

CHAPTER 1

Antecedent

A. Background

Spain is a country located in Southwestern Europe. The coastlines include the Bay of Biscay, Mediterranean Sea, and Northern Atlantic Ocean. Neighboring countries include Andorra, France, Gibraltar, Portugal, and Morocco. Spain controls a number of territories in northern Morocco including several enclaves and the Canary Islands. Spain borders the Pyrenees Mountains, but much of the country is high plateaus. The government system is a parliamentary monarchy. The chief of state is the king, and the head of government is the president. Spain has a mixed capitalist economy in which there is a variety of private freedom, combined with centralized economic planning and government regulation. Spain is a member of the European Union (EU).¹

A.1 Parliament

The national parliament (las Cortes Generales) has two chambers, the lower of which is the Congress of Deputies (Congreso de los Diputados) and the upper the Senate (senado). The Congress consists of 350 members representing Spain's 50 provinces and the North African enclaves of Ceuta and Melilla. Each province is an electoral constituency, with the number of deputies depending on its population. Members of Congress are elected by a system of proportional representation for four years.²

The Senate has 259 members, directly elected by a first-past-the-post system. Each province provides four members plus additional members in the Balearic and Canary islands, where extra members represent the various islands, making a total of 208 members. The 17 autonomous regions also elect one senator each and an additional member for every million inhabitants, totalling a further 51 members. The Senate has the power to amend or veto legislation initiated by Congress.³

Under Spanish law, the official result of a general election is made public five days after the vote, in order to allow sufficient time for recounts and disputed results. After the

¹ <http://globaledge.msu.edu/countries/spain> accessed on 25 february 2016 16:10

² <https://www.justlanded.com/english/Spain/Articles/Culture/Spanish-government> accessed on 25 february 2016

³ *ibid*

members have been sworn in, the King of Spain meets with the party leaders and asks one of them to form a government, which must then be ratified by parliament. The leader of the party of government becomes the president (presidente) of Spain and has his official residence in the Moncloa Palace in Madrid.⁴

The Constitutional Court (el tribunal constitucional) is responsible for ensuring that laws passed by parliament comply with the constitution and international agreements to which Spain is party. The Judiciary is independent of the government, with the highest legal body being the General Council of Judicial Power (Consejo general del Poder Judicial), which has 20 independent members and is headed by the president of the supreme court (tribunal supremo).⁵

A.2 Autonomous Regions

Spain has 17 autonomous regions (*comunidades autónomas*), each with its own president, government (*gobierno* or *junta*), administration and supreme court (plus its own flag and capital city). The regions are funded by the central government and the regions of the Basque Country, Catalonia, Galicia and Andalusia are responsible for matters such as economic development, education, health, environment, police, public works, tourism, culture, local language and social security. The other regions have less autonomy and fewer responsibilities. The people of the Basque Country, Catalonia and Galicia have also been recognised as separate ethnic groups and have the right to use their own languages in education and administration.⁶

With the increasing influence of the Basque and Catalan regional parties in national politics, the whole question of regional power and autonomy has taken on a new significance. All regions are currently revising their Autonomy Statutes. The Catalan Statute was approved in referendum in June 2006, after months of political wrangling. Many Spaniards outside Catalonia disapprove of the new Statute, which awards more autonomy to Catalonia, mainly because the Statute's introductory paragraphs describe Catalonia as a 'nation'.⁷

⁴ *ibid*

⁵ *ibid*

⁶ *ibid*

⁷ *ibid*

A.3 Immigration in Spain

The history of Spanish migration over the last five hundred years has mostly been a tale of emigration. Traditionally, waves of emigrants have headed to Latin America, with flows peaking at the beginning of the 20th century. From 1905-1913, 1.5 million Spaniards left the country for Argentina, Brazil, Uruguay and Venezuela. Following interruptions stemming from the World Wars and the Spanish Civil War (1936-1939), emigration to these countries began anew. Between 1946 and 1958, about 624,000 people left the country for overseas. Then, as Western European countries gained in popularity as destination countries, Latin America no longer seemed as attractive, and the number of transoceanic emigrants sank steadily, reaching insignificant levels by the mid-1970s. In total, approximately 300,000 people joined this final wave of emigration to Latin America between 1958 and 1975.⁸

Spain's foreign population has been increasing slowly since the middle of the 1980s. In the beginning, Northern and Western Europeans, in search of a (retirement) residence in a warmer climate, accounted for a considerable proportion of incoming migrants. However, overall migration trends have changed, with increased levels of south-north migration from the "Third World" and, after the fall of the Iron Curtain, east-west migration from Central and Eastern Europe. These new trends, combined with a period of prolonged economic growth in Spain, have led to a rise in the number of migrant workers entering Spain.⁹

In 1975, there were approximately 200,000 foreigners living in Spain. This number increased fivefold in the following 25 years to reach 1 million by the end of the century (not including undocumented immigrants). This represented 2.5% of Spain's then population of 40 million. At the end of 2007, around 3.98 million foreigners were in possession of a residence permit, with the number of permit holders having grown at a rate of approximately 20% per year since 2000. From 2004 to 2005 it grew by almost 40% as a result of a legalisation campaign (see below), and again from 2006 to 2007 by more than 30%. Data derived from municipal registries (*padrón municipal*) suggest that the actual total number of foreigners residing in Spain is considerably greater. According to these records, on 1 January 2008, 5.22

⁸ Journal of Hamburg Institute of International Economics (HWWI) edition no. 6, August 2008

⁹ *ibid*

million foreigners were registered with the municipalities, compared with 3.98 million residence permits (end of 2007), revealing a difference of 1.24 million.¹⁰

In just a decade, Spain's foreign-born population increased from less than 4 percent of the total population to almost 14 percent. Fewer than 1.5 million immigrants resided in Spain in 2000, compared to 6.5 million in 2009. But unlike other European countries, Spain has not seen a significant backlash against immigration, even amid an economic crisis that has hit the country hard and led to extremely high levels of unemployment — especially among immigrants.¹¹

This enduring openness can be explained by a few key political and structural factors. Most Spaniards still view immigration through the lens of the labor market: since the mid-1980s, immigrants have provided needed labor to sustain economic growth and offered valuable services to families, and they still do so in the present day, with immigrants comprising close to one-fifth of the employed population. Spain's history with immigration remains relatively new, therefore the demographic profile of immigrants is predominantly one of young adults active in the labor force. Here, the second generation of immigrants has yet to fully come of age, as it has in other European countries. Furthermore, Spain's distinct political culture, which emerged following the end of the Franco dictatorship, discourages public statements that could be perceived as undermining the democratic values of equality and liberty. Groups in favor of immigration are large, active, and vocal in their opposition to any sentiments that could be seen as racist, xenophobic, or simply hostile to immigrants.¹²

This growth in the immigrant population did not lead to significant anxiety or backlash. Immigration was seen as a requirement of the labor market, an outcome of economic progress, and perhaps even a sign of modernity. Surveys indicated that while some segments of the population were worried about the growing number of immigrants, they accepted that these workers were needed.⁵ Public concerns about immigration rose in 2006 during the “cayucos crisis,” the arrival of some 30,000 people from Western African countries to the Canary Islands in small- or medium-sized fishing boats. These clandestine flows, as well as the acute concerns they generated, subsided after 2006, when the Spanish government

¹⁰ *ibid*

¹¹ Arango, Joaquin. 2013. Spain's experience with immigration and integration. p1. Madrid. Migration Policy Institute

¹² *ibid*

reached agreements with several governments in West Africa to control the exodus of migrants in exchange for compensation.¹³

Immigration policies have tended to be open, and integration efforts sustained and comprehensive. Policy has been concerned not with the size of flows, but rather with opening or enlarging avenues for legal immigration. High rates of irregularity have been a chronic feature of the immigration landscape in Spain. The number of unauthorized immigrants began increasing rapidly in 2000, and despite efforts to curtail irregular migration, it had reached a sizeable proportion by 2004.¹⁴

The Spanish government has shown a strong commitment to immigrant integration, which has been a central component of immigration policy since the 1990s. A national integration plan was adopted by the central government in 1994, which, alongside a catalog of principles and good intentions, included the establishment in the same year of valuable instruments such as the Permanent Observatory for Immigration and the Forum for the Social Integration of Immigrants.¹⁵

B. The Aim And Advantages Of Research

The aim and advantages of research is:

1. This research hopefully can give additional information in development of International Relations study in the future.
2. This research hopefully can give information and became research material for students, especially International Relation students and also people who want to learn about International Relations.
3. This research also hopefully can become an advice to any groups and decision makers.

C. Question

¹³ ibid

¹⁴ ibid p4

¹⁵ ibid p5

Why Spain made foreign policy that facilitated the legal immigrants to come?

D. Theory

D.1 Citizenship Migration Concept

The legal framework governing the statuses of foreign nationals has undergone radical changes in the past one and a half decades or so, and it continues to evolve. The formal introduction of European citizenship with the 1992 Maastricht Treaty, the continuing expansion of rights enjoyed by EU citizens, development of a common EU status for long term residents from third country as well as the definition of right to family re-union tied the status, all these developments suggest a continuous expansion of rights enjoyed by non-nationals as well as narrowing of the gap between citizens' rights 'at home' and outside their country of nationality. If looked at more closely, however, actual developments are much more complex and contradictory than the narrative of progressive expansion of citizenship rights for non-citizenship suggest. What we instead are different outcomes for different legal categories of immigrants.¹⁶

Long before the harmonisation of immigrant policy at EU level, Tomas Hammar's influential study *Democracy and the Nation State (1990)* noted a significant convergence of European states immigrant policies with respect to the rights granted to permanent foreign resident. Hammar observed that long-term immigrants more often than not enjoyed a relatively secure residence status as well as other rights, for example equal access to welfare entitlements and sometimes even political rights. This led him to conclude that in fact a new status has emerged, which called "denizenship". Hammar's primary focus was to defend denizenship from a normative perspective, interpreting it as sensible alternative to citizenship for first generation migrant. This point was taken up by Yasemin Soysal (1994) who interpreted the emergence of denizenship as an indication of the decline of nationality and the rise of post-national citizenship as an indication of the decline of nationality and the rise of 'post-national citizenship' anchored in international right institutions rather than being tied to membership of a particular state, a view echoed by Saskia Sassen (1996) and others.¹⁷

Citizenship has traditionally been closely connected with the legal status of

¹⁶ Kraler, Albert (2006), *Migration and Citizenship: Legal Status, Rights and Political Participation*, p.33, Amsterdam, Amsterdam University Press.

¹⁷ *ibid*

nationality. Political authorities at substate levels, however, sometimes use a border conception of citizenship in order to strengthen their political intervention vis-à-vis the central state.¹⁸

Interculturality is the cornerstone that allows free development of diverse identities on an equal footing, and the interaction and the interrelation amongst people with the different identities.¹⁹ To be sure, across Europe, long term residents now, by and large, possess a reasonably secure residence status as well as a range of other rights and benefits, often denied to short-term migrants.²⁰

In addition, citizenship regulations are no longer seen as comprehensive models but disentangled into various sets of rules, allowing new perspectives on citizenship policies and reformulation of the terms of the debate.²¹ Since World War II, European countries, such as the UK, which based their citizenship on democratic principle experienced a rapid increase of “new nationals” by sole fact of birth in the territory to an extent no longer acceptable to increasing proportions of the public. Since the nationality Act of 1981 *ius soli* is granted only to second generation immigrants born in the country if one parent has a permanent residence permit, whereas minors born abroad can acquire British citizenship only if they prove having lived in the country for ten years without interruptions.²²

D.1.1 Second-generations Migrants

Many continental nation states retained *ius sanguinis* as the main principle governing the acquisition of citizenship by the second generation, leaving naturalization as the main mode for acquiring citizenship by the greater part of the immigrant population. Many European states have recently introduced an entitlement or facilitated access to citizenship in order to promote the integration of second and third generation immigrants.²³

¹⁸ Kraler, Albert (2006), *Migration and Citizenship: Legal Status, Rights and Political Participation*, p.34, Amsterdam, Amsterdam University Press.

¹⁹ Kraler, Albert (2006), *Migration and Citizenship: Legal Status, Rights and Political Participation*, p.35, Amsterdam, Amsterdam University Press.

²⁰ *Ibid* p.37

²¹ *ibid* p.44

²² *ibid* p.45

²³ Kraler, Albert (2006), *Migration and Citizenship: Legal Status, Rights and Political Participation*, p.46, Amsterdam, Amsterdam University Press.

D.1.2 First-generation migrants

The most common way to acquire citizenship is through ordinary naturalisation procedure to obtain the nationality of the country of residence, migrants usually have to meet a common set of requirements, namely a minimum residence period, no criminal record, sufficient financial means and increasingly, proof of integration, sometimes in the form of civics, language or wider 'assimilation' tests.²⁴

Recent reforms of citizenship legislation across Europe have seen a proliferation of 'integration' requirements. In the other countries, for example the US citizenship test have a much longer tradition. In most states though, 'integration' requirements are largely irrelevant in practice, as tests are simple and migrants resident for the required minimum period generally meet the specific conditions.²⁵

D.2 Foreign policy concept

Foreign policy decisions are made in strategic setting. Thus behavior of adversaries and allies affects foreign policy decision in an interactive sequential setting.

Foreign policy is made by some factors that decide the policy, the factors such as International, domestic, and cultural factors. There are also many factors that determine foreign policy, but those three factors I mentioned before is the most influence factors in foreign policy decision making process. The decision makers will always looking the international and domestic factors to make the decision.

In Ole Holsti book, *Making American Foreign Policy* (2006) he mentioned the role of domestic factor is important, one of the important thing is the public opinion. In democratic country mostly a policy is considering by their public opinion, sometimes if the policy is not quite good in the eyes public, than rejection will come. Public opinion will see the history, budget, and others before they receive the foreign policy.

There are many pro and contra about this theory, one of them that contra is Hans Morgenthau, he said: "The rational requirements of good foreign policy cannot from the

²⁴ Ibid p.46

²⁵ ibid p.46

outset count upon the support of a public opinion whose preferences are emotional rather than rational”. But there are leaders who always considering their public opinion before he take the decision to make the policy. There are many factors in domestic its self before take the decision.

It's clear that domestic affair have big influence in creating a foreign policy decision. There are many aspects that affect the making of foreign policy, like: Diversionary Tactics, economic condition, public opinion, and electoral cycles.

D.2.1 Diversionary Tactics

The notion that the leaders use force at politically opportune times is known as diversionary theory. This theory is developed by Georg Simmel (1898) and Lewis Coser (1956). States that conflict within a group can be diminished if the group is faced a common external threat, this can be extend to be foreign policy, the group can be taken as the meaning of the citizens of a country. The conflict within the group can be manifested as rioting, political scandal, or high unemployment. These examples of unrest could be proxied with the measures of executive approval. Thus, a political leader who wants to survive in power might want to divert attention from domestic problems by using force against an external adversary.²⁶

This tactics not always used based on riot or political scandal, sometimes the rivalry within political group made the authoritarian group who lead the country at the time, to use their position to make a foreign policy to against another group.

The lack of popularity of a political group in domestic also can make the group use this theory to make a foreign policy to make their popularity back, like their opponent made to make the citizens happy, then the authoritarian group should also make a policy to push their popularity back.

D.2.2 Economical condition

²⁶ Mintz, Alex & DeRouen Jr, Karl. 2010. Understanding Foreign Policy Decision Making. New York. p.129

Foreign policy decisions are often influenced by the state's economic interests. For example, the first Bush administration marketed the first Gulf War of 1991 to the public by stating that it was about jobs, about oil and about economic security. Threatened access to valuable natural resources can shape U.S foreign policy.²⁷

Expansionist policies of states are often viewed as stemming from pursuing their economic interest. Imperialistic motives are frequently attributed foreign policy of states. Russia's policy vis-à-vis Ukraine is largely derived from the gas and oil interest of the former and the weakness of the latter.²⁸

Among the most important economic influences on foreign policy is the military-industrial complex. In January 1961, President Eisenhower warned in his farewell address, "against the acquisition of unwarranted influence, whether sought or unsought, by the military-industrial complex". Eisenhower's fear was that military that military-industrial interest would drive foreign policy in ways of favorable to the military industrial complex. The iron triangle consisting of Congress, the Pentagon, and defense industries is often viewed as a force pushing for costly weaponry and the sale of arms to the others countries. Arms sales and transfers do serve as tools of foreign policy.

What is fear by President Eisenhower now probably already happen. The condition of foreign policy that determined by the military-industrial based is happening in recent years, for the example in Crimea crisis that involving west alliance or often we call NATO against Russia. In that crisis, USA already made a policy that embargoing Russia in any aspects, but France as one of the closest ally of USA, disobey that policy by USA which obligating any members. France still selling their battleships to Russia. Here we can see the military-industrial based already have a big influenced in France foreign policy decision.

²⁷ Ibid. p.130

²⁸ Ibid. p.131

D.2.3 The Role of Public Opinion

Public opinion about a particular crisis may influence the use of force, escalation, termination, and other foreign policy decisions. David Brule and Alex Mintz (2006) found that U.S. presidents refrain from using force when opposition intervention is high and are likely to use force when public support for such actions is above 50 percent.²⁹

Certain internal pressures applied to national leaders in democracies sometimes compel them to seek peace. observes that domestic politic – the public and the legislature – can act to force decision makers to move toward termination of hostilities. First, when public opinion reflects that battle death have been excessive or that the conflict has run on for too long, for example, French public opinion regarding the conflict in Indochina in the 1950's, the public will end an end to hostilities. If the public perceives the war is immoral or illegal, the mood will shifts to one of cooperation, for example, Italy in 1943, the citizens of Italy sense that their country could actually become the target of an invasion, the public mood is like to swing to nonhostility. When the constraints of public opinion are not present, as in authoritarian regimes, a country's bargaining position is strengthened vis-à-vis an adversary that has such constraints, for example, North Vietnam and North Korea. When public opinion about the war is favorable, termination is unlikely.³⁰

Domestic political pressures are often related to international pressure. For example, a country might seek to stimulate public discontent toward the war in its adversary's country by capturing large cities, defeating elite combat units, and launching surprise attacks on sites previously considered impregnable. A country could also achieve the desired result by realizing "peace feelers" or propaganda in the adversary's country, thereby turning the public against the leader of that country. A final scenario, and one that approximates an option at the United States disposal during the 1991 Persian Gulf War, is that a civil war can be incited in the adversary country, thereby bringing domestic instability and an end to the conflict.

²⁹ *ibid.* p.131

³⁰ *ibid.* p.131

D.2.4 Electoral cycles

Electoral play an important role in the decision-making of leaders. The timing of elections, leaders quest for political survival, and political rivalry affect budgetary decision on spending for, the use of force, de-escalation, and the pursuit of peace agreements. The leaders whose political survival depends on voters approval of their policies prefer to make the voters happy rather than unhappy. When chances of reelection appear threatened or uncertain, leaders might decide to manipulate economic policy utilizing the advantages of office. Another option is the use of force or war.³¹

The electoral cycles are believed can influencing in creating a war, the leaders who already almost finish their time as a leaders perhaps can declare a war to another state. The trends of make the voters happy is just happen when they need the voters in reelection, but if they are not available anymore to become the leaders, than they have opportunity to do anything that they did not done yet. For example, the declaration of war, military agreement, or defense agreement.

E. Literature Reviews

The writer took the sources for the thesis with the title “ Spain Foreign Policy Toward Immigrants by the searching of sources, the writer found some sources that realted with the topic, which are: First, a book by Rainer Bauböck with tittled Migration and Citizenship: Legal Status, Rights and Political Participation. In this book, the author talking about the phenomenon of migration that happen in the world, especially in Europe. The migration issue has been major issue since the end of World War II. By this book we will learn about the Rights and the Legal status, we will also learn about the citizenship status of the migrants and how the regulation about the migrants in European states.

³¹ *ibid.* p.132

Second, a journal by Maria Pabon Lopez with titled "Immigration Law Spanish-Style: A Study of the Regularización of Undocumented Workers in Spain" this journal giving views about Spain foreign policy, like talk about how to formulate the foreign policy, how to take the decision, which factors that influenced the decision of foreign policy, the definition of foreign policy, and others.

Thrid, a book by Encarnacion Gutierrez-Rodriguez with titled "Migration, Domestic Work and Affect", (New York: Routledge, 2010). This book give view about the phenomenon of migration in the world and in Spain especially, how the dynamic of the migration and the local worker in Spain, and another topics that related with the topic of the thesis

Fourth, a journal by Sara de la Rica with titled "immigration in Spain: what have we learned from recent evidence?" that publicated on 2014. This journal give views on how Spain position as the destination of the world migration, how the role inof Europe as the immigrants settlement place, how Spain deal with immigrants, how foreign policy made in Spain, what already Spain achieved with immigrants, how the influence of the immigrants to daily life in Spain, and other related topic to the discussion.

By the reference that already mention above, the writer have a different approach to answering the question that been showed up. If the reference that mention above using the approach of immigration law, the dynamic of the immigration, the role of the immigrants and etc. In this chance, writer would like to say that the approach that writer want to use is the historical factors that Spain have as the former of great empire in the past era. As we know that Spain empire become a big power

The approach of history is using, because after the research that done by the writer, the fact showed up that mostly the immigrant is from Latin America. Even though number one immigrants on the list is from Romania, but still if we collect all the immigrants from Latin, then it would be number one. This facts is cannot be avoid, considering the diaspora that happen in Latin America by Spain in past era until 1980's there still immigration from Spain to Latin America.

Writer also would like to using the economic approach, considering that Spain as one of the big power in Europe made a big attraction of immigrants, even tough not as strong as

Germany and France or even UK but still economy in Spain is better than the economy in the home country of those immigrants. This approach will be using to answering the question.

The next approach that writer would like to use is the geographically of Spain, this approach is quite rare that used in the similar research. The geography condition of Spain has made the attraction of the immigrants to try to cross to Europe, the continent that so close between Europe and Africa, has made this as traditional path of the immigrants to cross from Africa to Europe and from Europe to Africa. By the history, Spain already being conquer by some big kingdom due to its location that strategic, so it's a fact that the location is also a big consideration.

F. Hypothesis

Spain government facilitated legal immigrant, because:

- The Need of Low Class Workers
- Lack of Population
- The Need of Economical Growth
- Spanish Diaspora
- Spain location

G. Methods Of Research

Is it very important to have limitation of the research is going to be done, in order to avoid the topic from being expanded and out of context. Since the issue of this final paper is about the Spain foreign policy toward immigration, then the writer would like to limit the time of research to be around 2005-2015 and some years in the past to support the research.

The writer gained the information by an extensive reviewing of relevant published materials, from books, articles, journals, reports, newsletters, official websites, and other source on a wide variety of topics relate with the subject of this final paper.

The data that needed is immigration history to Spain, annual report of immigration by United Nation. Data will be taken in data bank of United Nation on their official website, and also writer will do the research directly in Spain.

Writer do direct research to:

1. Banco de España (Castellón de la Plana, Valencia)
2. Ministerio de Asuntos Exteriores y De Cooperación (Madrid)

And also do interview to some lectures in Universitat Jaume I in Castellón de la Plana, Valencia, Spain. And the last writer do interview to more or less 25 person that have immigrant status and also the local Spaniards.

H. Systematic Of Writing

Chapter I: Introduction. This chapter outlines the background of the research, what are exactly the problems to answer, purpose and signification of research, analyze the theory and methods to be implemented and gives the hypothesis as well as the systematical.

Chapter II: This chapter will discuss about the history of immigration in Europe in general and Spain in specific

Chapter III: This chapter will discuss about the citizenship migration in Spain and also Spain condition in economy

Chapter IV: This chapter will discuss about the Spanish Diaspora, population, economy, geography, policies and etc.

Chapter V: This chapter will discuss about conclusion