

# Mobile Identities: Migration and Integration in Transnational Communities

National Policy Recommendations (Spain)

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#### Project partners

**Psychoanalytic Institute for Social Research (IPRS)** Project Coordinator  
*Rome, Italy*  
iprs@iprs.it

**Christliches Jugenddorfwerk Deutschlands (CJD)**  
*Hamburg, Germany*  
a.wiesner@cjd-eutin.de

**Autonomous University of Barcelona**  
*Barcelona, Spain*  
Zyab.ibanez@eui.eu

**University College London London, United Kingdom**  
s.Kuechler@ucl.ac.uk

**University of Amsterdam**  
*Amsterdam, The Netherlands*  
p.nijkamp@vu.nl

**Univerzita Mateja Bela**  
*Slovakia*  
Alexandra.bitusikova@umb.sk

#### Associate partners

**North German Union of Islamic Communities**, Germany  
ince50@hotmail.de

**Organization for Development and Emancipation (OZHE)**, Albania  
gencianastasi@gmail.com

**Mohamed First University**, Morocco  
hachemi.bentahar@gmail.com

**Municipality of Reggio Emilia**, Italy  
Linda.Gualdi@municipio.re.it

**Associazione Stranieri Lavoratori in Italia (ASLI)**, Italy  
piagonz@yahoo.com

**Marie Curie University**, Lubin, Poland  
prus@pronet.lublin.pl

### List of main acronyms used:

- CM Circular migration
- CMg Circular migrant
- HORECAT Hotels Restaurants and Catering
- MI: Migrant interviews
- IWS: International workshop
- NWS: National workshop
- OE: Own elaboration from our analysis based on secondary literature, press reports, SHs' documents, and interviews with SHs and migrants
- PCM: Programmed circular migration
- PCMg: Programmed circular migrant
- SHI: SHs' interviews.
- SH: Stakeholder
- SHs: Stakeholders
- TM: Temporary migration
- TCNs: Third country nationals
- VCM: Voluntary circular migration
- VCMg: Voluntary circular migrant

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## 1. Introduction

This document lists the main findings and recommendations of the research, which focuses on Circular Migration (CM) among Moroccans living in Spain: how their socioeconomic conditions and the Spanish migratory policies shape their cross-border mobility alternatives of different durations, from extended holidays through to more or less temporary returns to definitive return.

Two main sources of documentation have been used. First, the detailed picture of the political and institutional factors affecting migrants' mobility choices is based on: a thorough study of the recent literature, main regulations, SHs' documents, statistical data and press reports; 8 in-depth interviews with national SHs; the knowledge, debates and experience shared in a national workshop, with 29 representatives of the key social actors involved, authorities (national, regional and local), NGOs, experts, employers, trade-unions and migrants; and the exchange of ideas at an international workshop with the other research partners and invited leading experts. Second, a case study in the berry-producing region of Huelva (South-West Spain) based on 33 in-depth interviews (> 1 hour) with migrants, a further 10 short meetings with migrants, 14 in-depth interviews with local and regional SHs, and analysis of relevant literature and documents (most migrants interviewed are working in seasonal agriculture, but to get a richer view, we also interviewed other profiles, including 6 Moroccans who had achieved successful employment trajectories – see details in annexes 1 & 2 of the report).

The Huelva region was selected for this research for three principal reasons. Firstly, it is the Spanish region with highest numbers of migrants participating in Programmed Circular Migration (PCM), in addition to many other Moroccans living there with a wide range of temporary statuses and Voluntary Circular Migration (VCM) patterns, most of whom work in seasonal agriculture also in berry collection. Secondly, seasonal intensive agriculture is among the largest economic sectors of this region, providing relatively regular jobs for almost 100,000 persons for just a 5-month period per year, while other seasonal activities as tourism are also important. And finally, Huelva is within a 3-hour driving distance from the Moroccan border, which makes it illustrative of how cross-border mobility between a EU and a non-EU country is politically managed.

The investigation shows that the key concern for temporary migrants, regardless of their circularity

patterns, is uncertainty. Given the lack of long-term predictability in their residency and employment statuses, their aspiration is finding regulatory and employment pathways to extend their permanence in Spain. This goal and their expectations shaped by past and hypothetically future alternative living conditions in Morocco, makes them endure harsh socioeconomic realities, this despite the fact that the crisis has hit them harder than other social groups and has worsened a situation that was already difficult (Bernardi and Garrido 2008; Bernardi, Garrido and Miyar 2011). In this context, the absence of better economic prospects in Morocco makes the large majority of migrants very reluctant to plan any temporary or definitive return. Consequently, VCM is low and rarely goes beyond extended holidays. Furthermore, PCM was drastically reduced by the Spanish government to a couple of thousand, as a response to the high unemployment created by the crisis since 2009.

Nevertheless, we witness more or less extended holidays/non-work periods of temporary and permanent residents, there is qualitative evidence of unregistered spontaneous temporary returns, in addition to the tiny but growing minority of successful Moroccans who often move back-and-forth. Taken together, this demonstrates a small but increasing and richer cross-border mobility between Morocco and Spain, and informs us of how to deal with the political challenge of getting closer to win-win situations that favour the development of the persons and communities involved in these patterns of migration.

Spanish circular mobility policies, as in most other migration-related regulatory fields have shown a more reactive than proactive nature. However, there has also been a fast convergence towards policies implemented by traditional EU host countries, with serious efforts undertaken in supporting integration, preventing irregular situations and combating discrimination and racism. Unfortunately, as a consequence of the economic crisis, radical funding cuts have been executed in all these programs.

In the future, migration in Spain could definitely benefit from specific outcome oriented policies, such as those supporting targeted reception, integration, education and employment. However, the recent past shows us, the most relevant factors shaping the situation are the structural inequalities and segmentations still unmet by welfare and labour market regulations, such as the permanent/temporary contract duality, low wages and tolerance of irregularities.

## 2. Findings

From the perspective of Voluntary Circular Migration (VCM), differences in GDP per capita and average salaries between Morocco and Spain of around 6 and 4 times respectively radically limit any circularity (Arango et al. 2013; González Enríquez 2011, 2013)<sup>2</sup>. VCM in the short/medium term is, for the majority, at most a second best option or a failure. In the absence of standardized data, according to SHs' estimates, very few Moroccans follow employment CM, with this thereby having no major impact on the demographic base of almost 800,000 Moroccans living in Spain (2014). Definitive return is also low and mostly occurs only when the situation in Spain has become unbearable or at the beginning of retirement (González Ferrer 2014, 2015; Domingo and Sabater 2013). Return is much lower among the second generation.

The reality of the situation is that most Moroccan migrants try to make their working life in Spain, and very rarely follow any economic or social activity in Morocco, other than holidays. These holidays, though, for those working in agriculture or other seasonal activities and with long term permits or nationality (not affected by renewal requirements), could mean 2-3 month periods (often shaped by the school year) and may involve, depending on the economic circumstances, the purchase, construction or major refurbishment of a house. The daily economic and social interactions during those 2-3 months might involve some CM traits.

A closer situation to VCM is seen in collectives that are statistically tiny but which show significant exchanges in terms of human and social capital: some Moroccan owners of small businesses (grocery shops, bazaars, "locutorios"<sup>3</sup>, etc.) who invest part of their savings in housing or other small businesses in Morocco, often associated with family members or close friends (shops, small import/export, rental houses); Moroccan workers who have achieved promotion in their companies and help them in their activities in Morocco; and Moroccan professionals working in NGOs and associations supporting Moroccan migrants.

As regards Programmed Circular Migration (PCM), the exceptional case that has taken place in Spain, most of it in the berry-producing region of Huelva in South-West Spain, is very specific, and no other part of Spain has seen the implementation of CM programs with Morocco as convenient migratory or labour policy tools (Gordo 2010, 2014; Gualda 2010, 2012). In general, the extra seasonal staff needs of agriculture and other activities are satisfied

using the large stocks of unemployed labour (native and foreign-born), with the help of informal recruiting practices and cash-in-hand payments, rather than through the "cumbersome" formal procedures involved in collective PCM. There is also the possibility for individual PCM contracts, but so far in Spain this is rarely used - in the whole of the Spanish economy these amount to a few hundred.

However, the Huelva case has shown significant coordinative and institutional capacities between a huge variety of institutions from different territorial levels and social areas: employers, trade unions, NGOs, political parties, different levels of administration with different powers. These coordinated efforts and capacities are more striking when one takes into account the following: the distinct, often contradictory, interests of the SHs involved; their usually diverging perspectives on socio-economic reality; and how the assessment of the situation might be very dependent on the territorial scale from which it is being analysed. That is, a policy that might be sensible for employers or trade unions at the local level, has other implications for those same actors when they consider it at the national level. The same applies to the administrations involved, which, besides territorial disparities, need to balance policies pertaining to different fields (employment, welfare, education, social cohesion, etc.).

Huelva PCM is a controversial topic (Gordo 2013; Gualda 2012, 2014), and despite its experience – it has often been cited as a best practice in Brussels and has been used to inform the recent EU directive on the area<sup>4</sup> – no single political party has tried to claim it, afraid of the electoral consequences, especially in the current context of economic crisis and high unemployment.

For the berry-producing employers of Huelva, the main gain of PCM is to guarantee predictability and certainty in the use of a reliable labour force for a seasonal activity, even though they also claim that the bureaucratic procedures are a bit cumbersome. For instance, they need to apply for their foreign labour force demand three months in advance the estimated starting date of the collecting campaign. According to them, that is too early, given that their agricultural activity is heavily dependent on both the weather and international market fluctuations. Still, this reveals the dilemma-prone nature at the centre of CM. For employers, PCM could be seen as a human resource policy that fits a wider "just in time" production logic and tries to adapt the hiring of employees to the fluctuations of their activities as best as possible<sup>5</sup>. For the other SHs concerned and the migrants, the "just in time" logic may not fit that well with other key issues related to

access to citizenship rights. The need to go through the whole bureaucratic process of renewals on a yearly basis points to the fragile situation of these seasonal workers, whose rights are too closely linked to the seasonality of their activities.

From a different perspective, views closer to the trade unions, NGOs, and from some senior civil servants, are more critical of PCM possibilities. Even though they stress that examples such as the PCM in Huelva are a radical improvement on what can be found elsewhere in Spain, they prefer to focus on general migratory policies to improve the living conditions and rights of migrants, while they have trouble seeing any circular migration policy as a strategy to manage migratory flows with targets about any significant impact in total stocks of migrants. Since actual voluntary returns among Moroccans are very low, they see a major obstacle in any regulated predetermined circular or temporary migration in the enforcement of involuntary returns, which is ethically questioned by several actors and which is actually difficult to carry out in terms of institutional capacities and logistical resources.

For migrants in PCM, an urgent worry is the high-level of uncertainty, with no predictable route to long-term permits and no security about future renewals. Otherwise, they showed high levels of satisfaction. According to trade unions and several NGOs, serious abuses by employers against labour law seem to be decreasing; other sources, though, claimed that abuses are still extended, and that the fight against mistreatment is limited by several factors: extended tolerance of minor and medium-level abuses (unpaid overtime, large proportions of unpaid social security contributions); limited resources for workplace inspection – there have been increasing efforts to provide extra personnel for the seasonal campaigns but the number of workplace inspectors is far from the ratio recommended by the ILO (1 per 10,000 workers); the trade unions also suffer budget and staff constraints to perform their supervisory tasks; penalties for breaching labour regulation and/or the probability of getting caught are not high enough to discourage abuse. Together with illegal behaviour, there are serious concerns about the negative impacts of some practices of dubious legality, such as those used by some temporary employment agencies, which, according to several SHs, are close to social dumping.

Additionally, migrants, especially temporary and irregular ones, are reluctant to report any abuse. Many of them, with no knowledge of the Spanish language or of their basic rights, are too vulnerable. In this sense, the drastic reduction in the number of cultural and social

mediators during the crisis years has made migrants more helpless, not just in the face of deliberate exploitation, but also in aspects of misinformation or miscommunication (for example, some of them are afraid of going to the health services and would rarely ask for sickness leave).

In the case of Huelva, the recruitment of women with children (who are left in Morocco), as a strategy to guarantee return, also appears as a delicate issue.

Another major concern is accommodation, with different implications ranging from the wellbeing of migrants to territorial and urban planning matters. Most employers comply with the rules, and several of them, highly satisfied with their labour force, even offer much better conditions than those which are legally required. However, the regulations regarding accommodation are not ambitious in regards to foreign workers' wellbeing (they allow for austere conditions, relatively small rooms for 4 people sharing), and, since inspections are not that exhaustive, the final conditions depend very much on individual employers' discretion.

A related aspect is that when accommodation is free, this allows employers to put this factor into consideration when bargaining salaries in the collective agreement. It remains to be seen in which cases the salary increases forsaken because of free accommodation are compensated by the quality of the accommodation. Besides, this arrangement could benefit CMg but prejudice other workers with permanent residence in the area, who would prefer higher salaries.

The location of the lodgings within the agricultural exploitations and far from any village, often not within walking distance, is another controversial aspect, whereby proximity to the workplace and building-costs savings are counterpoised against other issues linked to better integration in the host community. Local governments apparently favour lodging adjacent to the firms to minimize the impact of big numbers of temporary workers in their villages, and also tend to favour the option preferred by employers in terms of "availability" and "building costs". Most migrants also seem to prefer accommodation adjacent to the fields (savings in commuting time and money) and would actually prefer any extra-investment to translate as bigger wages rather than better accommodation. Regional governments, in contrast, are usually more concerned with the territorial and environmental implications of building new constructions in rural areas, whereas NGOs and experts stress the limits to integration that results from that type of accommodation and spatial segregation. Several SHs also referred to a significant number of accidents and the risk of migrants

being run over as they walk along minor roads where there are no pavements for pedestrians.

In relation to the wellbeing of migrants, once stressed how much they value the income they get and their general satisfaction with their working conditions, their main worry is the uncertainty of their temporary situation. After that, family separation is for many of them a main factor of stress, and this is most acute when it involves children under school age. As regards income and savings, the large majority of circular and temporary migrants, given their low earnings and socioeconomic background, do not have any detailed economic project of any significant or medium-to-long term scale (starting a business or self-employment activity). For most of them, the money helps to muddle through or to ease the usual hard struggle. Some pay or save for their children's education, and/or emergency cushion-funds for just-in-case health costs. A minority save for refurbishing, building or buying a house. And there are very few cases showing an economic initiative, well under 10% according to SHs' estimates, some examples of which are: small groups of 4-6 have started a small livestock cooperative business (sheep, goats and rabbits); opening small shops, helping a brother with a taxi licence. Still, aside from the monetary remittances, there might be other human capital gains, especially in the case of women involved in PCM in Huelva. According to several representatives, migrants and experts, participation in CM may have had significant empowering effects on them: increased admiration within the family and close friends, bigger role in family decision-making, higher self-confidence. There is a lack, however, of any close assessment of these developments, and it might be too soon to appreciate their actual magnitude.

## 3. Policy Recommendations

### 3.1. Political, Institutional, and Regulatory factors.

The distribution of political responsibility for CM among different areas (labour, education, accommodation, integration, residential status, and borders) and across all territorial levels is a source of numerous multi-area and multi-level governance puzzles ("who collects the political/funding benefits and who pays for the different political/funding costs?"), that calls for improvements in institutional coordination horizontally and vertically in accordance with the principles of subsidiarity and proportionality. The

consolidation of multi-stakeholder round tables, and the idea of a coordinating body in charge of anything to do with CM might be helpful to monitor and prioritise efforts and targets, as suggested by several SHs.

When discussing to what extent CM policies shape a triple-win scenario, a diversity of interests and distributional aspects have to be taken into account. Regarding current Spanish programs, several experts and SHs raised the issue of how to take into account the local communities' views on the programs and their scope for influencing them. There is a need for better and more detailed evaluation of the social impact of CM realities. So far, there are already general assessments in terms of direct basic collective needs such as health facilities, schooling or security concerns. However, there is still much to be improved in areas where impacts are less visible and straightforward. Topics like the evolution of the working conditions of the permanent residents (natives or foreign-born) employed in the occupations that recruit circular migrants, or spatial segregation and other forms of discrimination. More transparency and visibility on these aspects should go hand in hand with communication campaigns that show both the pros and cons of increased cross-border mobility to avoid discrimination and prejudices.

In the Spanish case, PCM policies have been mainly the result of reactive efforts in response to largely unintended migratory realities, and it remains a daunting task to increase the "proactive" nature of policies, since it is not enough to leave the market to drive the situation and then have palliative initiatives. For instance, the design of PCM regulation, according to some experts and SHs, is heavily oriented towards seasonal agriculture and not that suitable for other potential forms of circular migration (CM) in other sectors (such as tourism and care for example). Issues like the requisites regarding the number of employees and the timing of the procedures employers need to follow in their applications to request migrant labour do not fit well with other non-agricultural activities. Yet, other experts have doubts about how relevant this is in explaining the limited development of PCM.

In seasonal agriculture, there are calls for the joint planning of several agricultural campaigns for different products to cope with the brief duration of some of them (2-3 months) and to lengthen the temporary stays. This could be helpful for many circular migrants, but some SHs see it as a complicated solution, since campaigns overlap and have no clear starting or ending dates, given their contingency on weather and market fluctuations. Besides, the implementation of this type of permit could become too bureaucratic. This reveals one of the main dilemmas any

CM policy faces: how to adapt to specific situations without unnecessarily increasing the total number and diversity of bureaucratic procedures. In this sense, we need policy approaches which introduce a level of flexibility that softens the all-or-nothing logic inherent in many migratory policies without producing extended sets of regulatory requisites or wider segmentation in the labour market.

Other options are less divisive, such as the design of national agricultural job pools and the promotion of internal mobility within Spain. This would require a reinvigoration of a national table for migratory-flow management with representatives from the main Spanish regions where seasonal agriculture campaigns take place.

In terms of the specific design and implementation, despite significant improvements that have made entry and exit to and from Spain easier for migrants, there seems to be room for improvement in the handling and processing of migrants' documents at the entry and exit stages. Also, the capacities and transparency of some mediatory organizations have been called into question, which has limited their access to public funding. Some SHs emphasized the need for improving the delivery of medical certificates in the country of origin to avoid hiring seriously ill migrants, as an extra element to guarantee the success of PCM. But strict immigration health-screening also raises delicate human rights concerns amongst NGOs and migrants' representatives. Furthermore, given that these programs involve young women, there is the aspect of how to deal with pregnancies.

Most SHs identified the assessment of the impact of CM in migrants as an area to be improved. There is no systematised evidence about issues such as the impact on migrants' young children that are left with other family members (usually grandmother), the use of their savings or other cultural or social gains/drawbacks from their experience. Several SHs recommended a more active role for the Moroccan authorities in monitoring and supporting the evolution of those migrants who have participated in CM. There is a transnational element here to be developed by both national authorities, and other actors like NGOs and migrant associations.

More generally, there is an urgent need for the harmonisation of definitions and data on circular migration across Europe. In the words of one IW participant, "when we are talking about CM across Europe, it often looks as if we speak different languages." Without major advances in definitions, operative indicators, and detailed statistics, our assessments will remain limited to a few outputs and general estimations on outcomes and policies, but we are

still far from being able to draw more precise links between policies and their actual impacts.

### 3.2. Communication

Serious progress can be made in communication at pre-departure, in situ and return, and this area is also one of those where the advantages of collaboration between destination and source countries are more evident, since mobility choices combine assessments in different domains of life (income, family, life-plans, cultural) and are clearly transnational in nature.

At pre-departure, many migrants, in their moving decision, overestimate the information about the high wages they might earn or the glamorous lifestyles of western capitals. Similarly, they undervalue, or completely ignore, drawbacks such as the cost of living (rent, food, etc., integration problems, or isolation).

Next, once in the destination country, many low-skilled migrants with no foreign language knowledge and unaware of many of their basic rights would certainly benefit from clearer in situ information. Better communication involves areas such as how migrants might gain access to this information when many avoid going anywhere near an official institution and make little use of conventional information channels (hence the importance of migrants' associations, NGOs and informal migrant mediators). We also need to consider how information is delivered in order to heighten understanding, with more translation into native languages, the use of real/simulated life cases representing different typical situations, and a wide array of visual elements such as info graphics, comics and videos. Migrants' associations in particular, in addition to having a key role in providing last-resort help and fighting emotional problems like isolation, are especially relevant in overcoming the language barrier.

Moreover, whether migrants have already returned to their country of origin, are planning it, or are just considering it as a future option, in order to make the most of their possibilities, they need better information accessible in both destination and origin countries on the following key topics (González Ferrer 2013, 2014): labour market demand for their occupational skills and experience; working conditions; any specific support plans for returnees and access to credit for self-employed and starters of micro/small businesses; and, most importantly, the possibilities for repeating the movement to the destination country in the future – reversibility increases mobility.

### 3.3. Integration

Integration, as opposed to discrimination, segregation or low-interaction co-existence, is a traditional core goal of migratory policies, but it has always been mired with suspicions, among them the unclear divide between integration and assimilation. This is further complicated in the case of CM in a transnational context, since the different temporalities and objectives of the migratory projects suggest various integration strategies. In the past, when migration was often linked to indefinite stays, a large proportion of integration policies could assume a one-size-fits-all approach, with the “American Dream” as an ideal reference; however, if different forms of circular mobility are to be consolidated, migratory policies in several important areas, including integration, would need to be differentiated in order to respond to distinct realities.

Therefore, integration policies need to be highly flexible and capable of meeting different migrants’ needs, with, ideally, the potential to personalize the application of some measures. Integration policies, such as communication strategies, benefit from being present throughout all the stages of the migratory project, but at some moments they are highly decisive, and, thus, several SHs and migrant representatives stress the need to develop the institutional set-up for welcoming migrants.

Moreover, given that migration is less and less an irreversible closed plan, any integration action should preferably incorporate a cumulability and complementarity nature to better adapt to migrants’ changing life circumstances, aspirations and preferences. For example, in the areas of language or occupational training, in contrast to narrowly detailed curriculums and schedules, a better approach would consist of combinable short-packages with plenty of room for different individual rates of progress.

Another main area where the variety of migratory projects calls for different integration strategies is that of accommodation. Some want closer contact with destination country permanent citizens, while others value the support of living within their own native-language national community. Also, depending on their short (<1 year), medium (5 years) and long term (>5 years) circumstances, they show different preferences as to what proportion of their income gains should go into accommodation. A range of alternatives should be available to offer migrants significant choices.

Finally, integration policies show that even if circular migration provides important benefits to the destination

country, there are also costs in receiving new residents. The distribution of the different costs and benefits among the different social groups of the host society remains among the most controversial issues in this area.

At the same time, support and integration policies should not be so susceptible to the budget cuts linked to the crisis. For instance, the Spanish fund for the Reception and Integration of Immigrants and Educational Support, implemented at the regional level, went from 200 million Euros in 2009 to 66 million Euros in 2011, and to temporary suspension in 2012 (OCDE 2013). Several administrations, NGOs and support organizations saw their mediatory personnel and resources drastically reduced with the crisis. In this context, several SHs defended the need to identify and keep certain critical thresholds, a sort of “minimum ecological flow,” as one stakeholder put it, in key support and intermediation services, for the sake of present migrants, but also as a guarantee to keep institutional capacities and not to start everything from scratch when the economy hopefully recovers. Additionally, several of them underlined the need, as soon as the economy allows it, to improve the training and professionalization of intermediation and support staff.

### 3.4. Working conditions

The links between CM and the host country’s labour market require us to pay close attention to two inter-related realities: the migrants’ working conditions and the working conditions of the host country permanent residents (natives and foreign-born) working in the sectors where circular migrants are recruited. The baseline is safeguarding legal minimum conditions, which starts with how to supervise and combat social dumping and the black economy, an area with ample room for improvement in Spain, and most European countries, in terms of the human and monetary resources dedicated to workplace inspection, collaboration with trade unions, and the design of rigorous penalties that discourage unscrupulous employers.

Observing legal requirements is just a first step, since given the huge variation across Europe in legal minimum conditions, e.g. minimum wages, what is legal in one country is close to social dumping in others. Thus, there needs to be talk about the extension of, and convergence in, the territorial application of these minimums beyond national states’ legislation. This definitely makes sense in a single market space such as the EU, but the advances in legal minimum conditions also have a role to play in EU–non-EU cross-border bilateral agreements.

Once minimum conditions are met, the next regulatory battleground is what happens when non-EU workers systematically get lower-earning contracts for equivalent jobs. This obviously happens in the informal sector, where many migrants would accept much lower salaries; but, sadly, some discrimination may in fact not be illegal, since the segmentation between permanent and temporary workers often disguises actual discrimination under the temporary on-off nature of their contracts.

Whole economic sectors could accommodate these realities, keeping workforce pressures to increase international recruitment hand in hand with stagnating minimum conditions. This might be now happening in the agricultural sector, HORECAT, the nurse and care activities all over Europe, with certain evidence of downgrading effects on local working conditions or the hindrance their betterment.

The risk of unequal treatment when employing circular migrants appears in all the stages of an employment relationship: recruitment, placement, performance measurement/rewarding, training and career promotion, and termination. Consequently, the promotion of fair labour relations has to be aware of the usual suspects behind discrimination: gender, age, race, national origin and class. Indeed, many SHs considered that the gender perspective was often missed in all the key areas of the CM debate.

When recruiting migrants and placing them into specific jobs, advances are required in the recognition of foreign titles and equivalent qualifications, and there is much to be done yet in the recognition, validation and accreditation (RVA) of non-formal and informal learning and work experience, in both the entry and exit phases, to avoid initial over-qualification and to maximize the human capital gains of the destination country experience. In comparison with other EU countries, Moroccan migration in Spain is largely unqualified, and VCM may be more common among qualified positions. In order to increase the presence of qualified Moroccans, there are numerous problems. Some of these are specific such as the aforementioned difficulties in the recognition of foreign qualifications, the slow procedures to validate qualifications, or the scarcity of programs to attract Moroccan graduates and postgraduates. And other obstacles are more structural, like the fact that a high proportion of Spanish qualified positions are civil servant post within the public sector, and given its restrictive recruitment procedures, they are usually closed to non-EU citizens, unlike the case of the UK, for example. On another level, though Moroccan migration in Spain is still relatively recent, there is a noticeable scarcity of well-known Moroccan role-models

in areas such as entrepreneurship, politics, arts or sports, which contrasts with what happens in other EU countries like France or The Netherlands, where there are famous successful Moroccans, or in the UK with other minorities, or with Latin-Americans in Spain.

Once recruited and placed into a job position, when assessing how migrants are rewarded for their performance, “the equal pay for equal work” principle suffers threats and erosions from different angles. First, in very few activities are performance assessments a transparent and objective task with no interference of subjective, cultural and institutional distortions. Basic aspects, such as the incomplete fluency in the destination language and in the tacit cultural codes, favour unintended inertias that undervalue migrants’ capabilities. Furthermore, migrants are increasingly among the groups who most suffer from the temporary/permanent divide which makes workers in temporary contracts earn substantially less than permanent ones for equivalent work. This is happening across Europe, but in Spain, together with unemployment, is the main weakness of the labour market, and certainly a candidate for being the Achilles heel of any circular migration, most CM migrants being temporary workers regardless of how many times they have been hired by the same employer. An acute manifestation of this situation is what is happening with temporary job agencies, some of them using legal loopholes in the cross-border mobility of persons in the European single market to design practices on the verge of becoming trafficking in human beings.

Lastly, when terminating an employment relationship, there are all the issues concerning compensations, predictability of new contracts in the future, portability of acquired social rights (pensions), and, as said before, the accreditation of any relevant formal, non-formal and informal work experience and new occupational knowledge gained.

The issue of working conditions illustrates how – aside from specific policies which favour circular mobility and the life of those involved in it – CM also depends heavily on major structural improvements such as reducing the segmentation between permanent and temporary jobs, or diminishing the general penalizations of labour mobility in Spain where there are strong links between better working conditions and length of service within a firm. Also, beyond employment, common procedures dealing with housing, education, and access to key welfare services complicate any relocation to Spain for Moroccans if their movement to Morocco is unsatisfactory.

The structural vulnerability of the migratory experience

in Spain has been stressed during the crisis, as migrants have been one of the groups most severely affected, and among them those participating in PCM, who have seen that even if employers were very satisfied with them, their temporary contracts were not renewed because the administration has given priority to permanent residents in Spain.

Within the field of working conditions, a key issue on which SHs and experts were very reticent to speak about, either in the workshop or in the individual interviews, were the general implications of any CM for the wider labour market and social model. There were no clear answers about the possibility of having a whole sector that may become structurally dependent on a foreign labour force with wages that may be attractive to circular migrants coming from much poorer countries living in free collective lodgings, but that have serious problems to guarantee a more or less decent life in the country where the employment activity is carried out (Constant, Nottmeyer and Zimmermann 2012; Ruhs 2011; Castles 2006). The links between migration and the labour market are definitely a very delicate issue, with no clear views about to what extent and how narrowly the management of migratory flows should mirror the dynamics of the labour market and what the margins should be for decoupling both flows (Triandafyllidou 2013; Zimmerman 2014).

### 3.5. Permits and return

For temporary migrants, there is a clear incentive to delay long returns to the origin country until they have achieved permanent residence, given that the requirement to get access to long-term residence is the capacity to show 5 years of uninterrupted temporal residence in Spain, with a total of just ten months out of the country during the 5-year period. Thus, acceptance of longer periods of absence from Spain for renewal of temporary permits could favour circularity (Gallego 2012).

Several SHs also argued that, given that many Moroccan migrants with temporary permits were suffering serious difficulties in renewing them since they had no employment contracts (a decisive requirement for temporary permit renewals), the regulation should take into account these problems linked to the crisis and provide for other exceptional regularisation pathways. There are also claims for softer requirements and changes in who faces the burden of proof in legal procedures (from the migrant to the authorities).

In this sense, and given the marginality and specifications of actual PCM, some steps towards a 6-month (origin country)/6-month (host country) situation would involve the reform of some of the residence permit requisites so that longer stays per year out of Spain are allowed without losing the permits or negatively affecting the chances to renew them. Also, in order to introduce some flexibility into the rigid temporal requirements, requests such as “the one-year maximum stay” could be extended.

Given low voluntary return, two political decisions with deep ethical implications are highly controversial: first and foremost, how the commitment to leave, which is what differentiates programmed from voluntary CM, is more or less enforced; and, second, what should be the criteria behind the setting of temporal requirements for staying, returning and having the option to come back to the host country? Here, as well, there is a huge diversity across Spain and Europe in the political agenda of the main SHs and the actual implementation (Triandafyllidou 2013; Zimmerman 2014).

Any policy designed with the commitment to return to the country of origin as a distinctive element has to face how to deal with overstayers. Spanish and European SHs’ agendas vary from one extreme to the other in recommending how open/closed the border should be. There are calls for softening the renewal criteria and offering windows to regularisation; but, at the same time, restrictive views are also gaining ground, with the toughening of discourses in successive electioneering contexts.

However, as just said, enforcing return has serious ethical implications and is often combined with different degrees of knowingly turning a blind eye to different situations of overstaying and illegality (in the Spanish case, for instance, active deportation measures against non-criminals, according to police representatives, are consciously avoided by both authorities and officers). On the other hand, the institutional capability to actually enforce return is often challenging: passport checks, identification, not to speak of actual deportations, are very demanding bureaucratic tasks with risks of administrative backlogs in each step, a lack of repatriation agreements or unknown country of origin.

The difficulties in avoiding overstaying are among the main challenges any PCM policy faces. Besides, in contrast to a VCM rooted in permanent entitlements, PCM may lead to undesirable segmented access to key social rights, since authorities, unable or unwilling to

enforce return, may be tempted to “push” return by making irregular migrants life more and more difficult by restricting their access to work, housing, healthcare, benefits, and even everyday administrative procedures such as bank accounts or getting driving licenses.

In the debate about how to favour/enforce return, a promising alternative is promoting temporary returns to the country of origin with the right to come back to the host country. Here, the central discussion is what the optimal timing for the different stages might be and how to generalise temporal requirements for very different personal circumstances. The factors to be included in any “optimal timing” assessment are very different in nature (from occupational/career to family/personal related), often contradictory, and involving diverging interests amongst the several parties concerned in the countries of destination and origin. For instance, if the migratory movement is too short, the human and economic capital gains would have little impact either on the migrant himself or the country of origin. Temporary returns to the country of origin could also have negative impacts on the career/occupational trajectory in the country of destination that could prejudice the larger impacts of potential future long-term returns (González Ferrer 2014).

In relation to the Moroccan policies to support return, so far, despite some positive evidence of best practice, in general they need further development and specification, with detailed policies for “targeted” returnees. These areas would benefit from greater consideration in the bilateral agreements.

### 3.6. Cross-border coordination: the roles of Morocco, Spain and the EU

Regarding institutional coordination, a special case is that of cross-border relations between the countries of destination and origin, which are essential in managing key areas throughout all the stages of the circular movement: efficient communication, speeding-up the implementation of bureaucratic procedures, better match between supply and demand of labour force.

In general, the migration policy of Spain in relation to Morocco is often presented as balancing two main sets of demands: firstly, how to articulate the migratory flows and labour market evolution; and secondly, what is the role of the regulation of mobility across borders in the strategic neighbourhood relationship with Morocco? (González Enríquez 2013) In the area of developing partnerships

between Spain and Morocco, many NGOs identified the need to improve co-development policies, with several NGOs having initiated multiple actions in this area prior to the crisis. Various SHs also stressed the need for the EU to take on a bigger role in promoting co-development. Monitoring and support activities could also be included as part of the bilateral agreements between the two countries in migratory policies, a collaboration that has definitely improved in recent years, but with several demanding challenges remaining ahead. It is worth remembering here, for example, that the Agreement signed in 1992 – on the movement of persons, transit and readmission of foreigners entering the country illegally – just came into force in 2013.

Any circular mobility across the Spanish-Moroccan border would also benefit from advances in the transport system and, more specifically, with the development of more regular long-distance bus lines along the main Moroccan territorial axis.

As regards coordination at the European level, the EU could have an increasing role to play in various aspects: relations between EU and non EU countries, for example in mobility partnerships and bilateral agreements; linking migration with wider development programs; improving the intra-EU mobility of TCNs (at the moment TCNs face strict legal limits for intra-EU mobility); favouring European identity as an inclusive safeguard against the exclusive potential of more local identities –though it is controversial how this might work for non-EU citizens.

According to some SHs, the EU directives on migration, as also happens in other areas, leave member states too much discretion when implementing several provisions (i.e. the “may”-clauses). There is work to be done in exploring when the “states may do/reject something” logic should be transformed into the “states shall do/reject something” logic. As to the recent EU Seasonal Workers Directive, experts and SHs suggested several possible improvements: at the European level, there could be more specification on what the employers’ main duties are, with some voices stressing that the directive could make statements along the lines of “the employers pay an X % of accommodation”; there should be also more words on integration, and, again, more detailed links between the measures and their funding.

The relations between source and destination countries, and the involvement of the EU, should definitely widen the scope for transnational approaches in dealing with issues such as foreign investment, cooperation, cultural understanding and richer cross-border mobility.

## 4. Conclusion

There is high scepticism and uncertainty about the future role of PCM and VCM. In the present scenario of economic downturn and unfavourable attitudes to explicit migratory policies, most evidence does not point towards a major role for specific circular migration programs, at least in the short term.

Despite these not very promising prospects for the immediate present, in the medium and long term, there might be a more optimistic view of PCM as migration-flow tools that, when the economy recovers, could gain prominence as main elements in several multi-area policies: co-development, part of geo-political relations, temporary buffer for labour market adjustments, or as institutional windows for targeted groups.

For example, the temporariness of employment-oriented circular mobility we have considered in this project has inputs to offer, in terms of institutional devices and capacities, for situations where the doubts or lack of political consensus on giving temporary stay permits arise from the wariness about these permits becoming automatically permanent entitlements. In this case, a clear commitment to return may actually contribute to open doors and enhance the response capacity to emergency situations like the current refugee crisis (Autumn 2015) where most European states, full of uncertainties about how many refugees to accept and for how long, are answering reluctantly to the tragic situation of the refugees. A buffer arrangement where the temporary nature of the answer is granted, including clear criteria about return when the situation in the country of origin is not threatening, will surely widen the room of maneuver for national governments to accept more refugees. Mobility is easier when every entry/exit is not assumed as an all-or-nothing irreversible event, and the different European States could better translate this fact into more flexible and detailed regulations.

As regards VCM, which form of CM may develop in the future is unclear, but in one way or another, a growth in circular mobility is foreseeable, and the regulatory forces of the market may not be enough to attain an optimal outcome in this respect. There is already, and there will be a further need for political management of these processes to safeguard and improve living conditions. At the same time, migratory policies at any level (local, national,

European or international) are never a singly policy but part of wider policy packages (development, education, health, urban development, etc.).

There is an urgent need to clarify the role of any circular migration policy. As a possible response to the mismatch between the supply and the demand of labour in a 500 million-population labour market, the corrective power of migration seems minor in comparison with other alternatives such as structural readjustments in the existing wage systems. Nevertheless, on single specific occasions this situation may vary for different types of shortages: high-skill, medium-skill and low-skill. As a policy tool with expected impacts on total numbers of migrant residents, CM policies also seem of questionable or little effect, given the problems with enforcing involuntary return, out of ethical concerns, political agenda or the logistical difficulties in controlling overstaying. However, as mentioned above, CM might be a significant element in wider policy areas such as those dealing with co-development, geopolitical relations, the incremental improvement of cross-border mobility rights and specific support measures for circular migrants.

In terms of Moroccan-Spanish relations, it is difficult to imagine any better future scenarios if they do not involve personal mobility across the Moroccan-Spanish border and greater exchanges in all social domains. However, the materialisation of these flows goes far beyond simplistic win-win assumptions. There are important distributive issues to discuss within both countries, with different social groups benefiting more or less from all of these exchanges.

## Appendix

For bibliography, interviews summaries annexes and national and international workshop details see main report and <http://igop.uab.cat/>

## Notes

1. Mobile Identities: Migration and Integration in Transnational Communities' is funded by European Commission: HOME/2012/EIFX/CA/CFP/4201.

2. In Morocco, usual salaries are between 250 and 400€ per month (SH estimations), depending on the sector; whereas the average net Spanish salary is around 1,500€ in 2014 (INEM 2014). In agriculture, the Moroccan salary varies around 200€ per month, whereas in Spain it can reach 800€.

3. A store that includes cyber-café services with several enclosed phone booths, and money transfer services.

4. DIRECTIVE 2014/36/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 26 February 2014 on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers.

5. Professor Estrella Gualda (2012, 2014) is paying detailed attention to this "just in time" logic.



1. Strawberry field. Fieldwork in Huelva. March 2015.
2. Packaging area in a main strawberry company. Fieldwork in Huelva. March 2015.
3. Some of the Moroccan women we interviewed. After interviewing them individually, we often had the opportunity to enjoy a rich informal discussion group. Fieldwork in Huelva. March 2015
4. Local school in Cartaya, one of the municipalities with the biggest number of Moroccan residents and circular migrants in the area. Fieldwork in Huelva. March 2015.



5. National Workshop, University of Huelva. Work and debates conducted in plenary and in smaller groups. 13 March 2015.
6. National Workshop, University of Huelva. Work and debates conducted in plenary and in smaller groups. 13 March 2015.
7. International Workshop in Palau Macaya, Barcelona. Work and debates conducted in plenary and in smaller groups. 7 May 2015.
8. International Workshop in Palau Macaya, Barcelona. Work and debates conducted in plenary and in smaller groups. 7 May 2015





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