



Postwar and Post-Cold War Generations of European Temporary Foreign Worker Policies: Implications from Spain

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ABSTRACT

Although seasonal foreign worker admissions to Switzerland and France declined precipitously after 1986, a new generation of post-Cold War temporary foreign worker policies has emerged in the European Union. The new policies are quite modest. Germany admits several hundred thousand seasonal workers each year. Spain admits 20,000 to 30,000 workers, although most of them actually reside illegally in the country. Preliminary assessment of Spain's contingents of supposedly recruited foreign workers suggests that the new generation of temporary foreign worker policies went awry, as the postwar generation had by 1973. Other working hypotheses derived from the "wisdom" of the postwar generation include the expectation that the new policies will result in significant, unexpected settlement, will undermine declared policies of controlling migration, and exacerbate bilateral relations between host and sending societies.

Keywords: 1. international migration, 2. temporary foreign workers, 3. immigration policy, 4. Spain, 5. Germany.

RESUMEN

A pesar de que la admisión temporal de trabajadores en Suiza y Francia decayó precipitadamente después de 1986, una nueva generación de políticas para los trabajadores temporales extranjeros de la posguerra fría ha surgido en la Unión Europea. Estas nuevas políticas son modestas. Alemania admite a cientos de miles de trabajadores temporales al año. España admite de 20 mil a 30 mil trabajadores temporales por año, aunque la mayor parte de ellos residen ilegalmente en el país. Los primeros análisis sobre los supuestos trabajadores inmigrantes contratados sugieren que la nueva generación de políticas de trabajadores extranjeros temporales se desviaron como lo hicieron las de la generación de la posguerra hacia 1973. Otras hipótesis de trabajo derivadas de la "sabiduría" de la generación de la posguerra incluyen la expectativa de que las nuevas políticas darán como resultado un significativo e inesperado establecimiento de trabajadores, la socavación de las políticas de control de la migración y la exacerbación de las relaciones bilaterales entre las sociedades receptoras y expulsoras.

Palabras clave: 1. migración internacional, 2. trabajadores migrantes temporales, 3. política de inmigración, 4. España, 5. Alemania.

In 1986, Stephen Castles wrote an obituary: “The guest worker systems of Western Europe are dead... The guest workers are no longer with us; either they have gone or they have been transmogrified into settlers and marginalized into ethnic minorities” (1986:775). Three years later, however, Germany pioneered a new set of foreign-worker admission agreements with Central and Eastern European countries. Today, the Netherlands, the United Kingdom, Ireland, Belgium, Sweden, Greece, Italy, and Spain all admit foreign workers.¹

Formalized in bilateral agreements or memoranda, the new policies in those EU states have generally assumed that foreign workers will return to their countries of origin, either at the end of a predetermined period or at the completion of a specified occupational activity of fixed duration. A similar assumption prevailed in immigration policy forged after the end of the Second World War, and it proved incorrect. Despite the diversity and smaller scope of today’s programs, which aim to meet the needs of specific economic sectors, the current temporary foreign worker (TFW) policies remain essentially the same as the policies that were in place in Europe after the Second World War.

The Council of Europe’s Select Committee of Experts on Short-Term Migration (Werner, 1994) has identified four broad admissions categories for foreign workers: seasonal, project, specified-employment, and occupational-trainee. Seasonal workers—employed in agriculture, construction, hotels, and restaurants—are authorized to work and reside in the host country only as long as the season of the particular activity lasts, and for no longer than 11 months. Project workers, by definition, are employees of non-German firms that have contracts inside Germany, being dispatched to perform a very specific activity. Specified-employment workers—a category encompassing a wide scope of occupations, from businesspeople to researchers and technicians—are not contractually tied to their home companies. Occupational trainees—admitted for up to 18 months to perform a job that enhances their occupational or linguistic skills—retain ties with their countries of origin and upon completion of training, may be required to report on what they learned. These categories illustrate only a part of the highly diversified TFW system, for which the EU countries each have distinct admission models (Table 1).

As can be seen in those broad categories, a general characteristic of the post-Cold War generation of TFW policies is that they attempt to channel foreign workers into particular sectors and occupations, in order to meet the needs of very specific, rather than sector-wide, labor shortages (Martin, 1997:483). Consequently, the post-Cold War TFW policies are

¹ The co-authors wish to thank the editor and anonymous referees for their constructive criticism and suggestions.

Table 1. Admissions of temporary workers in selected OECD countries, by principal categories, 1992, 1998-2001 (in thousands).

	1992	1998	1999	2000	2001
<i>France</i>					
Employees on secondment	0.9	1.2	1.8	2.2	2.3
Researchers	0.9	1.0	1.0	1.6	1.7
Other holders of provisional work permits	2.8	2.2	3.1	3.8	5.6
Seasonal workers	2.8	2.2	3.1	3.8	5.6
Total	18.1	11.8	13.4	15.4	20.4
<i>Germany</i>					
Service contract workers	115.1	33.0	40.0	64.8	46.8
Seasonal workers	212.4	207.9	230.3	263.8	277.9
Trainees	5.1	3.1	3.7	3.0	-
Total	332.6	244.0	274.1	331.6	-
<i>Italy</i>					
Seasonal workers	1.7	16.5	20.4	30.9	30.3
<i>Sweden</i>					
Grants of temporary permits (mainly seasonal workers)	-	-	15.0	19.4	12.7
<i>Switzerland</i>					
Seasonal workers	126.1	39.6	45.3	49.3	54.9
Trainees	1.6	0.7	0.8	1.1	1.3
Total	127.8	40.3	46.1	50.3	56.2
<i>United Kingdom</i>					
Long-term permit holders (one year and over)	9.9	20.2	25.0	36.2	50.3
Short-term permit holders	22.9	28.0	28.4	30.7	30.8
Working holidaymakers	24.0	40.8	45.8	38.4	35.8
Trainees	3.4	-	-	-	-
Seasonal and agricultural workers	3.6	9.4	9.8	10.1	15.2
Total	63.8	98.4	109.0	115.4	132.0

Note: The categories of temporary workers differ from one country to another. Only the principal TFW categories are presented.

Source: OECD, 2003:28.

much smaller than their postwar predecessors. Apart from the differences in the size and the types of programs, however, the post-Cold War TFW policies remain essentially the same as their postwar predecessors. For example, the economic objectives of both the sending and receiving countries drive admissions, and the social conditions for foreign workers are often substandard, and in general, their rights are quite limited. Additionally, the workers are granted short-term work contracts, which are often tied to a specific geographic zone, occupation, or

even employer. The ties to the employer are particularly significant because it is the employer who controls the events surrounding migration. Employer behavior (including the hiring of undocumented foreigners) frequently contradicts prevailing laws and administrative procedures. Failure to take the role of the employer into account has led to theories of migration that are flawed. As will be seen below, French employers in the late 1940s simply ignored regulations that had been stipulated in bilateral accords with Italy. In the Spanish post-Cold War case, the involvement of employers in the recruitment process proved to be a point of serious disjunction with the stated objectives of government migration policies.

Although post-Cold War TFW policies have sought to serve the interests of all parties involved (countries of origin, countries of destination, employer organizations, labor unions, and migrant workers), from the early 1990s on, it has been feared that the administration of these policies may become very challenging. The protection of migrants' rights (including wages and working and living conditions) figures prominently among those challenges. Others include unfair competition between companies and the possibility that not all employers would enjoy equal access to migrant workers, excessive accumulation of migrant workers in particular sectors, and the circumventing of authorized channels of entry.

An analysis of the postwar generation of guest-worker policies offers some important insights for an analysis of the shortcomings of the post-Cold War immigration policies. We begin with overviews of guest-worker policies from the end of the Second World War until approximately the mid-1970s, and guest-policies in the post-Cold War era. Then we consider the case of Spain in depth, as emblematic of the Southern European states that joined the ranks of European countries admitting temporary workers, particularly after 1990.

*An Overview of Temporary Foreign Worker
Policies after the Second World War*

From 1945 to 1975, over half of all migrants to Europe went to three countries—France, Switzerland and the Federal Republic of Germany. During that period, these nations adopted TFW policies, and in all three cases, unanticipated outcomes occurred. Analysis of these three cases captures some of the important variations in the complex history of postwar migration to Europe.

Unlike the rest of Europe, France had suffered a demographic shortfall since the mid-nineteenth century. Immigration was further justified by the loss of population in the First World War, and by the 1920s, France



was Europe's, and the world's, largest immigrant-receiving country. In the post-Second World War era, France recruited foreign workers and immigrants to increase its overall population and for economic purposes. The late George Tapinos, a leading French immigration policy scholar, held that France pursued a two-track immigration policy, admitting Catholics from nearby countries, especially Italy, for demographic purposes (that is, in the hope that they would settle permanently), and North Africans and other non-Europeans for temporary employment.

In 1945, with the creation of the National Immigration Office (ONI), the postwar tripartite French government aspired to break with the past and to regulate migration in a way that would benefit all parties involved, including the foreign workers themselves and their homelands. Memories were still fresh concerning abuses of foreign workers during the interwar period when bilateral agreements supposedly regulated recruitment, but French employer cartels enjoyed a great deal of leeway in all matters concerning labor migration (Cross, 1983). Consequently, the ONI was given a legal monopoly over recruitment. France quickly negotiated a bilateral labor accord with Italy, which was anxious to export its masses of unemployed (Romero, 1993). The agreement allowed for both anonymous and nominative recruitment. In the first, a job description was to be forwarded to Italian authorities, who then would match the offer to a willing Italian worker. In the second, a French employer would designate the Italian worker who was being requested. Like all homelands, Italy had an interest in receiving anonymous employment offers, as this would enable Italian authorities to allocate the jobs to unemployed Italians.

However, the recruitment system envisaged in the bilateral accord never functioned as planned. Instead, many French employers bypassed it, by illegally hiring unauthorized Italian migrants. These workers were then routinely legalized, an administrative remedy that undercut the logic of the bilateral accord. Between 1945 and 1975, almost two-thirds of all foreign workers legally admitted had been legalized as residents post facto (Miller, 2002).

By 1948 and the onset of the Cold War, the tripartite government in France had collapsed, and the then-influential French Communist Party became an opposition party in the successive conservative governments. In the subsequent two decades, very little attention was paid to immigration or to the lot of foreign workers. Indeed, benign neglect might best describe the attitude of the French government. Meanwhile, migration-related social problems festered, especially as migration from North Africa grew.

Swiss and German migration policies in the immediate postwar period evolved quite differently from those in France. Neither the Swiss

nor the Germans could conceive of their nation as an immigration land. Migration policy was viewed as a corollary to labor market policy, hence little thought or debate preceded the inception of foreign-worker policies. The Swiss retained harrowing memories of the Great Depression, so the expectation was that foreign workers would be recruited during economic expansions and sent home during the recessions that would inevitably follow. No one anticipated 30 years of sustained capitalist growth. Hence, Switzerland signed a clear-cut bilateral accord to recruit Italian seasonal workers, most of whom would be required to return home yearly. Employment of foreign workers would grow steadily until the 1970s, when the Swiss would implement quantitative limitations on recruitment.

By the early 1960s, Italian criticism of the status afforded to its seasonal workers sharpened. Minister of Labor Mario Sullo denounced the condition of Italian workers during a visit to Switzerland in 1962. The Italian government linked the migration issue to negotiations over the relationship between Switzerland and the European Community. In 1964, the bilateral Italo-Swiss labor accord was secretly renegotiated to enable Italian seasonal workers to adjust more easily to long-term residency (Miller, 1979). Swiss conservatives, railing against the accord, correctly interpreted it as transforming Switzerland into a land of immigration. They eventually forced a series of referenda that, although narrowly defeated, led to major changes in Switzerland's migration policies, including a complex quota system for recruiting foreign workers.

Seasonal foreign worker admissions to Germany began much later than in Switzerland. Immediately after the Second World War, the Federal Republic absorbed millions of ethnically cleansed Germans from the Soviet-dominated zone. It was not until 1955 that 10,000 Italian seasonal foreign workers were admitted, in part to alleviate apprehensions over wage inflation in the agricultural sector. Again, there was little fanfare or debate. Soon a term, "guest worker," was coined to set this foreign-worker policy apart from that which had reigned in the painful past. In 1964, to mark the occasion, the one-millionth guest worker admitted to Germany was presented with a motorbike.

The initial decade of Germany's postwar TFW recruitment proceeded fairly uneventfully. The German government signed bilateral recruitment accords with a host of countries, and Ministry of Labor authorities resided abroad to oversee foreign-worker recruitment, an administrative arrangement quite unlike the Swiss case.

Despite important problems and issues, the postwar generation of TFW policies sparked relatively little controversy until the late 1960s, when European perceptions of migration policies changed as the socio-economic and political implications of postwar migration policies be-



came clearer. By 1964, a Swiss sociologist coined the word *Heimkehrillusion* (the illusion of return), to describe the evidence he found of a commonplace disjuncture between the intended short-term and the actual long-term stay of foreign workers in Switzerland (Braun, 1970). The brief recession of 1967, however, lent credence to *Konjunkturpuffer* theory, in which migrants would return during recession, as hundreds of thousands did return home.

A key turning point in European postwar migration policy came after the May-June French strikes and protests, in which some foreign workers participated. In the aftermath, hundreds were expelled from the country. When Extreme Leftists began to mobilize migrants over housing conditions and the Extreme Right denounced *immigration sauvage* (out-of-control migration), it was clear that migration policy had become problematic. By 1972, the French government declared its intent to end routine legalization. Successive governments pledged to *maîtriser* immigration, to bring it back under control. This led, in 1974, to the decision to stop further recruitment of non-EC foreign labor, with the exception of seasonal workers.

Even as early as 1973, Franco-Algerian relations were already strained. Algeria had unilaterally suspended further recruitment of its citizens after a wave of bombings and attacks on North African workers in France (Miller, 1979). The ties would fray further during the presidency of Valéry Giscard d'Estaing (1974-1981), as he sought to repatriate hundreds of thousands of Algerians. Ultimately, French efforts to induce involuntary repatriation failed, as did cash-for-return policies.

In Germany, the guest-worker era also witnessed a radical transformation of perceptions. Some observers attribute the 1973 German decision to stop further recruitment of foreign labor to the war in the Middle East and the specter of worldwide recession. However, as the highly authoritative Continuous Reporting System on Migration (SOPEMI) noted (OECD, 1973), there is little reason to give credence to that explanation. Instead, the source of the change lay partly in the events of summer 1972, when thousands of Turkish workers and their supporters struck, leading to violence with German workers. The turmoil and disruption deeply shocked German public opinion. Primarily, however, Germany stopped further recruitment because it was becoming clear that migrant workers were settling and were being joined by their spouses and children.

Some state governments, especially that of Bavaria, attempted to induce repatriation administratively, but German courts thwarted those efforts, a largely unheralded success for postwar German democracy (Miller, 1986). Reluctantly, German authorities accepted that foreign residents had to be afforded the human right of family reunification, so further immigration, by spouses and children, was allowed. The guest-

worker era gave way to integration policy, controversies over asylum policy, and efforts to combat illegal migration. German thinking about the wisdom of guest-worker policy had changed markedly since 1964.

In the Swiss case, the liberalization of seasonal worker status achieved during the renegotiation of the Italo-Swiss labor accord was eventually extended to non-Italian seasonal workers. However, Italian unions, the Vatican, and Italian government ministers routinely criticized the seasonal-worker policy, as did growing numbers of Swiss citizens. The anti-*Überfremdung* (overrun by foreigners) referenda of the 1960s and 1970s gave way in the 1980s to referenda calling for the abolishment of the seasonal worker program. The Swiss government sharply curbed recruitment of new seasonal workers. By the mid-1980s, seasonal workers' adjustment of status to "resident alien" became the major source of new foreigners in Switzerland (Miller, 1986). Interestingly, German employers advocating the ending the 1973 ban on further recruitment of foreign labor often touted Swiss seasonal worker policy as an appropriate model for Germany. Nobody appeared to know that it was being phased out.

Similarly, in France, seasonal worker policy was largely phased out by the 1980s. Stephen Castles' 1986 obituary for the guest-worker era was timely. In the face of frustration over the contingent status afforded foreign workers, guest-worker policy seemed ill suited for democratic societies. An echo of that resentment can be discerned in the mobilization of a minority of Muslims of immigrant background in France and Germany into Al-Qaeda, which Oliver Roy describes as a largely Western European political movement (Roy, 2004).

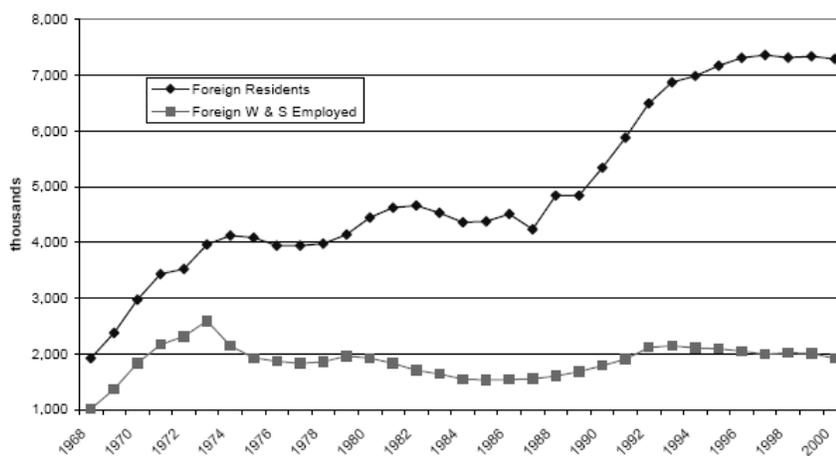
In retrospect, German, French, and Swiss postwar immigration policy largely failed, because the attempts to utilize foreign temporary labor led to a massive influx of legal resident aliens and the effect on bilateral relations was as frequently acrimonious as it was mutually beneficial. This does little to inspire confidence that the new, post-Cold War TFW policies will fare better. When one is cognizant of the critiques made of Swiss or French seasonal-worker policies, knowing that Italy and Spain have adopted Swiss-like seasonal worker admissions policies in the post-Cold War era, although on a far smaller scale, one can fairly conclude that today's Europeans are suffering a loss of historical memory.

*A Selective Overview of the Post-Cold War Generation
of Temporary Foreign Worker Policies in Europe*

The 1972 to 1975 recruitment curbs in Germany, France, and Switzerland did not end further immigration to those countries. For ex-

ample, the French government proclaimed a halt to immigration, but the policy was voided because of bilateral treaties that had already extended family reunification rights to legally admitted Portuguese workers. In general, new employment authorizations went to family members of legally resident aliens, but seasonal worker and European Community worker migration was unaffected. In Germany, after the suspension of further recruitment, overall employment of foreign workers declined while the population of non-employed spouses and children increased relative to the employed foreign population (Figure 1). Many foreigners who entered on family reunification grounds would eventually become eligible for employment, but unemployment of legally admitted foreign workers grew significantly in the 1970s and 1980s, making resumption of large-scale foreign worker recruitment politically impossible, although advocacy for lifting the ban on further recruitment persisted.

Figure 1. Foreign residents and wage and salary employed, Germany, 1968-2000.



Source: Martin, 2003:4.

In the Netherlands in the early 1980s, an influx of primarily Polish workers into labor-intensive agriculture rekindled debate about resuming TFW admissions. Dutch authorities began allowing Poles to work in agriculture around 1980 and, in 1983, foreigners with visas became eligible to seek seasonal employment for the duration of the visa (Groendijk and Hemptink, 1995:55). The Dutch authorities saw TFW policy as a way to legalize widespread illegal employment of Poles and Turks already employed in agriculture. In 1987, some Dutch regional labor offices began to issue seasonal employment permits for jobs cov-

ered by collective agreements with growers, but the numbers were modest, ranging from a high of 2,245 in 1989 to a low of 153 in 1991.

Generally high unemployment throughout Western Europe in the 1980s, and especially that of resident aliens, dissuaded resumption of labor recruitment. Even those policies that had survived the 1972 to 1975 curbs, such as French and Swiss seasonal labor admissions, were increasingly contested. Seasonal worker admissions for employment in French agriculture declined from 135,000 in 1970 to 47,000 by 1990 (Martin, 2003:27). It took the epochal events of 1989 and 1990 to change the policy of no further recruitment.

In the 1980s, Germany had also received an influx of East Europeans, mainly Poles. German authorities tolerated, even welcomed, them, as the country's longstanding policy forbade repatriation to Communist states. Hence, Germany's Polish and Eastern European populations grew over the 1980s (Hönekopp, 1997:165).

The collapse of Communist regimes and German reunification reopened discussion of temporary foreign labor policies in Germany. The Foreign Ministry favored weakening the 1973 recruitment ban as part of a broader strategy to assist democratization in neighboring lands where Communist rule had given way to new governments (Hönekopp, 1997). Fearing an uncontrollable wave of migration from the East, the German government also desired the cooperation of these governments in regulating migration. This fear was exaggerated, but Germany did receive the bulk of post-Cold War migration from the former Warsaw-bloc area. Between 1990 and 1997, over half of all migration to the European Community states came from formerly Communist Central and East Europe (Table 2). By 1997, overall migration from the East had declined sharply due to worsening of economic conditions in the West, particularly in Germany, and improvement in economic and political conditions overall in former Warsaw-bloc states.

The newly installed governments in Central and Eastern Europe viewed migration to Germany and the broader EU as a way to relieve economic distress, particularly unemployment, and to generate remittances. They sought to make their cooperation with Germany, and broader EU efforts to regulate migration, contingent on Germany allowing legal admission of their workers. After brutal intra-governmental debates, Germany eased the recruitment ban somewhat to allow for admission of seasonal workers, project workers, trainees (also called "new guest workers"), border commuters, and other categories, such as nurses. The overall numbers, however, were small compared to admission levels between 1960 and 1973 (see Figure 1). Philip L. Martin (2003) has described the intergenerational change as a shift from a macro admission program to multiple micro programs.

Table 2. Net migration between Central and Eastern Europe and principal Western European states,* 1990-1997.

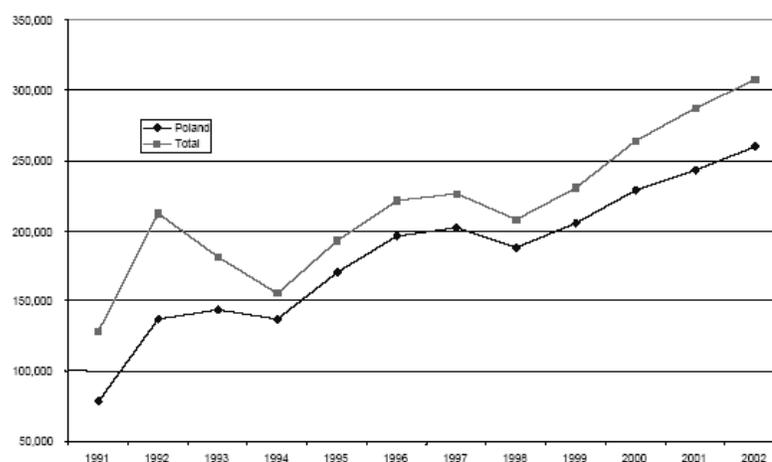
Country	1990	1991	1992	1993	1994	1995	1996	1997	1990-1997
World total	856,695	760,539	905,517	601,147	516,281	556,346	414,514	172,515	4,783,554
10 CEECs	329,910	124,839	147,309	-36,846	7,539	34,551	21,139	13,664	642,105
Bulgaria	10,088	15,752	20,616	-7,071	-7,664	-2,071	-442	645	29,853
Former									
Czechoslovakia	7421	10,874	11,843	-1	5,548	4,335	607	576	1,203
Czech Rep.				-4,218	619	2,508	180	-134	-1,045
Estonia		1,076	3,703	3,769	2,524	1,999	1,463	1,297	15,831
Hungary	8,889	11,140	6,234	-1,171	-2,626	500	-1,506	-3,259	18,201
Latvia	1	17	1,255	1,904	912	1,312	1,317	1,424	8,142
Lithuania	2	61	1,044	2,238	1,282	1,447	1,539	1,258	8,871
Poland	141,937	29,921	31,322	-21,051	17,578	24,884	16,762	8,864	250,217
Romania	161,572	55,998	70,105	-16,143	8,070	2,154	1,708	3,344	270,668
Slovak Rep.				4,003	5 336	961	444	915	12,659
Slovenia			1,187	680	-1,945	-9	-309	-485	-881
Former									
USSR (total)	183,589	191,743	249,170	254,036	255,928	272,169	212,045	180,764	1,799,474
Eastern Europe									
(including total of USSR)	513,428	315,273	390,477	209,279	258,125	301,962	228,865	190,479	2,407,888

* EU 15, without Austria, France, Greece, Ireland, Italy, Portugal and Spain.

Source: Hönckopp, 1999:7.

Elmar Hönekopp and Heinz Werner, the principal author of the report to the Select Committee of Experts on Short-Term Migration, have written authoritatively about the new generation of TFW programs in Germany. Hönekopp believes that the micro-policies have enabled the Federal Republic to better manage migration than would have been the case in their absence (Hönekopp, 1997:177). Nevertheless, he acknowledges that illegal migration and illegal employment of aliens remain widespread despite stepped up enforcement measures. His overall assessment might be best termed cautiously optimistic. Hönekopp warns against exaggerating the significance of seasonal worker admissions since 1990, arguing that the role of seasonal workers in the overall economy should not be measured by the volume of entries but by the number of years actually worked. Seasonal workers are generally employed in agriculture and in hotels and restaurants, and most seasonal workers in reunified Germany are Poles (Figure 2).

Figure 2. Polish and total seasonal workers in Germany, 1991-2002.



Source: German Labor Ministry, in Martin, 2003:14.

Based on the evolution of admissions and five German micro-programs between 1991 and 1998, Hönekopp estimates that the annual employment equivalent for seasonal workers might be one-quarter to one-fifth of the total number of seasonal workers (Table 3). Despite their relatively modest size, these programs have generated some controversy. One case involved project-tied workers, who were employees of non-German, primarily construction firms that had won contracts in Germany. Because the non-German firms paid the wages, fears arose that these workers were undercutting the income and work conditions

for German construction workers. A new law stipulated minimum wages for all construction-related employment in Germany, and this led to a drop off in project-worker admissions (see Table 3).

Table 3. Central and East European program workers in Germany, 1991-1998.

<i>Program</i>	<i>Year</i>							
	<i>1991</i>	<i>1992</i>	<i>1993</i>	<i>1994</i>	<i>1995</i>	<i>1996</i>	<i>1997</i>	<i>1998</i>
Project tied workers	51,770	93,592	67,270	39,070	39,070	44,020	37,021	31,772
Seasonal workers	118,393	195,446	164,377	140,656	140,656	203,856	210,098	207,927
Border commuters	7,000	12,400	11,200	8,000	8,500	7,500	5,900	5,700
New guest workers	2,234	5,057	5,771	5,529	5,478	4,341	3,165	3,083
Nurses	1,455	506	412	367	398	289	125	
Total	179,397	307,950	249,124	193,667	237,537	260,115	256,473	248,607

Source: Central Placement Unit and Headquarter of Federal Employment Services, in Hönekopp, 1999:22.

Table 4. Existing temporary worker schemes in the United Kingdom, 2004.

<i>Scheme</i>	<i>Total Number Admitted</i>	<i>Development of Scheme</i>	<i>Main Areas of Origin</i>
General work permit scheme	86,000 + dependents ⁱ	Numbers have doubled since 1997	India (10,000), South Africa (9,000), Philippines (7,000), Afghanistan (5,000)
Working holidaymakers	40,000 ⁱ	Extension to whole Commonwealth and removal of employment restrictions	No information available, but thought to be predominantly 'old' commonwealth
Seasonal Agricultural Workers Scheme (SAWS)	16,000	Existing scheme grew to 25,000 in 2004, but quota reduced in 2005	Ex-USSR (especially Ukraine), Bulgaria, Romania
Sectors Based Scheme (SBS) -hospitality, catering and food-processing industries	2,500 ⁱⁱ	New programme launched in 2003	Ukraine
Highly Skilled Migrant Programme (HSMP)	3,000 ^{iv}	New programme launched in 2002	No information available, but thought to be dominated by northern countries
Domestic workers Au pairs ^{vi}	14,000 ^v 12,000 ^{vii}	On-going scheme Expansion of existing scheme to non-EU countries	Worldwide Bosnia, Croatia

Source: Barber, Black, and Tenaglia *et al.*, 2005:6.

The new guest-worker program is supposed to enable foreigners to learn skills that upon their repatriation will help foster development in the countries of origin. However, annual quotas for new guest workers are usually undersubscribed because wages and working conditions for trainees often are unfavorable when compared to better-remunerated seasonal employment in agriculture.

In the United Kingdom, the 1997 election victory of the Labor Party, led by Tony Blair, ushered in a new era of supposedly “managed migration” (Barber, Black, and Tenaglia, 2005:4). As a rule, non-EU foreigners must possess a permit prior to taking up employment in the United Kingdom, but this does not apply to “working holidaymakers,” people between 17 and 27 years of age, who can work for a maximum of two years, who numbered some 40,000 in 2004 (Table 4). Working holidaymakers must have the means to pay for their return journey, and they do not have recourse to public funds (OECD, 1998: 214). The aim of this essentially cultural scheme is to allow young foreigners to discover the host country during the holiday, while receiving some financial compensation.

The seasonal Agricultural Workers Scheme dates back to 1945, but admissions have grown sharply since 1997 (Table 5). Most seasonal workers come from the former Warsaw Bloc area, principally from Poland and the Ukraine, and they can work in agriculture for up to three months. There also is a TFW policy for restaurants, hotels, and the food processing industry.

Table 5. United Kingdom seasonal agricultural workers scheme.

	<i>Ceiling</i>	<i>Admissions</i>
1992	4,450	5,019
1993	4,450	5,011
1994	5,500	
1995	5,500	5,052
1996	5,500	6,152
1997	10,000	10,255
1998	10,000	10,394
1999	10,000	10,464
2000	10,000	10,846
2001	15,200	15,258
2002	18,700	19,372
2003	25,000	

Source: www.workpermits.gov.uk, in Martin, 2003:24.

Along with Germany and the United Kingdom, Ireland, Sweden, and Belgium, among other Northern EU member states, have expanded TFW admissions in the post-Cold War era. Southern EU member-states have fol-



lowed suit. In addition to the case of Spain analyzed below, Greece, Italy, and Portugal have adopted TFW admissions policies, particularly for agriculture. The Greek TFW policy mainly exists on paper, as Greek authorities have struggled to implement recurrent legalization policies. The Italian seasonal foreign worker policy is very small, as is its Portuguese counterpart. Recurrent recourse to legalization policy has also prevailed in the Italian case and, to a lesser extent, in the Portuguese case. What sharply demarcates the Southern EU cases from those of the North is the absence of prior experience in regulating TFW policies. The Southern states had primarily experienced out-migration during the guest-worker era. Italy's transition from out-migration to immigration began only in the 1970s. Greece did not experience large-scale immigration until the 1990s. Portugal and Spain's accession to the European Community in 1986 spurred the Iberian Peninsula's migration transition. Additional commonalities differentiate the four Southern cases from the Northern ones. Presumably, the underground economy's dimensions are more extensive, as is the role of a traditional agriculture, which relies heavily on unpaid family labor.

Plus ça change, plus c'est la même chose: *The Evolution of Spain's Temporary Foreign Worker Policies, 1993-2005*

Spanish labor migration policy did not develop from a thorough analysis of the migration process. It has been a trial-and-error attempt to imitate the postwar Western and Northern European model. Until 1985, the Spanish government had an open-door policy based on the assumption that non-OECD migrants were in the country temporarily, merely stopping on their way to the north. After 1985, Spain began to elaborate the first integration policies, through legalization measures. The quota system of annual TFW admissions constituted backdoor legalizations (López, 2001). By the mid 1990s, the policy started to produce "unexpected outcomes." One problem was that the administration of quotas, particularly the enforcement of repatriation at the end of the work period, became increasingly more complex and difficult. Additionally, many temporary workers settled illegally in Spain. Unable to renew their work and residence permits, they created a tier of Spanish society without rights, which, in turn, strained bilateral relations with the countries of origin.

The first admission of TFWs to Spain took place in 1993. The early objectives of this policy were to provide Spanish employers with an opportunity to hire foreign workers in jobs that had not been taken by Spanish or EU workers, and to prevent illegal employment, and hence exploitation, of foreign workers in Spain (García, 1996). Since 2001, the quota system has taken on a clear foreign-policy dimension. The Spanish

government promised preference in quota admissions for citizens of countries that signed bilateral labor agreements that stipulated cooperation on reducing illegal migration and accepting deported migrants.

Table 6. Spanish quota admissions: 1993-1999.

1993		1994		1995	
	%		%		%
Dominican Rep.	30.7	Morocco	44	Morocco	42
Peru	26.5	Peru	13.1	Peru	12
Morocco	12.7	Dominican Rep.	9.9	Dominican Rep.	12
Philippines	8.2	Algeria	3	Philippines	6
Colombia	3.0	China	3	Ecuador	3.5
China	2.8	Philippines	3	China	3.5
Other	16.0	Other	27	Other	21
Total	100	Total	100	Total	100
Total (thousands)	5,220	Total (thousands)	22,511	Total (thousands)	19,946
1997		1998		1999	
	%		%		%
Morocco	35.6	Morocco	39.6	Morocco	33.1
Peru	9.4	China	10.7	Ecuador	14
Ecuador	8.7	Ecuador	7.9	China	9.5
China	6	Dominican Rep.	6.5	Peru	5.5
Dominican Rep.	36	Romania	3.5	Colombia	5.5
-	-	Philippines	3.5	Dominican Rep.	5.3
Other	34.3	Other	28.2	Other	27.1
Total	100	Total	100	Total	100
Total (thousands)	24,585	Total (thousands)	28,095	Total (thousands)	39,879

Sources: Izquierdo, 1996:94; Colectivo IOE, 1999:80-93; López, 2001:116; MTAS, 2002:295.

Spain's quota system grants around 30,000 temporary and annual work permits (see Tables 6 and 7). The temporary permits are valid for up to nine months; the annual permits are valid for one year. Until 2001, a worker could apply for and obtain either permit while residing in Spain, since the quota system involved de facto legalization. Since 2002, prospective workers must obtain these permits in their countries of origin. In 2004, an exception was made for domestic services workers and the children and grandchildren of Spanish citizens. A small number of those individuals can enter Spain on a three-month "visa to search for employment." Once they are hired, they receive temporary work and residence permits without returning to their countries of origin. The national government annually establishes the exact number of work and residence permits for the contingent of non-EU workers to be admitted. However, since 2002, this task has been shared with labor unions and employer associations, which have both pressed for their incorporation into the decision making. The complicated process can be summarized in five

steps (OECD, 2003:203). First, employers seeking to employ over five workers for jobs that cannot be filled by Spanish or EU workers submit their requests for foreign workers to employer organizations. Next, employers' associations submit employers' demands to the joint provincial committees, which assess them in the light of employment conditions. Third, an executive committee of the Ministry for Employment and Solidarity rules on labor requirements at national level and has the Council of Ministers approve the quotas. Fourth, the quotas are then distributed to the employer's organizations, which are responsible for allocating them among their members. Finally, the embassies in the countries of origin select candidates for employment. Employers can make anonymous or nominative work offers. They or their representatives can participate in worker selection, either directly or through videoconferences.

Table 7. Admissions through quotas: Spain 2002-2004.

	2002	2003	2004
Guest workers*	10,884	10,575	10,908
Seasonal workers**	21,195	13,672	20,070
Readmitted workers	-	9,910	-
Total:	32,079	34,157	30,970

* In Spanish, "extranjeros estables."

** In Spanish, "extranjeros de temporada."

Source: Ministerio de Trabajo y Asuntos Sociales, <http://www.mtas.es/welcome.htm>.

Among the greatest difficulties has been determining the number of work authorizations that would truly reflect the needs of the Spanish labor market. Traditionally, Spanish employers have requested far larger numbers than those suggested by the labor unions and granted by the Spanish government. The government was unable to predict the real labor-market needs, especially in the weather-dependent agricultural sector, and it also had difficulty tracking foreign workers' entry, departure, and status adjustments. Switzerland similarly found it very difficult to elaborate a mechanism for determining quotas (Piguet and Mahnig, 2000).

The failure of the declared goal of using quota admissions to prevent illegal migration was due to Spain's initial de facto policy of *laissez faire* admissions between 1993 and 2001 because those who overstayed were regularized post-facto. Foreign workers had generally planned to return or move to other parts of Europe. However, they soon learned that the cost of living in Spain was much higher than in Morocco or Ecuador. Consequently, they prolonged their stays in Spain. This was Spain's version of the *Heimkehrillusion* recognized in Switzerland in the mid-1960s and of the *mythe de retour* recognized in France in the 1970s. In

the late 1990s, some migrant workers in Spain were joined by their families. Employers did not discourage family re-unification, since this meant that they could retain experienced workers and save on the costs of recruiting and training new migrants. In Spain, just as in the United States, former temporary workers sometimes became foremen for their Spanish employers or recruiters in their places of origin.

The Spanish government had initially intended to enforce the policy of rotation, but the failure of the first quota admission to attract enough workers and the need to legalize undocumented workers who had already arrived in Spain caused the quota admissions of the 1990s to become a means to backdoor legalization (Table 8). Although this led to the legalization of settlers, it also attracted new immigrants, due to the “magnet effect.” The effect is visible in the progressively growing number of migrants who have entered Spain illegally, by air (mostly Latin Americans), land (mostly Eastern Europeans), or sea (mostly Africans). Although some entering by sea do so as tourists and overstay their visas, increasingly, many are smuggled in makeshift boats, called *pateras*. In 1993, 1,925 individuals attempted to enter Spain trafficked on *pateras* across the Straits of Gibraltar. By 2000, this number had increased to 14,893 (López, 2001). Even though Spain strengthened border controls, the traffickers across the Straits of Gibraltar, like *coyotes* across the U.S.-Mexican border, were able to circumvent enforcement by choosing longer and more perilous routes. The apprehensions of Mexicans unauthorized to stay and work in the United States were higher in the late 1950s than before Mexican-U.S. Bracero Program began in 1942. Over the 22 years of the Bracero Program, there were more apprehensions, 4.9 million, than Bracero worker admissions, 4.6 million (Martin, 2003).

Table 8. Legalizations in Spain, by nationality, 1985-2001.

1985-1986	%	1991	%	1996	%	2000	%	2001	%
Morocco	18	Morocco	44.6	Morocco	32.8	Morocco	27.5	Ecuador	22.5
Portugal	8.6	Argentina	6.8	Peru	8.9	Ecuador	12.3	Colombia	16.8
Senegal	8.2	Peru	5.1	China	6.5	Colombia	7.6	Morocco	9.2
		Dominican							
Argentina	6.6	Republic	4.9	Argentina	6.1	Chine	5.3	Romania	8.7
U. K.	5.9	China	3.8	Poland	5.1	Pakistan	4.4	Ukraine	3.5
		Dominican							
Philippines	4.3	Poland	2.9	Republic	3.7	Romania	4.2	Bulgaria	2.9
Other	4.8	Other	31.5	Other	36.6	Other	38.4	Other	36.2
Total	100	Total	100	Total	100	Total	100	Total	100
Total (absolute)	43,800	Total	110,100	Total	21,300	Total	38,400	Total	36,200

Source: OECD, 2002:96.

The three legalizations carried out simultaneously with the quota admissions legalized many undocumented migrants post facto: 21,300 in 1996, 38,400 in 2000, and 36,200 in 2001. In 2001, the Spanish government attempted to implement a voluntary return program. The Spanish Ministry of Interior proposed and offered undocumented Ecuadorian workers free transportation home, so that they could regularize their status at the Spanish embassy in Quito. To become legalized, a worker had to submit a nominative work contract and documentation proving employment in Spain. At the beginning of March, the first 77 newly legalized workers returned to Spain from Ecuador (Geronimi, Cachón, and Texidó, 2004:53). Within weeks, 24,884 Ecuadorian undocumented migrants had applied to legalize their status. The costs of the program were estimated at 20 million euros. Subsequently, in view of the unanticipated size and cost of the policy, the government official responsible for migration moved the legalization program back to Spain. The program legalized 24,352 Ecuadorians, including 3,000 through the “voluntary return program” (Geronimi, Cachón, and Texidó, 2004:53).

The Ecuadorian government, Spanish political parties, migrant organizations, and labor unions, among other social actors, had warned the Spanish government about the costs of the program—and the likelihood of its failure. However, in the face of the growing number of “temporary” workers who had not, in fact, repatriated to their country of origin, the government felt compelled to implement the program.

In 2001, the Spanish government recognized the unsustainability of its de facto laissez faire policy. The number of undocumented migrants continued to grow. According to municipal registers, in January 2002, there were 1,620,000 foreign residents in Spain, but only 1,109,000 residence permit holders, suggesting at least 500,000 unauthorized foreigners (Arango and Martin, 2003). In the same year, the Spanish government exempted from Employment Services certification, part of the process of allocating TFW annual permits, those employment offers that were made to workers who had participated in the quota system previously and who had returned to their countries of origin.

The growth of xenophobia and festering living and working conditions for migrants prompted a two-pronged reform program. First, the government declared an end to legalizations and limited quota admissions only to those migrants who applied from their countries of origin in order to prevent illegal entries and enforce repatriation. Second, it signed a number of bilateral agreements with the countries of origin authorizing TFW policies, known as the quota system.

In theory, foreign workers in Spain are entitled to most labor and social rights and certain specific benefits: free, employer-organized trans-

portation between the Spanish border and the place of work; decent housing; vocational training for migrant workers and free schooling for migrant children; a minimum wage, short-term unemployment protection (if an employer has to cancel the employment contract); disability insurance, free healthcare and urgent medical aid; and social security and retirement benefits. Foreign workers can also join unions and participate in strikes, as well as obtain government assistance in finding another job if they lose the first one for reasons beyond their control.

In practice, all these rights are contingent on an employer offering the migrant a job. This dependency on employers is key to understanding the precarious status of TWFs in France, Germany, and Switzerland in the postwar period, and it is also important to understanding the status of foreign workers in Spain and other Southern European countries in the post Cold-War period.

After the Spanish government adopted the Aliens Law 8/2000, the quota system became the only legal channel for the non-EU citizens to obtain temporary work and residence permits. The new law made it impossible for hundreds of thousands of undocumented migrants in Spain to legalize their status and thus ameliorate their social and economic situation. The law also increased workers' dependence on employers since it maintained the system of employer-specific work permits. Workers whose contracts were suspended had to return home. Work permits are also tied to a specific productive sector and geographic area. Restrictions on workers' mobility raised controversies; while ombudsmen called for their liberalization, agricultural cooperatives called for their retention in order to prevent foreign workers from moving to other sectors.

Workers' mobility has been anathema to Spanish employers since the 1960s, when similar, yet much better paid jobs became available in France. Since those workers who left were replaced by much cheaper and more flexible Moroccan workers, Spanish farmers had few incentives to restructure the sector. The failure to undertake that has meant that today, a large part of Spanish agriculture has become dependent on foreign labor. These small and medium-sized farmers find that maintaining a high standard of living and working conditions for their migrant workers to be expensive and unnecessary in the context of the large supply of legal and illegal labor. The halt to the unchecked flow of migrant workers to Spain in 2001 came as a considerable shock to Spanish fruit and vegetable growers. However, working and living conditions for foreign laborers have not improved because the law has done little to change the underlying dynamics of their exploitation, which has more to do with the underground economy than border control.

Spanish fruit and vegetable growers continue to be shielded by the benign neglect of the central government, which is being increasingly pressured by farmer lobbies as the EU liberalizes imports of Mediterranean horticultural products, especially Moroccan tomatoes. Following the European Commission's decision to liberalize the importation of Moroccan tomatoes, the Partido Socialista Obrero Español (PSOE) parliamentarian Francisco Contreras called upon the conservative Popular Party government to stop the Council of Ministers from ratifying the law (Agrodigital, 2003b). The intervention of the PSOE parliamentarian was preceded by criticism by the Almerian tomato growers' associations, which opposed the EU agricultural policy, arguing that it would lead to the extinction of Spanish agriculture (Agrodigital, 2003a). Other growers have also advanced an apocalyptic vision of the future of Spanish agriculture. Acting through agricultural organizations, such as the Asociación Agraria Jóvenes Agricultores (Asaja), Coordinadora de Organizaciones de Agricultores y Ganaderos (COAG), Asociación de Productores y Exportadores de Fresa de Huelva (Freshuelva), and the Unión de Pequeños Agricultores y Ganaderos (UPA), as well as local politicians, they have become increasingly active in migration policy debates.

The Spanish fruit and vegetable employers have generally recommended reforms to make the quota system better reflect the needs of Spanish agriculture. They argue that Spanish agriculture suffers from acute labor shortages each year as native workers shun agricultural employment. In the employers' view, the admissions of TFWs have been helpful, yet the modest quota of 30,000 work authorization per year does not correspond to the reality of Spanish agriculture needs. For instance, olive growers from around one small city (Ciudad Real) alone requested 6,000 TFWs for the 2004 harvest.

Specifically, the growers recommend that worker admissions be adjusted better to the progression of harvest. The process, they contend, can take so long that the crops are rotting in the fields before the workers arrive. Furthermore, farmers find it very difficult to meet requirements that they provide high-quality housing. In the employers' eyes, these standards are not in the best interests of migrants themselves, who would prefer to live in more basic housing to increase their savings. Farmers' organizations acknowledge that housing constitutes a problem, but rather than lowering standards, they want the government to assume financial responsibility for the high standards it imposes.

The two major Spanish labor unions—Unión General de Trabajadores (UGT) and Confederación Sindical de Comisiones Obreras (CC.OO.)—have been skeptical about the arguments advanced by the farmers and their representatives. The number of workers requested by the agricultural sector, the two labor unions claim, does not reflect the real needs

of Spanish agriculture but rather the ever-increasing goals of agribusiness. Farmers plant more and more hectares with crops requiring manual labor, reflecting an assumption that foreign farmworkers will always be available, and a large labor pool, which could be mobilized depending on the ripening process and weather conditions, must also be kept in reserve (Berlan, 1986). While the Spanish government has been keeping the quota authorizations at the same level, it has also tolerated illegal employment of undocumented workers, who gather on the main plazas or along the roads of major agricultural centers waiting to be picked up by prospective employers. These workers are vulnerable to employers' abuses and contribute to the deterioration of the rights of legal workers who must compete with them.

The enforcement of labor inspections in Spain has been lax. Even though employment of undocumented workers can result in relatively high fines (up to 6,000 euros), some employers have preferred to employ foreign workers illegally rather than risk crop losses due to the lack of workers. Some authors have associated the problem of effective employer sanctions in Spain to the close ties between the government and business (Cornelius, 2004:417). The problem of work inspections surfaced in 2001 when 12 undocumented Ecuadorian workers died in a car accident while being transported to work outside of La Lorca, Murcia. This attracted national attention and led to enhanced inspections. In El Ejido, when a mentally disturbed Moroccan murdered a Spanish woman, it led to an unprecedented outbreak of ethnic violence, including the burning of migrant shops, houses, and mosques. The incident exposed the urgent need for a coherent integration policy before xenophobic forces polarize public opinion and force migrants to assume political activism through disruptive rather than democratic channels. The problem of substandard working and living conditions remains and has been the subject of diplomatic talks, especially in the context of violent incidents like those in La Lorca and El Ejido.

Spain is the EU's major front line in dealing with illegal entries from what can be termed the Islamic periphery. Spanish migration policy led to settlement and this in turn created a dense web of family and village networks, which would importantly shape family-related legal immigration, illegal immigration and refugee influxes in the future.

Little attention was paid to the possible political consequences of international migration to Spain and Europe before the Madrid and London bombings. It is important not to overstate the disruptive potential inherent in international migration. In postwar Germany and France, relatively few members of the Kurdish and Algerian diaspora populations became involved in political violence. Those who did, however, raise a specter that cannot and should not be ignored (Miller, 2001). In

our eyes, TFW schemes preclude integration of migrants, and that could have long-term adverse effects on Spanish and EU security.

Implications of the Spanish Case Study

The first decade of Spanish temporary foreign worker policies inspires mixed feelings. The unilateral labor recruitment of the 1993-1999 era strained bilateral relations between Spain and most of the migrant-sending countries. This led to the signing of bilateral agreements, but these have not achieved their goals because employers have been selecting workers either according to their own preferences or entirely outside of the legal framework. These have been recurrent problems in the history of French and U.S. foreign labor policies. Ecuador has criticized Spain for its inability to ensure that Ecuadorian TFWs will receive a fair share of work offers. Morocco has associated decreasing recruitment of Moroccan workers with increasing xenophobia and long-term Spanish-Moroccan economic and political conflicts. Poland, for its part, is questioning whether these agreements can ensure that the basic rights of Polish citizens are observed.

The Socialist victory in the Spanish 2004 elections has inspired new hopes among the principal migrant-sending countries. Indeed, the preliminary results of the 2005 legalization indicate that over 700,000 workers received temporary work and residence permits. It remains to be seen whether the new era of post facto legalizations will help Spain avoid the problems encountered in the past. The cautious optimism expressed about the outcome of the new generation of German TFW policies does not appear warranted in the Spanish case. Governments, such as in Mexico, which have considered signing bilateral labor agreements with Spain should be forewarned. Judging from what has transpired thus far, outcomes will reflect the historical pattern.

Given the protracted nature of Mexico-U.S. negotiations over new Bracero-style admissions, Mexico might consider a bilateral labor agreement with Spain as a constructive step forward. Interestingly, Mexico has come to embrace notions similar to those held by Moroccan officials regarding Spanish-Moroccan TFW agreements. Morocco views illegal emigration to Spain as labor-market-driven, essentially a response to unmet employer demand. Spain, however, views illegal migration as violation of law. Morocco regards migrant integration and initiatives against discrimination as priorities for Spain and the EU, not prevention of illegal migration (Miller and Stefanova, 2003:11).

The United States phased out the Bracero Program for good reasons, just as did Germany, France, and Switzerland when they terminated

their guest-worker policies in the early 1970s. The postwar generation of TFW policies in North America and Europe led to the settlement of supposedly temporary workers. When they were subsequently unable to regularize their status, they were marginalized, a situation that strained bilateral relations. There is little reason to think that a Mexican-Spanish TFW agreement will avoid the problems that troubled Franco-Algerian bilateral relations in the 1970s or Moroccan-Spanish relations in the past decade. For all the transatlantic contextual differences, Mexico and Morocco find themselves in quite similar situations.

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