

Between Protection and “Profit”: The Role of Civil Society Organizations in the Migrant Reception Markets in Spain

Entre la protección y el “beneficio”: el papel de las organizaciones de la sociedad civil en los mercados españoles de recepción migratoria

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INTRODUCTION

Spanish reception policies for irregular immigrants and asylum seekers have become a political arena in which an increasing number of private actors, such as civil society organizations, are involved. Since the 1990s, Spain has developed a “joint management” formula, sometimes defined as a “collaboration model,” in which agreements with the third sector are leveraged to implement reception practices and policies aimed at providing assistance for vulnerable immigrants. This policy model has shaped negotiations and agreements between the state and civil society that have resulted in a “concerted action,” but also fueled an intense debate regarding the levels of collaboration, coopting and (in)dependence of these organizations. The debate has focused on the heavy reliance of many civil associations on public funds and on how this dependency limits their ability to oppose these policies and their accountability.

The aim of this critical note is to analyze the role of Spanish civil organizations in this policy area, which is characterized by tensions and contradictions between the principles of protection and profit. Using the concept of “reception markets” and based on fieldwork that includes in-depth interviews conducted with social organizations in Spain during 2016

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and 2018,³ this text highlights the elusive and contradictory performance of these organizations in the design and implementation of reception practices.

The first section of the note examines the concept of reception markets, a term coined in the context of literature on the migration industry and migration management markets (Gammeltoft-Hansen & Sorensen, 2013). The second part describes the collaboration model of reception in order to provide a deeper understanding of the determinant factors and links that clarify the relationship between the state and civil society in this area. The final section takes a closer look at the Spanish case, focusing on the tensions caused by this collaborative model, as well as on the ambivalences and contradictions that emerge in the organizations that intervene in this reception market and how they affect the protection of vulnerable migrants and the public scrutiny of these practices.

Defining Migrant Reception Markets

Despite the popularity that the term migration industry has gained in academic circles (Hernandez-Leon, 2005; Cranston, Schapendonk, & Spaan, 2018), from a conceptual and theoretical perspective, we think that “migration markets” (Gammeltoft-Hansen & Sorensen, 2013) is a more precise expression in the fields of economics and political economy (López-Sala & Godenau, 2016; López-Sala & Godenau, 2017). Employing the concept of migration markets allows to include the transactional aspect of supply and demand in the analysis, and to underscore the different rationales and structures that reveal the relationship between the government and private actors in different areas of migration management. By referring to markets as something pertaining economics, their analytical meaning is defined by the transactional activities involved in the exchange of goods and services between actors through the negotiation of quantities and prices. The use of the terms facilitation, control and reception markets⁴ derives from this premise and is inspired by the typology proposed by Gammeltoft-Hansen and Nyberg-Sorensen (2013).

The reception market, the subject of this article, can be defined as a set of transactions or the exchange of goods and services between the state and private actors directed at articulating this area of migration policy. However, that there are payments and prices does not necessarily imply that profit is a motivation, since not all the activities in this market are driven by profit. This will be especially relevant when this analysis examines the role

³In-depth interviews were conducted in Madrid, Barcelona, Andalusia, and Melilla, Spain. This research has been conducted in the framework of the Project MIND (2014-53680), funded by the Spanish National Research Program.

⁴The term “reception” and not “refuge” or “assistance” is employed, since in the current European context “refuge” can be confused with the rescue of migrants and refugees along maritime routes; in its turn, “assistance” holds paternalistic connotations. In this sense, “reception” is a more neutral and generic term.

of social organizations, which are not for profit in the literal sense but can still be motivated by other types of returns.⁵ Furthermore, the financing they require to carry out their activities is most commonly obtained from public resources. Therefore, and despite not being profit-driven, their survival can be conditioned by the requisites and selection criteria imposed by the authorities responsible for awarding public contracts.

Reception Policies and Practices in Spain

Spain's transformation into a destination for immigrants at the end of the 1980s came along with the creation of an integration policy and reception itineraries that were significantly different from those observed in the traditional receiving countries in Europe (Arango, 2013). The Spanish immigration model has been primarily labor-based, with very few migrants seeking asylum or other forms of international protection. This model has been characterized by high levels of visa overstays, but also by the state providing channels through which the majority of immigrants can obtain permanent legal status. Reception measures directed at highly vulnerable populations have played an essential role, providing them access to, for instance, social and educational resources or legal and employment assistance, both within the territory and in border areas.⁶

Due to Spain being so politically decentralized, integration and reception measures have been developed at the municipal, regional and national levels by means of a bottom-up policy process with significant participation of the third sector (Jubany-Baucells, 2002; Solé, 2004; Cebolla-Boado & López-Sala, 2015a; Garcés-Mascareñas & Penninx, 2016). The implementation of these reception policies and practices is managed through agreements with social organizations. Various factors have led to this unusual joint collaboration formula between the different levels of government administration and social organizations. The first factor was the Spanish government's desire to design a collaborative approach to policymaking that included the direct participation of civil society, as can be observed in the national and regional integration plans and the creation of formal consultation institutions. The second factor is Spain's weak, or low-intensity

⁵For example, these types of organizations can gain political or symbolic benefits by taking an active role in managing and implementing migration policies; doing so can make them more influential, as they can be perceived as the legitimate interlocutors between immigrant communities and public administrations, etc.

⁶Reception policies and practices are defined as measures that complement the migration policies developed by local, regional and state administrations. This type of social assistance includes providing all kinds of services for particularly vulnerable immigrants (legal assistance, training programs, language learning, and translation services, healthcare, psychological assistance, employment orientation, etc.). These kinds of measures have been implemented throughout Spain, including big-city neighborhoods, rural areas, and at borders and reception areas.

welfare state, which has limited public spending and investment in human resources and infrastructures. The third is the public administration’s need to access the expert and professional knowledge found in many of these organizations, which have a great deal of social capital and maintain substantial contact with immigrant communities on the local and regional levels.

How the Third Sector Fits Into the Reception Markets in Spain

In practice, civil society organizations have participated in the reception market through a “partnership model” in which they act as subcontractors. To achieve this, the national, regional and local governments have created a system of financing through annual subsidy programs specifically aimed at developing assistance and reception projects for vulnerable immigrants and asylum seekers. Some organizations have received direct subsidies, such as those that were given in 2015 to meet the increased need for assistance due to the refugees arriving from Syria.

Third sector organizations began to participate in initiatives for the reception of vulnerable immigrants in the 1990s. At that time these organizations viewed the new social situation of Spanish immigration as an opportunity not only to participate in the development and application of integration policy but also as a way to gain visibility and greater influence on what was a highly politicized issue in Spain at the beginning of the 1990s. However, over the past two decades, this model of social partnership has had a heavy impact on the actions and internal structures of these organizations. First and foremost, it has made them greatly dependent on public subsidies (Cebolla-Boado & López-Sala, 2015b),⁷ significantly influencing their agenda,⁸ while promoting an organizational culture based on subsidies. Second, it has made these organizations more professional, but also more bureaucratic (with highly complex structures, big budgets, and large staffs), which has caused broad social sectors to perceive them as being parastatal organizations, or simply extensions of the state. In this sense, the partnership model has

⁷This dependence has led some to question the *bottom-up* process of creating Spanish policy, claiming that over the past decade many *top-down* traits have been adopted because the government’s control over public subsidies increases its influence over the objectives and agendas of these social organizations.

⁸For example, over the past decade, the projects designed by these organizations have varied significantly in relation to the crisis of the Spanish economy, the content of calls for subsidies and the development of political priorities. This explains the rise of cooperation projects in countries of origin in the middle of the past decade, the promotion for projects based on voluntary return, the protection of unaccompanied minors and the fight against human trafficking since 2009 or, more recently, the programs for humanitarian assistance in border areas and the interior of the country since 2014.

“deradicalized” and “demobilized” a portion of civil organizations, whose activities are now heavily supervised and under the scrutiny of public administrations.

Goodbye Rights, Hello Projects: From Advocates to Service Providers

The greatest criticism of this model was derived from the collateral effects it has had on social organizations, as it has undermined their independence and limited their ability to oppose official policies. In fact, part of civil society considers this model to be a premeditated *dividi et impera* strategy to deactivate the unity and cohesion of the pro-immigrant social movement that existed at the onset of the 1990s: first through a process of cooptation which gradually weakened advocacy in favor of providing services (see Lacomba, Boni, Cloquell, & Soledad, 2015; Barbulescu & Grugel, 2016); and second, through forms of clientelism and the entrance into the reception market of pro-immigrant organizations with closer affinities to the ideologies of the governments in power at the given time, organizations that saw in these calls for subsidies an opportunity to obtain economic and political advantages. Moreover, the resources required to support these increasingly complex organizations and the consolidation of this “culture of commissioning” (Tyler, Gill, Conlon, & Oeppen, 2014), which was also observed in other European countries, put many organizations in a difficult position, forcing them to rethink their approaches. This led to a lack of unity in the social movement in the middle of the past decade, during the economic boom in which public subsidies on the national and regional levels were especially large.

In some interviews carried out during the research for this note, the interviewees insisted that a large part of the social movement during this period was undercut by the predominant participation of large social organizations with close government ties, and the reorientation of other organizations to approaches in line with government positions in which the defense of immigrant rights (advocacy) was weakened in favor of providing services. Other important organizations decided to distance themselves from this reception market by using alternative funds and took actions not only for providing services but also for reinforcing advocacy in the defense of immigrant rights. This was the case for most of the catholic social organizations and foundations which supported their activities with funds from the Church. This distancing from public funding provided them with greater autonomy for implementing their own agenda. They are now able to defend more critical positions in the defense of irregular immigrants, particularly those in specific sensitive spheres of internal control, including the detention and internment state infrastructures.

Beyond The Reception Market. New Strategies to Defend the Rights of Immigrants

This situation has become more complex since the end of the past decade, as the economic crisis has led to a considerable reduction in the funding spent on social policies, including

immigrant reception. The growing competition for scarce resources has created greater tension within the social movement and caused the Spanish agenda to focus on other groups and objectives that allowed the allocation of European funds, such as those aimed at the fight against human trafficking or the promotion of voluntary return.

In this new state of affairs, some organizations have deeply reconsidered their approaches, even more so as the economic crisis evolved into a profound political and social crisis, which remobilized civil society and public protest and also coincided with an intensification of internal procedures to control migration in Spanish policy. This situation has profoundly altered the social and political action of organizations, most significantly causing the reception market to shift toward other areas of migration management, such as border areas and detention centers. This has led to tensions in locations such as preliminary reception enclaves (the maritime provinces of Andalusia or the cities of Ceuta and Melilla) or provinces where detention centers are located. These are places where the conflict between control and protection has been exacerbated, forcing social organizations to deal with the difficult task of balancing the defense of migrant rights and the need for resources to receive them and provide them with protection.

Today, the third sector is deeply fragmented and their tactics highly dispersed. Subsidies are concentrated in the hands of a few large associations whose alliance and collaboration with the state is justified by their technical and specialized profiles. After a down period, these larger organizations have once again received large amounts of public resources due to the arrival of Syrian refugees and the transformation of the Spanish reception model, which has been shaped by international dynamics and the demands of other European countries. These organizations have focused on operational objectives and providing assistance while maintaining a low political profile and keeping their advocacy demands very vague and at a minimum. Other organizations that have remained in the reception market, partly for survival, have opted for less controversial actions and areas, narrowing the scope of their activities and focusing on less contentious policy targets, such as employment guidance or non-formal education and training.

However, the new economic situation, the lack of public resources and the soul-searching taking place within organizations that realized how risky it is to become overly dependent on the public administrations, has led many of them to distance themselves from the reception market. This has caused them to shift their activity and tactics from intervention projects to advocacy work, and to search for alternative private financing, including crowdfunding. Finally, new organizations, often in the form of citizen platforms, have emerged as alternatives to more formal models of participation. The primary objective of these platforms is to defend the rights of immigrants and document their violation in many reception areas by offering more reliable ways to report and protest such abuses. These new organizations, which are increasingly influential in the public sphere

due to their high-profile actions, believe in keeping entirely away from the reception market in order to remain independent.

CONCLUSIONS

The services related to receiving immigrants in Spain are being increasingly outsourced through the creation of reception markets, a phenomenon that is in line with the international tendency to outsource some areas of migration management. To achieve this, the Spanish state has established a social partnership in which certain services are subcontracted from organizations. However, participating in the reception market has profoundly affected these organizations, leaving them segmented and internally fragmented, which has made them less cohesive and diluted the concerted actions that were observed at the beginning of the 1990s. Although this model has often been presented as an example for joint management that reflects the advantages of a bottom-up policy system, in reality, the creation of a market to subcontract integration services that is shaped and supervised by the state has allowed the government to exercise much greater control over social organizations and caused them to become increasingly dependent on public subsidies. This reliance on public resources has led organizations to change priorities, transitioning away from reporting rights violations and toward managing migration. Participation in the reception market has forced organizations to adapt their priorities not only to the agenda of the Spanish government in order to obtain financing but also to that of the European Union to obtain community funds.

Outsourcing in this policy area through the creation of a reception market has without question strengthened state control and weakened the social and political struggles of social movements. The current panorama is characterized by fragmentation and deep tensions within the third sector as a whole and within individual organizations, caused by how difficult it is to remain in the reception market (as recipients of resources and service providers) and also maintain a political voice. This has caused a significant segment of these organizations to avoid this market altogether, creating an internal polarization of this segment of the third sector.

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