisation, opens a via to access to the residence after a long period of illegal permanence at Spain. The conditions are harder than foreseen in the previous regulation. The first Law offered the temporary residence permit to the foreigners that proved a continuous placement of two years in Spain, were registered in the local Census and had enough subsistence means. The second Law requires a period of illegal permanence at Spain of five years and the requirements to prove these conditions are expected to be harder than before.

#### **4- View of the services offered by public administrations to immigrants related to social and labour inclusion.**

The actions for prevention and social integration of immigrants are a competence from the IMSERSO (Institute for Migrations and Social Services), that depends on the Ministry of External Affairs.

This organism is in charge of the implementation of the Plan for the Social integration of immigrants and it's supported by the Permanent Observatory for the Immigration:

Its functions are: to make diagnosis of the immigration situation, to evaluate the impact in our society and other.

IMSERSO gives subventions and public aids for the implementation of projects for supporting the immigrants and for the resolution of extraordinary and emergence situations.

The grants are directed to programmes for temporary , information, orientation and legal supports, support programmes for the access to the housing, cofunding of European projects for promoting the social and labour integration and familiar regrouping.

The Regional Government (DGA) offers different sort of aids for Stable Immigrants and for Temporary workers at Agriculture.

DGA has established an agreement with the College of Advocates of Aragon for the funding of the Service for Juridical Orientation and Attention to the Immigrants established in each one of the Aragoneese Provinces.

DGA has signed an Agreement with the Social Workers College of Aragon for the financing of a Service for Orientation and Social Assistance for the Immigrants.

DGA has established a local and specialised service, whose objective is promote y encourage the organisation and development of activities for the awareness raising an of the society about the immigration phenomenon.

By other hand, and regarding with the temporary workers for agriculture, DGA has signed a collaboration Agreement with the trade unions, for the establishment of different informative points in localities with agriculture campaigns, as reference point to access to a post in the campaigns (sometimes with contract in hand).

The regional Government offers financial aids to enterprises for conditioning the housings for temporary workers at agriculture.

By other hand, a network of NGO and associations, offer services for supporting the immigrants: juridical attention, basic needs, housing, employment, health, education, training and awareness raising...

## **Target groups in the partners regions and background.**

### **5- Origin country of the immigrants.**

By origin, the 43,21% of men are African, 29,12% come from Latin America and a 21,79% come from Central and Eastern European countries.

Regarding with women, the situation varies, and most of them come from Latin America and Europe.

These are the first ten countries of provenance of the immigrants in Aragon: Maroco (first place), followed by Argelia, Rumania, Ecuador, Senegal, China, Gambia, Mali, Colombia, Ghana.

## **6- % and n° of immigrants.**

The number of immigrants in our region is calculated to be 45.000 (according to data from UGT). The number of resident immigrants that were living in our region at 31/12/00 was 17.590

From 1997 to 2000 the number of contracts to foreigners has been increased in a 70%, and in October 2001, 19.940 people had found a job.

## **7- References to skills and qualifications they bring from their countries (average of qualified people...).**

There are no statistical data. In any case, the incorporation of very qualified workers from Eastern Europe –from 282 in 1998 to 1147 in 2000- to carry out tasks in the metal sector, has made that in Aragon the number of contracts in the industry for the immigrants is multiplied per two – from 1319 in 1998 to 2635 in 2000.

To work in the industrial sector it's needed previous training, and immigrants from Eastern Europe get to stay at Spain.

## **8- View of the most important problems that affect the targets groups regarding with the labour insertion.**

To elaborate a map with the needs of labour force in the Aragoneese field. Now it's being very difficult to plan the global needs for housing and social resources that an area needs in campaign period.

To widen the network of housing resources for temporary workers at fields.

To eliminate the networks of Mafia intermediaries. It's necessary to intensify the work inspections and the collaboration among all the parts implied: agricultures, administrations...

The system of quotas has had as a consequence that the administrative situation is quite different than the real situation of labour market and immigration.

The big problem is the illegal immigration. What to do to improve the situation of illegal immigrants?-

During the last months we have been able to see that the contracts for temporary works in agriculture to East European workers have experimented a big increase, and a high number of immigrants from Magreb are without jobs. This can generate delinquency... In Spain the 50% of violent robs (on things and on people) are committed by immigrants.

According to the last data, the 89% of the remand prisoners are non Community foreigners.

**View of the labour market:**

**9- What sectors and occupations give more jobs to the immigrants.**

These are some data:

Labour residents at Aragon:

<b>Zaragoza</b>			<b>Huesca</b>			<b>Teruel.</b>		
10.898 men	15.372		1973 men	2601		1572	1969	
4.474 women			628 women			395 women		
Labour dependence			Labour dependence			Labour dependence		
Others' account	83,9%		Others' account	77,7%		Others' account	87,2%	
Own account	2,6%		Own account	1,4%		Own account	0,71%	
Permanent	13,5%		Permanents	20,9%		Permanents	12,1%	
By sectors			By sectors			By sectors		
	Men	Women		Men	Women		Men	Women
Agriculture	3626	565	Agriculture	822	83	Agriculture	733	15
Construction	1832	108	Construction	376	3	Construction	370	3
Industry	1731	367	Industry	339	42	Industry	140	16
Services	3709	3434	Services	436	498	Services	329	361

An average of 52% of the foreigners that get a job has a contract for work or service. And only an average of 3% becomes fix, in a market where the intermediaries continue acting.

<b>Economic activity</b>			
Men	Women		Total
5.181	665	Agriculture	29,3%
2578	114	Construction	13,5%
2210	425	Industry	13,3%
1095	245	Commerce	6,7%
706	719	Hostelry	7,1%
384	2310	Housework job	13,5%
2289	1019	Other	16,6%

The incorporation of workers from Eastern Europe –from 282 in 1998 to 1147 in 2000- very qualified workers to carry out tasks in the metal sector, has made that in Aragon the number of contracts in the industry for the immigrants is multiplied per two – from 1319 in 1998 to 2635 in 2000.

To work in the industrial sector it's needed previous training, and immigrants from Eastern Europe get to stay at Spain.

The immigrants must do those works for what the labour force results insufficient and because of it, it's increasing their presence in the agriculture sector: from 849 in 1998 to 5846 in 2001, and the construction – from 979 in 1998 to 2692 in 2001-, although the contracts have a very few duration and they are jobs that Spanish workers refuse doing.

In spite of women represent only the 38% of the immigrant labour force, this collective that comes usually from Latin America and Europe, has gone incorporating quickly and massively into the housework job. From 25 contracts to women in 1998, we have passed to 2310 in 2001, and they are helping to invigorate the economical sector related, mainly with the care of older and the proximity services.

## **10- What about self-employment.**

The most common situation is that the immigrants work by other's account –83,4% of legal immigrants; and only a 2,25% of them work by own account. One of the most frequent businesses lead by immigrants, are the phone boxes.

## **11- Forecast of economic activities with more future for this collective.**

The tendency is clear. See point 9.