

# Spain imposes new anti-immigrant legislation

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The right wing Popular Party government is implementing new anti-immigration legislation that will trample on the basic democratic rights of foreign workers.

Prime Minister José María Aznar has succeeded in passing measures to strengthen a new aliens law ( *Ley de Extranjería*) originally passed in January 2000. The legislation is framed as a set of reforms to the existing law passed in 1985 under the PSOE (Socialist Party) government of Felipe Gonzalez.

Under the legislation, foreign workers will still enjoy access to healthcare and education but the right of association, participation in public demonstrations or rallies and the right to join a trade union and take industrial action have all been taken away. Except for their spouse and children, those foreign workers who are residents will no longer be able to bring family members to Spain for humanitarian reasons.

Under the previous law, to be found without proper papers or working without a work permit was considered an infringement of the law—but did not mean automatic expulsion, only a fine of up to £4,000. Anybody who was expelled could return after a period of three to ten years. The ten-year exclusion period will now be made mandatory.

It is now compulsory for drivers to check immigrants' documents at the point of departure. If a foreigner without a visa arrives in Spain to ask for asylum and this is denied, the company who brought him in can be fined up to £40,000. It will now be possible to expel a foreigner within 48 hours without appeal, if their papers are not in order. The denial of visas will not need to be justified. The period of stay in Spain before being able to apply for residency has been extended from two to five years.

The PP government wants to clampdown on the thousands of workers from Africa and Latin America entering Spain, but “illegal” immigrants play a vital part in the country's economy as a source of cheap labour. The massive growth of agricultural production in the south demands large numbers of temporary workers to pick the tomatoes, cucumbers, peppers and aubergines during the warm season. Some of these workers were given temporary work contracts but the vast majority are undocumented, recruited on street corners, paid extremely low wages and provided with subhuman accommodation in barrack-style shacks near the fields where they work. The owners are able to dictate working conditions under threat of reporting the undocumented workers to the authorities. Many of those who

came into Spain under those conditions stayed on illegally until the next season, living under precarious and stressful conditions.

The “black economy” this created became almost uncontrollable. The government lost tax revenues from both the employers and the workers.

The other motive for the immigration reforms is that Aznar's coming to power after 14 years of a PSOE government coincided with a campaign by the European Union to close its borders to immigration, particularly from Eastern Europe. Aznar appointed himself as the guardian of the southernmost frontier of “Fortress Europe”.

The January reforms were intended to grant residency rights only to a predetermined number of foreign workers with temporary work permits, while giving powers to the judiciary to extradite the rest. But in January, the PP was a coalition government at the mercy of the votes of its partners—the Catalan and Basque nationalist parties—as well as the governments of all of Spain's Autonomous Regions. These regional governments were under pressure from employers, who wanted some kind of legal import of foreign labour, from trade unions who wanted increased membership and from immigrant organisations who wanted an end to the unrelenting exploitation of illegal immigrants. In the event, the reforms went in the opposite direction to the government's intentions. In what was the biggest defeat for the government since its election in 1996, the January reforms granted more rights to foreign workers and even the possibility of becoming Spanish citizens.

As soon as the reforms were passed by parliament, the government began its campaign to overturn them. This became an essential part of its election platform. Immediately following its victory in the March 12 elections this year, where the PP won a second term in office with a big overall majority, Aznar set out to prepare the draft for the counter-reforms of the *Ley de Extranjería*.

Despite general opposition, these counter-reforms were approved in Congress on November 24 by 187 to 117. The government's overall majority, plus the votes of the Catalan nationalist party CiU, and the Canary Islands Coalition ensured the passing of the new legislation. The PSOE and the Stalinist-led United Left (IU) voted against, although it did approve some changes previously agreed with the PP and the

government. The Basque nationalists abstained.

The PSOE had initially put forward some 50 amendments, but its opposition eventually concentrated on the reforms of the right to belong to a trade union and the right to strike. On December 14, the counter-reforms were imposed in their totality when the government, again with the votes of the Catalan and Canary nationalists, was able to have them approved by the Senate, having rejected every single amendment.

Both immigrant organisations and employers oppose the new set of laws, albeit for very different reasons. Several immigrant associations and trade unions have called demonstrations in different cities to protest the passing of the law, beginning on December 17.

A few weeks ago, dozens of immigrant workers went on hunger strike in a local church in Almeria, demanding residency papers. The strikers' spokesman Mohammed Bourerfas stated, "We are desperate. We want to become legal residents. That's the only way we can stop employers exploiting us with miserable wages and inhuman conditions. Once we get papers we can tackle the other indignities." Other protest actions have been taking place all over Spain. Civil Guards (police) on horseback used batons against foreign workers queuing up to be registered and tensions are mounting daily.

Many employers, particularly in the South, have complained about the new law's efforts to force immigrant worker to register and get papers, or face deportation. They regard this as undermining their ability to use them as slave labour. Eduardo Lopez, spokesman for the farmers' association COAG in Almeria said recently: "Of course we want our workers to be legal. But we can't legalise everyone because we need every hand we can get, and once you give them papers they leave Almeria and go elsewhere. They just use Almeria as a trampoline. It's their first step to legal work in Europe."

Racial conflicts are being encouraged with vastly exaggerated figures and myths. It is undeniable that thousands of Moroccans and sub-Saharan people are fleeing civil war, ethnic cleansing and appalling social conditions all over the African continent, to attempt to eke out a living somewhere else in the world. But non European Union nationals—legal and "illegal"—are thought to amount to a mere 0.7 percent of the Spanish population. The relative handful of highly exploited and oppressed workers is being blamed for the decline in living standards of Spanish workers. The Instituto Nacional de Estadística (National Institute of Statistics) reported a few days ago that inflation this year had increased to 4.1 percent, while wages had only risen by 2.4 percent. In contrast, profits have grown a staggering 45 percent on last year's rate.

Social conditions in the southern Spain are even worse than in the rest of the country, with unemployment widespread amongst the youth in particular. Immigrant workers in the south earn half Spain's average rural wage, some £18 a day, with no guarantees or social security. Right wing and fascist forces use

this to stoke up anti-immigrant sentiment based on fears that wages will be lowered even further and jobs lost through competition with immigrants. This is made easier by the silence of the trade unions over the appalling treatment meted out to so-called illegal immigrants. In July last year in the town of El Ejido, Almería, racist attacks on North African immigrants took place for three days and nights running. The workers responded with strikes and protests. As a result, the autonomous government promised improved wages and living conditions, but o date, hardly any of these have been implemented and the tensions have continued.

In their attempt to reach Europe via Spain, hundreds of immigrants are drowning in the Strait of Gibraltar, which they attempt to cross in poorly constructed boats. According to Rafael Lara, the president of the Pro-Human Rights Association, the number of bodies found on both sides of the Strait this year was 210, compared to about 100 last year. Many more have never been found. "The Strait has become a 57 by 13.2 kilometre common grave. It is real genocide", the Association's report says. Others are conned by unscrupulous human traffickers, suffocate in lorries or are imprisoned and sometimes beaten to death in police stations. The majority are sent back home (14,000 from Magreb alone, according to Pro-Human Rights).

Many immigrant workers end up in mental hospitals. A recent report on mental health by the "Servicio de Atención Psicopatológica y Psicosocial a Inmigrantes y Refugiados (SAPPPIR)" in Barcelona states that the trauma of emigrating, the difficulties faced in obtaining work and housing and, above all, being separated from their family for long periods of time are often too much for immigrant workers. They name Hamed, a sub-Saharan immigrant worker as an example, who arrived in Spain in a little boat after fleeing war and misery. Now, a year later, he is in the "Clinico" hospital in Barcelona suffering from schizophrenia.



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