

Temporary Migration between Morocco and Spain (ARI)

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Theme¹: European institutions and international bodies now present Spain's management of temporary migration from Morocco as a success story to be emulated..

Summary: Temporary migration with repeated stays over the years is one of the types of 'circular' migration to the EU which the European Commission proposes to foment, especially from neighbouring countries. In Spain, the management of this migration from Morocco has attained a high degree of efficiency amid efforts to align the interests of all stakeholders, and it is therefore being offered as an example in a number of international forums. However, other forms of circular migration seen in other EU countries are missing from the relations between Spain and Morocco. This ARI proposes ways to broaden the spectrum of this circular migration and improve the impact of migration on relations between the two countries.

Analysis:

The European Commission's Proposal

In the early 1990s, the Central European countries discovered a new form of migration from Eastern Europe, from the former soviet States which were experiencing newly-found freedom of movement towards the West. It was, and still is, a migration for short periods, in which migrants travel without their families, sometimes for working days during the week or for the summer months only, while spending the rest of their time in their countries of origin. This immigration affects doctors, construction workers, agricultural works, waiters and carers of the elderly or children, in other words, immigrants of all skill levels. And it is spontaneous, rather than managed by government agencies and takes place both legally or illegally –sometimes a mixture of both, with legally documented stays to perform illegal work–. The experience of the 1990s continued, with some variations, into the 2000s in terms of both the origin and destination of these migrant flows, while new EU member countries in Eastern Europe also became receivers of this back-and-forth migration from more easterly countries such as the Ukraine and Moldova, which in some

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¹ I am very grateful for the suggestions made by those attending the Seminar on circular migration between Morocco and Spain, organised by Elcano Royal Institute and held in Madrid on 13 May, and in particular the contributions of those participating in the round table, Marcus González Beilfuss, Director General of Immigration at the Ministry of Labour and Immigration, Abdelhalim El Fatihi, Director of International Relations at the Moroccan National Employment Agency, ANAPEC, and Manuel García Robles, manager of the Foundation for Foreign Workers in Huelva (Fundación para los Trabajadores Extranjeros en Huelva - FUTEH) and head of the AENEAS-Cartaya project. The moderator was professor and journalist Felipe Sahagún. Iván Martín made very germane comments on the presentation of the findings of the METOIKOS study in Spain. In any event, the proposals included herein are the author's responsibility alone. The report is at <http://www.eui.eu/Projects/METOIKOS/Documents/CaseStudies/METOIKOScasestudySpainMorocco.pdf>.

cases arrived to replace the workers that had emigrated westward from countries like Poland, Romania and Bulgaria.

In its quest for new formulae to enable the EU to combine its own interests with those of others, in 2007 the European Commission presented its Communication on Circular Migration and Mobility Partnerships between the European Union and Third Countries (COM 2007-248 final) in which it raised the issue of the advisability of fostering legal mechanisms and international agreements to attract circular or back-and-forth migration, with the express aim of combating irregular immigration and preventing brain drain in countries of origin. The implicit logic of the proposal was that many immigrants remain in the European country of destination even when they no longer have work or when their permit has expired, because they cannot risk returning to their country of origin amid the uncertainty of whether or not they will be allowed back. Under the current stringent rules for granting residence permits, immigrants who cannot risk returning decide to settle down, bring their family and break all professional ties with their countries of origin. This creates pressure on the labour market and on European countries' welfare systems and at the same time causes a permanent loss of professional capacity in the countries of origin. This proposal was broadly inspired by watching this *de facto* circular migration from Eastern Europe and its advantages both for the destination countries, which received a flexible supply of labour, and those of origin, which maintained their population and obtained professional, commercial and business contacts through this migration, and kept alive economic activities, such as farming, performed by these circular migrants.

However, despite proposing greater development of circular migration, the Commission's Communication explicitly recognised that the concept was far from clearly defined. Its definition of circular migration as 'a form of migration that is managed in a way allowing some degree of legal mobility back and forth between two countries' leaves too many grey areas, but the series of proposals accompanying it indicate that the core idea is to facilitate 'circulation' in the sense both of mobility (just as one might talk of the 'circulation of traffic') and of a circular movement back and forth. The link between this and the fight against irregular immigration is two-fold: the aim is to offer immigrants legal entry channels for stays that are limited in time (either for periods of months for temporary work or years for those seeking a high-level professional specialisation) with the guarantee that they will be able to repeat their stay, provided they meet the requirement of returning to their countries of origin when their permits expire.²

The Spanish Experience

In the past, Spain has been the country of origin of circular migrant workers or migrants repeatedly staying temporarily in other European countries: the best-known case is that of the grape harvest in France and the tens of thousands of Spaniards who used to participate in it (some 80,000 people per year), a number which fell to 10,000 and which now, as a result of the labour market crisis, has risen again (to 14,000 this year). Also significant was the repeated temporary migration from Spain to Switzerland in a number of different sectors (tourism, construction and agriculture). As a receiver of circular

² Regarding the viability of circular migration and its impact on the countries of origin and destination, see P. Fargues (2008), 'Circular Migration: Is it Relevant for the South and East of the Mediterranean?', CARIM Analytic and Synthetic Notes, 2008/40, www.carim.org; R. Skeldon (2009), 'Managing Migration for Development: Is Circular Migration the Answer?', *The Whitehead Journal of Diplomacy*, vol. XI, nr 1, p. 21-33; A. Triandafyllidou (2010), 'Towards a Better Understanding of Circular Migration', METOIKOS concept paper, <http://metoikos.eui.eu>; and A. Venturini (2008), 'Circular Migration as an Employment Strategy for Mediterranean Countries', CARIM Analytic and Synthetic Notes, CARIM-AS 2008/39, www.carim.org.

migration, Spain has considerable experience with Portuguese migration in a number of regions of the north and west of the Peninsula (Galicia, León, Asturias and Extremadura), a migration which has attracted little attention due to its unrestricted nature: as European citizens, Portuguese immigrants do not require a permit to settle and work in Spain. Neither is a great deal known about the first major Moroccan migration to Spain in search of work, which occurred in the 1980s and was aimed at the agricultural areas of Catalonia's Maresme region, at a time when Moroccan citizens could travel to Spain without a visa. Both then and in the 1990s, after the visa requirement was introduced in 1991, when irregular migration between Morocco and Spain was in practice an easy option, many of the Moroccan migrants working in agriculture in Mediterranean coastal areas, from the Maresme to Almería, were actually practising circular migration, combining their work and period of residence in Spain for some months with maintaining their family, home and farming activity in Morocco. The distinctly masculine composition of Moroccan migration in Spain, for many years comprising young men, is related with this circular practice.

When irregular immigration became more difficult due to legal changes and stepped-up monitoring of the Strait of Gibraltar, mainly since 2002, this kind of back-and-forth migration became impossible, especially for immigrants whose situation was still irregular and who did not wish to risk having to return to Morocco. From then on, circular migration became only the migration that was regulated through international agreements and was legally channelled via quotas, except in the case of European citizens. Romanians, Bulgarians, Moroccans, Ecuadorians and Colombians made up the bulk of this contingent until the former two nationalities became able to migrate freely from January 2009, following the end of the moratorium on the free circulation of workers which a number of European countries, including Spain, had imposed on Romania and Bulgaria when it joined the EU. Essentially, it is seasonal agricultural labour migration, focusing geographically on the Mediterranean coast plus Huelva and Lleida. The total number of immigrants using this channel is very small compared to the total inflow, although, following the restrictions imposed on the arrival of new labour immigration as a result of the economic crisis, it has become one of the few means of legal immigration.

Recently, the European research project METOIKOS, co-funded by the European Fund for the Integration of Third-Country Nationals, in which Elcano Royal Institute has participated, has studied the nature and impact of circular migration among countries bordering with the EU (Ukraine, Albania and Morocco) and EU periphery countries, like Hungary, Poland, Greece, Italy and Spain (<http://www.eui.eu/Projects/METOIKOS/Home.aspx>). The research found various types of circularity which, in general terms, correspond to what is described at the beginning of this ARI with respect to Eastern Europe: in other words, circular migration affects all kinds of professional categories and occurs legally, illegally and semi-legally. However, in the case of migration between Morocco and Spain, there is only one kind of back-and-forth migration, the State-regulated migration of seasonal agricultural workers.

Circular Migration from Morocco to Spain

The first peculiarity highlighted by the analysis of the case of Morocco and Spain is the small scale in Spain of intermediate or highly educated migrants coming from Morocco, whereas this type of Moroccan migrant is to be found in other European countries, and it is one that largely feeds circular migration. Indeed, the education level of Moroccan

migrants in Spain is lower than that of Moroccan migrants elsewhere in Europe,³ including countries where this migration is recent, such as Italy. In Spain it is hard to find Moroccan entrepreneurs or professionals, and this has a negative impact on the image of this group, and, by extension, of Morocco in Spain. The number of Moroccan post-graduate students in Spain is also small (2,590 in 2009) largely because French is the language of the educated in Morocco, learned in school, and it is the language used in university for technical degree courses. Consequently, a person with an engineering degree who wishes to obtain a post-graduate qualification or train professionally abroad would choose France first, and indeed many graduates of technical degrees in Morocco do just that. However, in addition to the language disadvantage is the fact that the policy for granting residence permits for students has done little to foster the presence of Moroccan university students in Spain. As for entrepreneurs or self-employed people, the discretionary policy in granting residence permits for those wishing to set up their own business in Spain has rendered this kind of immigration negligible. The possibility of obtaining legal residence based on self-employment was not included in the scenarios for the amnesty in 2005 either, evidently due to the broad scope for fraud which this would have entailed. Only in Ceuta and Melilla, due to their proximity to Morocco, and the freedom of entry into these cities for Moroccan citizens living in the bordering provinces, are there Moroccan entrepreneurs and self-employed people. As for university professions, only very recently has Spain started to hire Moroccan doctors, as a result of their inclusion in the catalogue of professions with shortages that are difficult to cover, but, overall, university graduates represent barely 10% of Moroccan immigrants.

Migratory regulations in Spain do not help migrants circulate between their countries of origin and destination in a flexible manner in line with work opportunities or life requirements: at present, with unemployment at 47% among male Moroccan immigrants and 51% among women,⁴ many would opt to return to their country, where life is cheaper, were it not because they risk losing their permission to reside in Spain if in a single year they spend more than six months outside the country. There are signs that these unemployed migrants might be moving to other European countries within the Schengen area, as the absence of border controls would enable migrants to spend time abroad without this being detected in Spain. Even in the case of immigrants with a permanent permit, now called a long-term permit, European regulations prevent them from spending more than 12 consecutive months outside the EU (2003 directive on the status of long-term residents). The Commission proposed in the aforementioned Communication on circular migration that this 12-month period should be extended to two or three years, but it has not presented a specific proposal to modify the Directive.

In this regulatory framework and in the context of an efficient policy to combat the arrival of irregular immigrants from Morocco, the only back-and-forth migration taking place between the two countries is managed by the public administrations, and concerns seasonal agricultural workers. This kind of immigration is regulated by the labour agreement signed in 2001 by Spain and Morocco, which was not activated until 2004. In

³ Concerning the level of education of Moroccan migrants in Spain, see Héctor Cebolla & Miguel Requena (2010), 'Marroquíes en España, los Países Bajos y Francia: Gestión de la Diversidad e Integración', Working Paper nr 11/2010, Elcano Royal Institute, and, by the same authors (2009), 'Los inmigrantes marroquíes en España', in D.-S. Reher and M. Requena (eds.), *Las múltiples caras de la inmigración en España*, Alianza Editorial, Madrid, p. 251-287. Regarding the educational level of Moroccan migrants in Europe, see Haut-Commissariat du Plan (2007), *Les Marocains Résidant à l'Étranger*, Centre d'Études et de Recherches Démographiques

⁴ Colectivo IOÉ (2010), 'El impacto de la crisis económica en la situación laboral de los inmigrantes marroquíes en España', Notas Socioeconómicas de Casa Árabe, nr 11/2010, <http://www.casaarabe-ieam.es>.

that year the first major programme was implemented: the recruitment at source of women to harvest strawberries in Huelva, selected by the Moroccan National Employment Agency, ANAPEC (planting and harvesting strawberries has traditionally been women's work). That experiment failed for several reasons: most of the women who received a temporary residence permit came from cities, had no agricultural experience and, above all, had no intention of returning to Morocco. Many of these women did not even turn up at the strawberry farms and 60% of those recruited did not return to Morocco. This percentage rendered the plan of having a stable source of Moroccan women workers for the subsequent seasons unsustainable. Consequently, in 2005, ANAPEC and the Spanish authorities adopted an agreement to revise the selection criteria: from then on, rural women with farming experience and dependent children were chosen. Also in that year, ANAPEC received sizeable European aid via the MEDA funds for its institutional development, which clearly helped enhance the agency's capacities and boosted the transparency of its selection processes. The result of the new selection criteria and the greater involvement of Spanish entrepreneurs has been an 8% fall in cases of non-returners, which has made it possible to maintain the programme and increase the number of women hired to a peak figure of 16,000 in 2009. As well as the strawberry-growing area in Huelva, there are another two areas, Almería and Lleida, where temporary agricultural workers are hired at source in Morocco, but on a much smaller scale. In Almería, only 500 workers, men and women, were hired this way in Morocco in 2009, and 120 were hired in Lleida.

The management of seasonal Moroccan migration from Huelva, or most specifically from Cartaya, the centre of the strawberry-growing area, has become a model which the European Commission, the World Bank and the International Organisation for Migration, along with other international bodies, often presents as an example of good practices combining the interests of agricultural entrepreneurs with legal security and the interests of migrant workers. The programme has received European aid via two successive AENEAS projects by the European Commission (Programme for Financial and Technical Assistance to Third Countries in the Area of Migration and Asylum) and now receives backing via another European programme, M@res, focusing on border management. One of the results of these projects has been the creation of a stable coordinating body, FUTEH (Foundation for Foreign Workers in Huelva - Fundación para los trabajadores extranjeros en Huelva), involving all the local institutions and private agents or interested associations. The research conducted in the context of the METOIKOS project found a high level of satisfaction among all parties taking part in the project, both in Spain and Morocco, including women workers. On average, the latter spend 12 weeks in Huelva doing physically demanding work, receiving overall an average of some 2,800 euros, a very sizeable sum for a rural Moroccan family. The pre-requisite for returning to Huelva in successive seasons is that they return to Morocco when the work is done. Many of the women involved are heads of households, separated women or widows with dependent children (who are left in the charge of other women while their mothers are in Spain). The prevalence of extended families in Morocco makes it easier for these dependants to be looked after (whether they are children or elderly) by other relatives.

The management of the entire process involves various institutions and organisations in Spain and the Moroccan National Employment Agency (ANAPEC). In Spain, it involves the Labour and Immigration and Foreign Affairs ministries, the central government's representation (Subdelegación del Gobierno) in Huelva, the municipal governments in strawberry-growing areas, the trade unions and, clearly, entrepreneurs from the sector. The coordination of all the stakeholders is complex and must be swift and flexible in order

to adapt to the short period in which strawberries must be harvested. From the standpoint of Moroccan institutions, the main demand vis-à-vis a project which, overall, is perceived as very positive, is that it should be extended to include other crops and other geographical areas, so that more workers can benefit for longer. The prevalence of satisfaction does not mean there are not problems which could be ironed out, such as improvements to accommodation, a better offering of Spanish language classes and, as the Ministry is already looking into along with the businesses in the sector and local institutions, better planning of the harvesting campaigns to offer workers more security regarding their future contract or linking up of the harvests of various crops to extend the duration of their contracts.

The Spanish economic crisis has had a considerable impact on the number of women hired in Morocco. Native workers abandoned the sector during the 1990s to undertake other activities (construction and services) but the crisis unleashed in 2007 caused many native workers and immigrant workers already resident in Spain to return to agriculture. This process was noticeable in 2009, coinciding with the end of the unemployment benefits of those who lost their jobs in 2007 and 2008. In 2010, in Huelva only 6,000 Moroccan women were recruited, compared with 16,000 the previous year. In any event, it is worth highlighting that, since Romania and Bulgaria joined the EU, Morocco is the only non-EU country in which this hiring of immigrants for the strawberry sector continues. Another effect of the crisis was the appearance of complaints among natives or immigrants resident in Spain regarding the recruitment of foreign workers at source and the dissatisfaction of those returning to the sector due to the low wages paid, compared with other seasonal agricultural jobs in which there has always been some presence of native workers, such as the olive harvest.

Conclusion: Spain's is a strange case in the European context of the receipt of circular migration from neighbouring countries to the EU: on the one hand, Spain has well-managed experience presented as a model in some international forums and, in general terms, satisfactory for all parties involved.⁵ On the other hand, it does not have the variety and number of back-and-forth or circular migrants who do appear in other countries on the EU periphery in their relations with the East or the South. Despite the proximity between Spain and Morocco, the circular movement is a minority phenomenon among migrants because the Spanish regulations hamper it. In turn, the regulations are the result of having received sizeable flows of irregular migrants for many years, which has translated into a cautious approach in terms of both the design of the legal framework and the administrative practice. Perhaps at this time many of the unemployed immigrants (50% of Moroccans) would return to their country if the rules allowed them to return legally to Spain when new work opportunities arise. The current return plan, which is incorporated into the new Law on Foreign Persons, requires a minimum period of residence that is too long, three years, forcing migrants to undertake an uncertain long-term venture.

⁵ This does not mean it is free of criticism, formulated from external spheres of observation. Some, for example, consider the exclusive selection of women with dependent children to be immoral. Others mention women's weak position in respect of the entrepreneurs and they signal cases of sexual harassment or non-compliance with the agreement. See, for example, F. Lmadani (2010), 'Migrations féminines marocaines. Pour un regard genrée', http://codesria.org/IMG/pdf/Fatima_Ait_Ben_Lmadani.pdf; N. Messaoudi (2008), '12.000 mères marocaines pour la fraise espagnole', <http://www.rue89.com/2008/05/23/12-000-meres-marocaines-pour-la-fraise-espagnole>; *L'Observateur*, 4-10/II/2011, 'Le goût amère de la fraise espagnole', http://www.ccme.org.ma/fr/images/stories/YMD/L'Observateur_du_Maroc.pdf.

From the standpoint of Spain-Morocco relations it is important that Spain also receives other kinds of immigrants from its neighbour, emulating France or Canada in its ability to appeal to Moroccan university students and graduates. This would improve the image of Moroccan society in Spain, which is now associated with a certain type of illiterate rural migrant with little or no training, and at the same time of Spain's image in Morocco, which is now highly influenced by the areas of conflict and by the perception of the Moroccan immigrants themselves who feel undervalued. Skilled immigrants encounter fewer integration difficulties, their work and life experiences are more satisfactory and, consequently, they convey a better image of the destination country in their country of origin. They also have a greater influence as leaders of opinion.

When Spain emerges from the current crisis it would be advisable to design a specific policy of scholarships for Moroccan students, aimed at university courses with good work prospects (medicine, nursing and engineering degrees) and linked to the opening of this market for graduates and post-graduates trained in Spain. Work permits in this case could span one year, with the possibility, conditional upon the return to Morocco, of work or training placements in later years. Accordingly, this would avoid the permanent 'brain drain', allowing professionals studying for degrees or post-graduate qualifications in Spain to acquire work experience and useful contacts in Morocco, leaving the door open for later periods of residence in the country to update their training or establish professional, commercial or business networks. The risk that this scheme might result in another gateway to irregularity appears small in light of past experience: the years of presence of Moroccan university students in Spain, concentrated mainly in Granada, have not triggered an increase in irregular immigration from Morocco. Currently, among all the non-EU communities from poorer countries, the Moroccan community presents the lowest percentages of irregularity.⁶

Lastly, when Spain's economic and labour market situation permits, it would be advisable to open the tourism sector to seasonal immigration from Morocco, designing a temporary work permit specially adapted to the characteristics of this sector. The current temporary permit is designed for the agricultural sector and obliges entrepreneurs to undertake commitments relating to the sector's low wages and to the absence of accommodation available in rural areas, conditions which do not apply to many jobs in the tourist sector.

In short, the idea is to achieve various objectives: to use migration as an instrument to nurture Spain-Morocco relations and foster development cooperation, to attract skilled immigration while avoiding the brain drain in Morocco and allowing unemployed migrants to return to Morocco with the possibility of coming back to Spain, even when they have spent more than six months there in a given year, when job opportunities arise. Unquestionably, this does not meet the migratory demand among Moroccan youth and neither does it eliminate the need to sustain and indeed redouble efforts to combat irregular immigration and illegal employment, but it may help to improve the impact on Morocco and Spain of the migration which Spain is able to absorb in an orderly fashion.

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⁶ There also appears to be no irregularity among Chinese immigrants, but in this case there are signs that the figures are less reliable due to their tendency to not register with their local authorities, unlike Moroccans.