

“Tengamos memoria...”

The role of emigration memory in political discourse
on immigration, integration and citizenship legislation

The case of Spain
1980-2010

**Research Master thesis
to fulfil the requirements of the
Research Master Program
'History of Migration and Global Interdependence'**

Leiden University
21 November 2014

Student:

Julian S. Tangermann
s1291920
julian.tangermann@gmx.net, +31 6 229507501

Supervisor:

Prof. Dr. Leo Lucassen
L.A.C.J.Lucassen@hum.leidenuniv.nl, +31 71 527 2724

“Hemos olvidado el pasado y ni siquiera somos el presente:
somos el futuro que imaginan los náufragos.
Puede que nos hayamos quedado sin pasado y sin futuro propio,
sin memoria y brutalmente conformes con lo que hay hoy.”

Justo Navarro, *El País*, 3 October 1999

“Memory, then, not so much as the past contained within us,
but as proof of our life in the present.”

Paul Auster, *The Invention of Solitude* (1982)

Foreword

Quite ironically, after having read, researched and written about memory for an extended period of time, I am sitting here, unable to remember just quite how I got where I am right now. This I know: it took quite some time and it took quite some detours in the course of the past couple of years. But all this time and all these detours that drew me both further into my studies and further into completely different fields, brought me insights, experiences and acquaintances I would have never had otherwise. I am thankful that Leiden and Leiden University were places in which such opportunities could grow.

I am deeply indebted to my supervisor, Prof. Dr. Leo Lucassen, for his guidance and academic support throughout my time in the Netherlands and especially with this thesis. It was through his steady help and critical supervision that this thesis made it from a blurry idea to a complete text. I am also most grateful to Dr. Irial Glynn for sharing his enthusiasm and insight into the topic with me. The many lively discussions we had, challenged my thinking and served as a major input for this work. Along the way, I was lucky to gain from the knowledge and expertise of a number of non-Leiden scholars that were more than willing to discuss various aspects of my project with me. I specially want to thank Dr. Olaf Kleist, Prof. Dr. Amid Schejter, Noam Tirosh, Prof. Dr. Lynda Mannik, Dr. Alex Balch, Dr. Manuel Lario Bastida and, of course, Dr. Adrian Jitschin for giving me their time, comment and support.

Finally, a word of thanks to my parents and family. In the past years they have not only patiently supported my studies and encouragingly backed all of my detouring endeavors, but have also been a source of inspiration and strength. I owe them more than I can express here.

Julian S. Tangermann
Leiden, 21 November 2014

Table of content

FOREWORD	IV
TABLE OF CONTENT	V
PRELIMINARY REMARKS	VII
FREQUENTLY USED TRANSLATIONS	VIII
ABBREVIATIONS	VIII
1. INTRODUCTION	1
1.1. General introduction.....	1
1.2. Structure.....	2
1.3. Emigration memory in immigration debates – the state of the art	3
1.4. Spain as a case study.....	5
1.4.1. Why Spain?	5
1.4.2. Literature – emigration memory in the Spanish case	6
1.5. Sources and Method	9
2. THEORY	12
2.1. Migration History and Memory Theory	12
2.2. Concepts – the established and the new	13
2.2.1. Halbwachs.....	13
2.2.2. Assmann.....	14
2.2.3. Nora and François/Schultz	15
2.2.4. Rothberg	16
2.2.5. Hirsch	17
2.2.6. Kleist/Glynn.....	18
2.3. Memory Theory in this thesis.....	20
2.3.1. “Emigration memory” – a general definition	20
2.3.2. The archive of emigration memory.....	25
2.3.3. Theoretical foundations	26
2.3.4. Other archives of memory	27
3. MIGRATION LEGISLATION WITHOUT IMMIGRATION? THE 1980S	29
3.1. A dynamic decade	29
3.2 The Asylum Law of 1984.....	32
3.2.1 Constitutional conditions and first announcements	32
3.2.2 The Asylum Law in parliament	33
3.2.3 The Asylum Law after its enactment.....	39
3.3. The Foreigners Law of 1985	39
3.3.1 Legislative predecessors.....	39
3.3.2 First calls for a new Foreigners Law	41
3.3.3. Memory in the pre-drafting phase.....	45
3.3.4. The new Foreigners Law	47
3.3.5. Criticism of the new law.....	49
3.3.6. Enacting the new Foreigners Law: the case of Melilla	51
3.4. Conclusion - the role of emigration memory in the 1980s debates	56
4. “SPAIN IS AN IMMIGRATION COUNTY” – POLITICAL TURN AND SUBSEQUENT LEGISLATION IN THE 1990S	57
4.1. The 1990s.....	57
4.1.1. A decade of stability.....	57
4.1.2. Immigration and immigration policy in the 1990s	58
4.2. The expulsion of the 103	62
4.3. The sub-commission on emigration, immigration and xenophobia.....	64
4.4. Integration of migrants into the welfare system.....	67
4.5. Reform of the Foreigners Law 1999/2000.....	70
4.5.1. Early initiatives for reform	70
4.5.2. Overture in consensus.....	73

4.5.3. Finale in dissent.....	77
4.5.4. Snapshot: The public discourse surrounding the negotiations	85
4.6. El Ejido – a touchstone for emigration memory?	91
4.5. Conclusion – the role of emigration memory in the 1990s debates.....	93
5. FROM CONSENSUS TO ELECTORAL PLAY-BALL – LEGISLATION OF THE 2000S	94
5.1. The 2000s.....	94
5.1.1. “Dynamism of instability”?.....	94
5.1.2. Immigration and immigration policy in the 2000s	94
5.2. The Voluntary Return Plan	98
5.3. The reform of the Asylum Law	101
5.3.1. Legislative predecessors and first calls.....	101
5.3.2. The Asylum Law in Congress	102
5.3.3. The Asylum Law in the Senate	106
5.3.4. Adoption in the Congress and further development	108
5.4. Reform of the Foreigners Law	109
5.4.1. The reform of the reform of the reform of the... ..	109
5.4.2. The Foreigners Law in Congress and Senate	110
5.4.3. Emigration memory in the debate	112
5.4.4. The disappearance of memory: the reform of 2011	113
5.5. Conclusion	114
6. NATIONALITY AND NATURALIZATION – A CASE APART?.....	116
6.1. Why are debates on nationality and naturalization different?.....	116
6.2. Analyzed debates	117
6.2.1. The reform of 1981/82.....	117
6.2.2. Reform attempts in 1996/1999.....	119
6.2.3. Strengthening of ius sanguinis in the 2000s.....	121
6.2. Conclusion - presence and absence of memory in defining the nation.....	123
7. CONCLUSION	124
7.1. Summary.....	124
7.2. Qualitative results.....	124
7.3. Quantitative results	126
7.3. Nationality and Naturalization	127
7.4. General assessment	128
7.5. Findings vs. Literature	129
7.6. The role of emigration memory in Spain... and beyond.....	130
8. BIBLIOGRAPHY	132
8.1. Literature	132
8.2. Newspaper articles	139
8.2.1. ABC.....	139
8.2.2. El País	140
8.2.3. Other newspapers.....	144
8.3. Sources not enlisted in the Appendix	144
9. APPENDIX – SOURCE INDEX	145

Preliminary remarks

For an easier comprehension, all quotes in this thesis are given in English. When quoting from Spanish, German, French and other literature, the translation is marked. Quotes from Spanish original parliamentary sources are given in English translation. The original version of these quotes can be found in the Appendix.

Legal Texts published in the *Boletín Oficial de Estado* (BOE) are quoted according to the official code of reference. Thus, e.g., the Civil Code, published on the 25.7.1889 in the Gaceta de Madrid on pages 249-259, will be referenced to as BOE-A-1889-4763, 249-259.

When quoting from parliamentary records, the official abbreviations are also used. For example, the *Diario de Sesiones* of the Cortes in their second legislative period, 61st plenary session, are quoted as “DSC, 2. Leg., Pleno, Núm. 61, 25.10.1983”.

When referring to Catalunya, the Basque Country, Andalusia and other autonomous regions, in this thesis the term “sub-national” is used (as in “sub-national memories of emigration”, for example). The term is chosen merely for the fact that the focus of this thesis is on the political debate of the Spanish central state, and the entities referred to were, throughout the research period, administratively subordinated to this central state. No political qualification of the national character of the entities in question is thereby implied or intended by the author.

Frequently used translations

Comparecencia	Hearing
Enmienda a la totalidad	Total amendment, alternative text
Exposición de motivos	Statement of Purpose (Preamble of a law)
Interpelación urgente	Urgent interpellation
Ley orgánica	Organic law, constitutional law
Moción	Motion
Ponencia	Working-group
Proposición no de ley	Petition
Real Decreto	Royal Decree
Señoría(s)	Gentleman(/men), Your Honor(s) (formal address for Spanish MPs)
Toma en consideración	Discussion of proposal(s)

Abbreviations

Parties

AP	Alianza Popular People's Alliance (1976-1989)	PNV	Partido Nacionalista Vasco Basque Nationalist Party (1895-)
CC	Coalición Canaria Canarian Coalition (1993-)	PP	Partido Popular People's Party (1989-)
CiU	Convergència i Unió Convergence and Union (1978-)	PSOE	Partido Socialista Obrero Español Spanish Socialist Workers' Party (1879-)
ECP	Entesa Catalana de Progrés Catalan Agreement of Progress (2000-)	UCD	Unión de Centro Democrático Union of the Democratic Centre (1977- 1983)
ERC	Esquerra Republicana de Catalunya Republican Left of Catalonia (1931-)	UPyD	Unión Progreso y Democracia Union, Progress and Democracy (2007-)
GMx	Grupo Mixto Mixed Group		
IpC-V	Iniciativa per Catalunya-Verds Initiative for Catalonia Greens (1987)	Others	
IU	Izquierda Unida United Left (1986-)	BOCG	Boletín Oficial de las Cortes Generales Official Bulletin of the Parliament
NI	Nueva Izquierda New Left (1997-2001)	BOE	Boletín Oficial del Estado Official State Bulletin
PCE	Partido Comunista de España Communist Party of Spain (1921-)	DSC(G)	Diarios de Sesiones de las Cortes Generales / del Congreso Session proceedings of the Parliament / the Congress
PDP	Partido Demócrata Popular Democratic Popular Party (1982-1989)		

1. Introduction

1.1. General introduction

Between 1980 and 2010 a number of European states experienced a profound shift of their migratory patterns: from being societies of net emigration they turned to being societies that received immense numbers of immigrants. In some of these countries the experience of the decade-long, sometimes century-long migration of parts of the society to places outside of the country, formed part of their collective identities.

With their transition to immigrant-receiving societies, these states now had to deal with issues of immigration, integration and citizenship of the newcomers, especially in legal terms. The central question that poses itself in this context is: *What role did the collective memories of emigration, that were prevalent in these societies, play in this transitional process?*

The following thesis seeks to answer this question by conducting an in-depth analysis of a specific case study: that of the political debates on immigration, integration and citizenship in Spain. The main question this thesis seeks to answer will therefore be: ***What role did the collective memories of emigration, that were prevalent in Spanish society, play in the process of accommodating the migration transition in legal terms?***

Out of this question a number of sub-questions arise: *Why and under what circumstances were emigration memories used in creating new policies of immigration, integration and citizenship? How was emigration memory employed, by whom and to what political aims? Is emigration memory a topos of debates on immigration, integration and citizenship specific to migration-transitional societies?*¹

The timespan chosen for the analysis is 1980 to 2010, thus covering the earliest immigration legislation in the 1980s, the migration transition in the 1990s and the politicization of Spanish migration policy in the 2000s. The analysis of three decades helps to trace the developments in emigration memory use: *Did the employment of emigration memory change over time in terms of quantity (the times of use)? Was there a variation in the use of emigration memory within the discourses of one political side? Did the discursive mechanisms by which emigration memory was employed change over time? And, how important was the surrounding political context for these changes?*

In order to answer these questions, parliamentary publications (mostly minutes of parliamentary debates, draft laws, working-group reports, etc.) on a broad variety of issues connected to immigration have been analyzed.² Parliamentary debates are taken in this thesis to be at the core of

¹ I here draw on the concept of *topos* in debates on migration and ethnic issues as defined by Schrover/Schinkel, 2013, 1129. To the authors the recurring *topoi* in these debates are “economic, humanitarian, endangering and cultural”.

² A list of the parliamentary sources used can be found in the appendix. The types of legislation analyzed throughout this thesis are extremely divergent: foreigners laws, laws on entry and exit of third-country nationals, nationality, inclusion of migrants into the welfare system, asylum, etc. The only commonality these legislations share is the fact that they are connected intimately to and preconditioned by the phenomenon of

public discourse within the democratic system and therefore constitute the primary body of sources of analysis. In order to grasp more of the political discourse and the political context of the debates analyzed, the parliamentary sources have been supplemented by newspaper articles of two major Spanish newspapers and further documents issued by various other actors in the realm of immigration policy making.

1.2. Structure

In the remaining part of this introduction it will be pointed out, what comparable research has been done, why Spain has been chosen as a case study and what has been written on emigration memories in Spain so far. Next to this historiographical part, the introduction also features a methodological sub-chapter, which clarifies how the analysis was conducted and what sources were used.

In order to understand the influence of emigration memories on policy framing, it first has to be elucidated what is understood by memories of emigration – the hitherto existing literature offers no theoretical frame or concept. Therefore, in the second chapter, theories of collective memory will be discussed and, on their basis, a theoretical conception of emigration memory will be developed.

With this historiographical and theoretical background, the three main chapters (Chapters 3, 4 and 5) will look at the usage of emigration memory in political debates on immigration, integration and asylum, from 1980 to 2010. Each chapter covers a decade, whereby there is a focus on one legislative period within each of the ten years to be able to go into more detail within the debates and also in order to see how emigration memory is used within different political constellations. The in-depth analysis of three decades allows for an analysis of the changes in employment of emigration memory: does it change over time? Is it used more or less in certain political situations and contexts? Is there a change in the way emigration memory is employed, in the discursive mechanisms? To top off the analysis, a chapter will deal with the topic of nationality legislation and naturalization (Chapter 6). Being an issue related to the afore-analyzed policies but yet a different form of legislation, the chapter (taking into account all legislation from 1980 to 2010) gives an impression of emigration memory's employment in yet a different context. The conclusion (Chapter 7) will then at the end sum up the results of the analysis and connect the findings to the theory.

immigration. Their discussion always calls for a definition of the "Other" and the "Self" in order to define the boundaries of validity and application of the norm – at this point, debates start to include emigration memory. Therefore, the multiplicity of types of legislations touched upon in this study should not be read as incoherence, but rather as a possibility to access various discourses that are connected by their common objective.

1.3. Emigration memory in immigration debates – the state of the art

The general influence of the past on debates on migration-policy has been subject of only few academic studies. Niklaus Steiner, for example, writing on the development of asylum debates in several European countries, recurred to the use of the past as an argument, within these debates. Especially in the German case, he finds quite some mentioning of the past as an argument.³ However, he does not theorize his finding nor analyze the argument specifically and, furthermore, subsumes it under the analytical category of “morality”.⁴ Tony Kushner goes a step further and asks how the telling and retelling of immigrants' stories influences national identity in Britain.⁵ He exemplifies this in the debates on immigration, asylum and racism. However, Kushner does not specifically focus on memories, but rather takes into account the development of identity narrative structures at large. His aim is rather to show that memory work has taken and takes place in the realm of immigration, and that this has an impact not only on the group commemorated or sentenced to oblivion, but also on the host society at large. Also, Kushner focuses on immigrants' stories and disregards emigration altogether.⁶

The first scholar to explicitly analyze the influence of emigration memory on immigration debates was Irial Glynn. In his work, he has been developing this approach in a number of subsequent contributions. The first of these, a chapter on “Emigration Memories and Immigration Realities in Ireland and Italy” from 2011, analyzes and compares the emigration memory that comes up in the discourses on immigration in both states from the early 1990s onwards. The experience of emigration that both countries can refer to is thereby very different in nature: although in the case of Ireland migration was in many cases economically motivated, it has always been accompanied and legitimized by an anti-colonial discourse that drew a picture of emigration as exile forced upon the Irish by British colonial rule. As a result of this way of framing the emigrant experience, Irish politicians empathized with de-colonizing peoples throughout the 20th century.⁷ Italy's emigration experience, on the other hand, was rather driven by economic hardship combined with the fact that the emigrants' own government could not provide for a living. No external factor existed that could be made responsible for the suffering of emigration. This yielded a completely different understanding of the country's emigration movement: “Italians abroad did not see themselves as victims in the same way that many Irish did. Indeed, emigration was frequently viewed as a temporary option because, unlike in Ireland, return migration remained so common.”⁸ Following Glynn, this (in comparison to the Irish case) rather neutral stance towards emigration hindered the evolution of a widespread commemorative culture on the countries emigration past. Also, the emigration experience did not lead to empathy with others in similar situations.⁹

Of course, these two very different experiences had consequences for the usage of emigration memory in immigration debates, as Glynn points out: the early Irish immigration debates in 1995, focusing on asylum, made wide use of reference to the emigration past, “[...] to counter potential

³ See Steiner, 2000, 139.

⁴ See *ibid.*, 149.

⁵ See Kushner, 2012.

⁶ For a more elaborate criticism of Kushner's work see Tangermann, 2014.

⁷ See Glynn, 2011, 66-68.

⁸ Glynn, 2011, 69.

⁹ See *ibid.*

and real anti-immigrant feeling.”¹⁰ By “implying that [the Irish and the asylum seekers] shared a common experience”,¹¹ all sides of the political spectrum voted in favor of a more tolerant asylum legislation. This changed only a few years later, when higher immigration figures started to alert Irish politicians and made for a less immigration-friendly public discourse. However, Glynn proves that the oppositional parties with a pro-immigration stand kept on recurring to the emigrant past of the country “because it still had the ability to strike a chord amongst Irish people.”¹²

In the Italian debates on immigration, starting already in the 1980s, Glynn finds a very different picture: “Comparisons between Italian migrants and immigrants to Italy [...] remained few and far between.”¹³ If such enunciations did occur in immigration debates, they were less likely to be used in a comparative way by pro-immigration actors (that is, comparing the historical emigration to present day immigration), but rather in a contrasting, dissociating manner by anti-immigration actors (that is, pointing out the differences between the “good Italian emigrant” and the “unqualified, etc. present-day immigrant”). From this the author deduces that within Italian immigration debates, the recurrence to emigration memory did not serve the same function as it did in Ireland – it could not evoke empathy. Pro-immigration actors in Italy were thus forced to use an argumentation of sympathy instead.¹⁴

Comparing the usage of emigration memory, Glynn assesses that, due to the different emigration experiences, both countries had a differently formed “archive of suffering”¹⁵ and that this resulted in a different influence on early immigration debates: “Pro-immigration actors referenced Ireland’s own perceived experience of migration when discussing immigration whereas pro-migrant actors in Italy called upon abstract moral and ideological reasoning, which had a much shorter lifespan in subsequent immigration debates.”¹⁶

In a second publication, this time focusing on the early Irish immigration debates alone, Glynn again seeks to explain the role of emigration memory in immigration debates but goes further by analyzing how these memories actually influence the policies enacted. Focusing on the Irish asylum debates in 1995, Glynn shows that the 150th commemoration of the Great Famine at the same time did influence the way politicians did (and possibly: could) act.¹⁷

Glynn takes a look at how the 150th anniversary of the Great Famine in 1995 influenced the debate on a new asylum policy. His general assessment is that the simultaneity of the commemorations and the asylum debate led to an environment in which the *topos* of the emigrant that had to be protected was drawn from collective memory into the debate surrounding asylum policy. Hence, politicians of all parties were more favorable towards a non-restrictive asylum policy. This changed, however, after the commemoration and with economic upsurge. The conclusion the author draws from this is that memories do not have an imposing power but can decline in importance.

¹⁰ Glynn, 2011, 71.

¹¹ Ibid.

¹² Glynn, 2011, 73.

¹³ Ibid.

¹⁴ See *ibid.*

¹⁵ Glynn, 2011, 76. The way Glynn uses the term “archive” diverges from my usage. See Chapter 2.3.4.

¹⁶ Glynn, 2011, 77.

¹⁷ See Glynn, 2012.

Glynn's research is groundbreaking as it opens up the possibility of researching into the role of emigration memory in immigration debates. However, Glynn only analyzes few debates and does not theorize the concept of emigration memory. The argument of this thesis is that in order to establish the influence of emigration memory, one has to first theoretically understand what one is looking at and then trace the use of emigration memory over a longer period of time. Nevertheless, Glynn's studies can serve as a comparative backdrop for the results of the analysis conducted in this thesis. Comparing the results for Spain with what he has found for the Italian and Irish case can be a first step towards a broader comparative study of the role of emigration memory in migration-transitional societies.

1.4. Spain as a case study

1.4.1. Why Spain?

The thesis will try to widen the perspective developed by Glynn by theorizing the concept of emigration memory and going into an in-depth study of the role of emigration memory within the immigration debates of a specific case study. Spain was chosen to be this case study for several reasons:

- (a) Spain, like Ireland and Italy, experienced a profound transition of its migration flows in recent decades. Whereas emigration had predominated throughout the major part of the 20th century, in the late 1980s and 1990s the country started to receive more immigrants.¹⁸ In order to estimate the impact of this change, just a few numbers: between 1961 and 1973 more than 1,5 million Spaniards left the country, mostly to Northern European states. This emigration virtually came to a halt in the 1980s.¹⁹ On the other hand, the foreign resident population in Spain grew from 183422 in 1980 to almost five million (4943627) in 2013.²⁰

¹⁸ A concise summary of the migrational transition can be found in Alonso/Furio Blasco, 2007, esp. 4-5 and in Aparicio Gómez/Tornos Cubillo, 2003, 2013-2014.

¹⁹ Statistics on flow data (migrants crossing the border) are difficult in the case of Spain, as the definitions and the content of the data that was collected changed constantly, making the available data incomparable. The changes in the definitions are due to the fact that in the course of the 1980s less and less emphasis was laid on collecting and presenting data on Spanish emigration – this in itself a clear indication of the decline of the importance of emigration. To exemplify: whereas in the early 1980s the National Institute for Statistics (INE) still inserted two tables on Spanish emigration to non-European countries and one on emigration to European countries in its statistical yearbook (See INE, 1982), the yearbook of 1990 contained only one single table on emigration to European States, this split up in permanent and temporal emigration (See INE, 1990). As in the first case we are missing the distinction between permanent and temporal emigration and in the latter case we lack the emigrants to non-European states, there is no point in setting up a data series for comparison.

²⁰ See INE, 1980, and Ministerio de Empleo y Seguridad Social, 2014. Note, that these figures only describe the population of foreigners holding a residence permit in Spain (stock data). Naturalized foreigners and clandestine immigrants are not part of this set, so that the actual number of foreign individuals or of non-Spanish descent living in Spain is higher than the respective figure given.

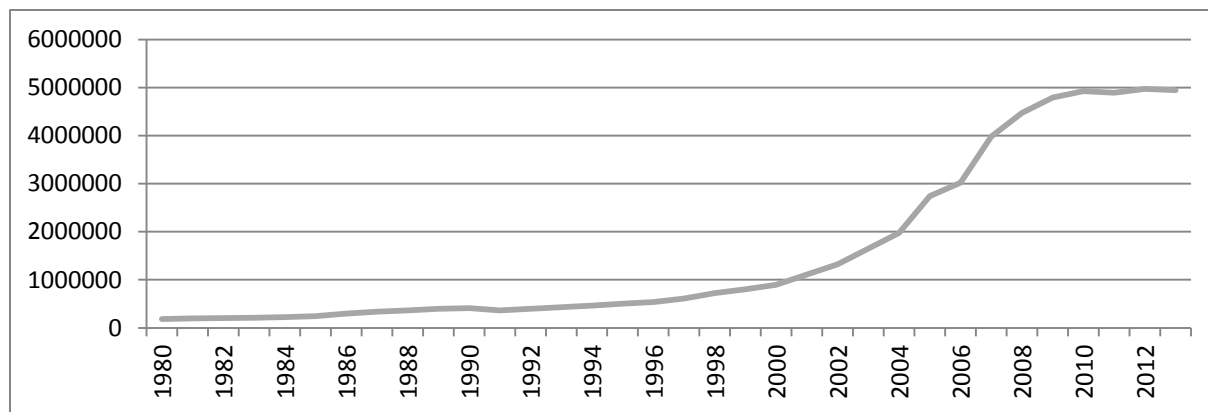


Table 1: Foreigners residing in Spain with residence permit
(own elaboration on the basis of INE (1980, 1990, 1995, 2000), Ministerio de Empleo y Seguridad Social (2009, 2011, 2014))

- (b) Spain has gone through several policy changes connected to immigration, integration, asylum and citizenship in the last three decades, each eliciting a broad political (and in some cases also societal discussion) and, thus, providing abundant material for historiographical inquiry into political discourse on the matter,
- (c) Spain's history has seen a broad variety of different emigration movements (Sephardic Jews and Muslims, emigrants to the Americas, Civil War refugees, postwar 'guest workers', etc.) making the Spanish *archive of emigration memory*²¹ a very rich one. A part of the analysis will be dedicated to understanding which parts of this theoretical archive are actually used in political discourse and which not and why this is the case.

1.4.2. Literature – emigration memory in the Spanish case

Hitherto there exists no in depth empirical analysis of the role of emigration memory within the debates on migration-related topics in Spain. However, several authors dealing with adjacent topics have tackled the issue or have given hypotheses on the impact of Spain's emigration past. These remarks will be presented as a brief historiographical overview.

Axel Kreienbrink gives by far the most elaborate thoughts on the issue: in his study on the genesis of Spanish migration policy up until 2004, he mentions the "migration experience" ("Migrationserfahrung") that was being used in Spanish debates on migration policy more than once. Yet, as his work does not focus on the role of emigration memory, there is no systematic analysis of its position in the debates. Only in his conclusion Kreienbrink dedicates a few paragraphs to the influence of the emigrant past on the formulation of immigration policies: these are to have played "a certain role",²² but had little impact on the actual creation of immigration legislation. Kreienbrink proposes a threefold categorization of the emigration experience that appears in the debates: *personal, collectivized and institutional ones*.

²¹ See Chapter 2.3.2.

²² Kreienbrink, 2004, 460, my translation.

As personal experiences he labels those of politicians who had fled the Franco regime and those of returned Spanish migrant workers. For the former, Kreienbrink remarks that only few enunciations of such experiences could be found in the discussion of the constitution and the Asylum Law of 1984, but that the overall representation of this group in Spanish politics of the 1980s was minor. Experiences of returned migrant workers, on the other hand, Kreienbrink does not at all find to figure in the debates.²³

In discussing collectivized experiences, Kreienbrink again mentions the Asylum Law of 1984 in whose discussion one argument in favor of a broadly applicable right to asylum was the experience of shelter Spanish refugees had experienced in their Latin American exiles. Also, the collectivized experiences of labor emigration played a role in the debates when it came to the treatment of foreigners in Spain. According to Kreienbrink it was the left opposition, but also in the early 1990s the conservative opposition that used this experience.²⁴ The institutional experience, Kreienbrink sees in the continuities of institutional bodies within the realm of migration politics. But although these continuities existed, they did not have an impact on the formulation of immigration policies, Kreienbrink argues.²⁵

Although Kreienbrink's observations and the categorization he proposes are the most elaborate on the topic, his arguments lack empirical underpinning. The topic is brought up only on the last two pages of his conclusion and there in a very superficial manner: he does not quote participants of the debates, nor does he scrutinize the recurrence to the emigration past – he merely states that he came across these arguments in working on the debates he analyzes. "Migration experiences" are not a topic of research to him, but rather a residuum of his prior extensive analysis. As the focus of his work is estimating the influence of the European factor on these debates, the lack of focus on the emigration past is rather unsurprising. His hypothetical statements, however, offer ample opportunity for discussion and contestation.

A second mentioning of the role of emigration memory in the Spanish public discourse is given in Omar G. Encarnación's work on the absence of far-right, anti-immigrant political entities in Spain.²⁶ The author seeks to explain why the country has experienced this unique development of its political landscape that seems to counter the general European trend. He finds three explanatory factors: Spain lacks anti-immigration parties in its political landscape, due to its migratory pattern, its political culture and its recent political history.

Whereas the latter two factors allude to the fact that after the end of the Franco regime, Spanish political parties have been consensus-orientated and, further, the far-right is discredited politically, the first factor accounts for Spain's special migration history: "Spain's history as a sender rather than a recipient of foreign workers helps explain the accommodating response of many social institutions in Spain to the problem of immigration."²⁷ Encarnación, however, does not analyze this factor in depth, but only briefly mentions that due to this historic development especially the civil society would make use of this argument to create tolerance towards immigrants by "[...] reminding the public of the time when other countries were willing to open their doors to Spaniards fleeing poverty

²³ See *ibid.*

²⁴ See Kreienbrink, 2004, 460-461.

²⁵ See *ibid.*, 461.

²⁶ See Encarnación, 2004.

²⁷ See *ibid.*, 176.

and war.”²⁸ However, Encarnación’s argument stays shallow, as he, like Kreienbrink, fails to provide evidence for this claim and disregards the usage of emigration memory in other fields of discourse altogether.

Another mentioning of the functioning of the reference to emigration history in immigration debates can be found in Teun van Dijk’s comparative analysis of the racism-discourse nexus in Spain and other Spanish speaking countries.²⁹ The study aims at explaining how racism is (re)produced and maintained by elite discourse and thus focuses heavily on parliamentary and media debates on immigration.³⁰ Van Dijk argues, that the topic of historical emigration would be “[...] used as an argument in favor of solidarity with current immigrants”.³¹ It is thus to be analyzed, following van Dijk, as a “typical example of an antiracist topos”.³² To underpin this claim, the author quotes the spokesman of the United Left, Meyer Pleite in a debate on immigration policy from 1997. This quote is followed by the assessment that the political right would evoke a “law and order discourse”³³ and focus their enunciations within the immigration discourse heavily on the topic of illegality and crime.³⁴

Apart from lacking further empirical support, as do the hitherto described studies, van Dijk’s assertions suffer from yet another weak point. The aim of his research is to reveal patterns of racism in political discourse. This preconceived focus on racism, however, leads him to paint a racist/anti-racist picture of the political parties’ positions in the discourse on immigration and, thus, with respect to their use of emigration memory, the following issues ensue: First, the author quotes only one statement of a leftist politician without analyzing further enunciations of the same character. Possible statements referring to Spanish emigration on the right are disregarded altogether (as are “law and order” characteristics of some of the left’s discourse). Second, van Dijk does not take into account that the reference to emigration past can be used also to different aims. Defining the category of references to historical Spanish emigration as a “typical example of antiracist discourse” consequently is a direct result of the pre-set research agenda and proves, thus, a far too narrow categorization of the phenomenon.

A similar stance is taken by Luisa Martín Rojo. In analyzing some Spanish parliamentary debates on immigration, she remarks that “the vision of *Spain as a country of emigration*”³⁵ would be one of four major, recurring topics in these debates (next to Spain as a European border, Ceuta and Melilla, and Spanish relations with Morocco). However, other than van Dijk she sees both left- and right-wing politicians using this topic. On the left, she interprets the reference to the past as a strategy to “[...] increase the identification with the immigrants and produce feelings of solidarity.”³⁶ Right-wing politicians, on the other hand, are following a completely different approach, when using the argument of past emigration: according to Martín Rojo they contrast the historical situation with the issues of today “[...] emphasizing that it is the current situation that has to be faced.”³⁷ The discursive

²⁸ Ibid.

²⁹ See Van Dijk, 2004.

³⁰ Van Dijk, 2004, 4-7.

³¹ Ibid., 25.

³² Ibid.

³³ Ibid.

³⁴ See van Dijk, 2004, 26-27.

³⁵ Martín Rojo, 2000, 183, *emph. in original.*

³⁶ Ibid.

³⁷ Ibid.

strategy of right-wing politicians would thus be the opposite of that of their left-wing counterparts: whereas the latter would use reference to the emigration past in an identificational manner, the former would use it contrastingly, thereby serving anti-immigration aims.

Martín Rojo bases her observation on two statements from a debate in Congress in September 1997, in which an interpellation of the United Left (IU) calling for a new immigration policy was discussed. Although other parts of her chapter take further debates on immigration as empirical basis, the brief passage on the emigration past is based solely on this one debate. Deducing from this one empirical finding, that different political parties follow different strategies in the usage of emigration memory altogether seems too far a generalization – all the more, as in the debate that follows two weeks later, the conservative spokesman makes a statement that could easily be used to counter Martín Rojo's argument.³⁸

As has become clear, the literature on the role of emigration memory in Spanish discourses on migration-related issues has hitherto not been empirical, but rather hypothetical. The hypotheses raised by the authors described above will in the conclusion be measured against the empirical findings.

1.5. Sources and Method

As sketched already above, the focal point of this thesis will be the arena of politics, more specifically, the parliament. Niklaus Steiner gives a very convincing argument in favor of analyzing parliamentary debates: "As a source of analysis, parliamentary debates offer the most accessible and clear articulation of politicians' arguments within a formal political institution. Members of parliament use this forum to argue their positions, to shape the political discourse, and to impress the public. The public, in turn, evaluates these arguments and reacts to them in the next election. Parliamentary debates, then, play an important role in the open exchange of ideas between representatives and the public, and this exchange is fundamental to liberal democracies."³⁹

The focus on the parliament as an arena of democratic dispute leads to the fact that the corpus of sources of this thesis is comprised essentially of parliamentary sources.

The focus on the political realm also conditions the structure of the analysis: the three main chapters will be dealing with a decade each, but will focus on one legislative period (four years) in each of these decades in which important policy changes were enacted and generated broad political discussion. For example, although for the 1990s documents from 1990 to 2000 will be incorporated, the period intensely scrutinized will be the legislative period 1996-2000. This method has three major advantages: first, the source material can be reduced to a researchable quantity; second, the use of memories of emigration in different political constellations, i.e. under different governments, can be studied; third, periods of intense discussion (in which main legislative projects were enacted) can be targeted specifically. Especially the latter two factors led to the selection of the following three legislative periods:

³⁸ See Chapter 4.

³⁹ Steiner, 2000, 7.

	1980s	1990s	2000s
Legislative Period	2. Leg. Period 1982-1986	6. Leg. Period 1996-2000	9. Leg. Period 2008-2011
Government	Socialists (PSOE)	Conservatives (PP)	Socialists (PSOE)
Important legislative events	Asylum Law (1984) Foreigners Law (1985)	Initiatives on Nationality Law (1996, 1999) Initiatives on incorporation of migrants into the welfare system (1998/1999) Reform of the Foreigners Law (2000)	Voluntary Return Plan (2008) Reform of the Asylum Law (2009) Reform of the Foreigners Law (2009/2011)

In each of these focus periods, minutes of all parliamentary debates as well as parliamentary initiatives, draft laws and passed bills concerning immigration in any way were taken into account. These sources stem from the Gazette of the Spanish Parliament (Diarios de Sesiones de las Cortes Generales, DSC), the Official Bulletin of the Parliament (Boletín Oficial de las Cortes Generales, BOCG) or the State (Boletín Oficial del Estado, BOE).⁴⁰ A list of the parliamentary sources that have been analyzed is attached in the appendix.

All these different sources were analyzed for their usage of collective memories of emigration. The research thereby followed a two-fold approach, encompassing both quantitative and qualitative methodology. In a first step, the relevant documents were read closely. When finding references to emigration memory, the quotes were categorized according to the following scheme:

Memory type	Emigration referred to	Enunciator	Political inclination	Context	Intention of usage
<ul style="list-style-type: none"> • Personal • Collective 	<ul style="list-style-type: none"> • Labor Migration • Europe • Iberoamerica/ Latinamerica • Political Exile • Children • Expulsion: Sefhardic Jews • Expulsion: Moriscos • Internal Migration 	Name	Party affiliation or known political ideology	Context in the document	What argument was the enunciator trying to make?

This categorization helped to see aggregate results faster, so that it was possible to point out if references to collective memories of emigration were made rather by leftwing or rightwing enunciators, if they were rather personal or general, which emigrations are referred to

⁴⁰ All three sources are available online at <http://www.congreso.es/portal/page/portal/Congreso/Congreso/Publicaciones/> (DSC, BOCG) and www.boe.es (BOE).

predominantly. This method was adapted from Wolfgang Bach's approach of analyzing historical arguments in German parliamentary debates.⁴¹ However, it is important to keep in mind that the figures found this way merely indicated how often a reference was made to emigration memory, and not, how important that argument was in the overall argumentative structure or for the policy claim.

In a second, qualitative step, these isolated quotes are re-contextualized, that is, their position in the argument of the enunciator and within the entire debate is described. It is described, what discursive mechanism is used by the speaker/writer in order to employ emigration memory. Together, the quantitative and the qualitative steps allow for a thorough description of the overall employment of emigration memory.

The parliamentary sources are backed by a second pillar of source material, which, however, does not form part of the main analysis (as this concentrates on the parliament as the arena of policy formation): newspaper articles from the three most distributed daily newspapers of the country.⁴² The articles give context to the political debates and, from time to time, help to see what is simultaneously happening in the public discourse at large. A third, however rather small group of source material are publications derived from other actors involved with the political discourse on immigration that have a direct influence on the political debates (e.g. the Catholic Church, NGOs, etc.).

⁴¹ See Bach, 1977.

⁴² For the purpose of this study, the center-left *El País*, the conservative *ABC* and the center-right *El Mundo* were used, as they are the three major Spanish daily newspapers in terms of readers and distribution and also represent the two major political poles of Spanish politics. All three newspapers have online archives that have been searched full-text in order to identify the relevant articles. For a detailed criticism of the three newspapers and their political bias see Canel Crespo, 1999.

2. Theory

2.1. Migration History and Memory Theory

The memory boom that has permeated historiography and adjacent disciplines for the last twenty years,⁴³ had for a long time not found the interest of migration history. Only in the past decade have migration historians started to take memory into account as an analytical category, an explanatory factor, or a subject of historiographical inquiry itself.⁴⁴ Recent publications explore the role of memory in different contexts: in the process of settlement, during the construction of a common identity of migrants and host society, and, on an individual level, in the identity-formation process of migrants themselves.⁴⁵ All these approaches are, however, only first steps towards a fuller understanding of the connections between migration and memory.

Important for the purpose of this study is that not much theorizing on the connection between migration and memory has been undertaken so far,⁴⁶ and also that none of the theoretical approaches established in this area have until now discussed or even taken into account the role of a society's own emigration memory. Thus, before entering into the analysis of the Spanish case, in the following chapter I will develop a framework for understanding emigration memory on a theoretical level. To be able to do this, I need to place my theoretical assumptions within the theoretical array of memory studies at large, as to show what has been established until now, what the foundations of my theoretical assumptions are. I thereby draw not only on the work of historians, but take into account Sociology and Literary Studies, as especially in the latter field, memory studies have thrived in recent years, yielding completely new perspectives on the role of collective memories - for historiographical inquiry this is uncharted land.

In the first part of the chapter I will thus discuss concepts of collective memory – some traditional, established ones (Halbwachs, Assmann, Nora) and other fairly new approaches and concepts (Rothberg, Hirsch, Kleist/Glynn). From these brief discussions I will draw the elements fundamental to my theoretical understanding of emigration memory, which I will develop in the second part of the chapter.

⁴³ For a comprehensive study of the various ways in which general historiography has adopted concepts of memory see Cubitt, 2007. A clear picture of current and innovative approaches in this context is offered by Tumblety, 2013.

⁴⁴ An exception to this is the early attempt of Gérard Noiriel to bring memory into the academic discourse on immigration in France (See Noiriel, 1995).

⁴⁵ See e.g. Glynn/Kleist, 2012, Motte/Ohliger, 2004, König/Ohliger, 2006, or Kushner, 2012.

⁴⁶ No theory has been developed that encompasses the migration-memory nexus entirely. A first attempt at combining the traditional theoretical array of memory studies with migration history in a broader sense is offered by J. Olaf Kleist in a chapter on "Boundaries of Remembrance" in which the author discusses the applicability of the fundamental theories in memory studies (Halbwachs, Nora, Assmann) to migration history. However, the discussion stays somewhat unsatisfying as the author is not clear about the concept of memory he uses and conflates memory and memory usage (See Kleist, 2010). Crafting a holistic theoretical frame seems rather complicated. The following might serve as an example: already in 2004 Jan Motte and Rainer Ohliger edited a volume on "History and Memory in the Immigration Society", which among many contributions touching upon various aspects of memory featured only one article on memory theory. There Constance Carcenac-Lecomte discussed the concepts of *Lieux des Memoir* and *Erinnerungsorte*, but failed to bring these together with migration altogether (See Carcenac-Lecomte, 2004).

2.2. Concepts – the established and the new

2.2.1. Halbwachs

Probably the most influential theorist in the realm of memory studies has been French Sociologist Maurice Halbwachs (1877-1945). In his writings he developed the concept of *collective memory*, which stays influential until today and serves as the basic theoretical assumption for the definition of most concepts of collective memory.

To Halbwachs all memory is inherently social.⁴⁷ He establishes this by analyzing memories in dreams versus memories in the waking state: whereas the former are mere representations without coherence, without framework, the latter can only be constructed within a social framework. Halbwachs leaves biological explanations of memory aside consciously and does not delve into defining memory per se. It is not so much memory itself than the frameworks, that it is created in that interest Halbwachs. In line with post-modern philosophy, he finds language to be such a framework. To him it is “at the same time the most elementary and the most stable framework of collective memory.”⁴⁸ Language, to Halbwachs, goes hand in hand with present society and its conventions: “it is only one framework that counts – that which is constituted by the commandments of our present society and which necessarily excludes all the others.”⁴⁹ This is what has been labeled the “presentist” element of Halbwachs’ theory: only through the frame of the present is the past constructible, only through the present and its needs can we ascribe sense to the memory we construct of the past.

This presentist momentum in Halbwachs’ thought lets him deny the continuity of historical events and memory altogether: “What makes recent memories hang together is not that they are contiguous in time: it is rather that they are part of a totality of thoughts common to a group, the group of people with whom we have a relation at this moment, or with whom we have had a relation on the preceding day or days.”⁵⁰ To Halbwachs this means that memories do not exist within the person itself, only within him/her as a component of society: “We can understand each memory as it occurs in individual thought only if we locate each within the thought of the corresponding group. We cannot properly understand their relative strength and the ways in which they combine within individual thought unless we connect the individual to the various groups of which he is simultaneously a member.”⁵¹ Thus, to Halbwachs memory is inevitably social in nature. This does not only apply for recent memory but also for memory that is kept within society at large from distant periods.

Although the concept of collective memory has come to be a standard concept of memory studies, and has even trickled down into common knowledge, various aspects of Halbwachs’ theory have been criticized. Most prominent has been the criticism of the “presentist” approach:⁵² if the present society is the only defining element of memories, what then is the substance of memories? Halbwachs evades answering this question by arguing that biological approaches do not count, but

⁴⁷ See Halbwachs, 1980, 42.

⁴⁸ Halbwachs, 1980, 45.

⁴⁹ Ibid., 50.

⁵⁰ Halbwachs, 1980, 52.

⁵¹ Ibid., 53.

⁵² See e.g. Coser, 1980, 28 or Blondel, 2011.

the question stays, what memories actually are in his theory. Also, his theory cannot explain the existence of diverging or competing memories: what to do with two different claims on the same memory within one society? How can one explain, that within one group memories compete with each other, that there are different views on “what happened”?

2.2.2. Assmann

This and other criticism towards Halbwachs’ concept evoked a plethora of alternative theoretical explanations of what collective memory is and how it works. A model that stays very close to that of Halbwachs but that at the same time overcomes some of its pitfalls can be found in the work of German Egyptology, Literary and Cultural Studies scholar Aleida Assmann.

Contrary to Halbwachs, she acknowledges that there exists an individual memory outside the framework of society.⁵³ Halbwachs’ notion of collective memory is refined by her – next to the individual memory there exist three collective forms: a social, a political and a cultural one.⁵⁴ *Social memory* describes the memories that are constituted by a social group from the individual memory material of its constituents. It is memory that extinguishes with time passing, as the “community of shared experience, stories, and memories”⁵⁵ ceases to exist and the bearers of memory die. Of course, there is a certain transferal memory within the group from one generation to the next, but these memories wane over time and are not stable. As soon as the bearers of memory die, the memory in question has little chance to be remembered. Social memory is first and foremost memory within one generation, is in part passed on to the next and then slowly fades.

Political memory, on the other hand, is not intergenerational, but transgenerational. Through the use of “more durable carriers of external symbols and material representations”⁵⁶ such as libraries, archives and museums, education and collective events, political memory can be transmitted from one generation to the next, without losing its validity. This memory is used by “memory activists” (politicians, political stake-holders, the government, etc.) to create identity or to call for certain political developments. Individuals are part of the process of memorization and have a stake in the change of political memory, but the main bearer of political memory stays the institutionalized entity with power (i.e. in most cases the state). In short, political memory pertains to “explicit, homogeneous, and institutionalized top-down memory”.⁵⁷

With the closely linked concept of *cultural memory*, as the third category of collective memory, Assmann offers a way to understand how information stored in writing and other cultural artifacts plays a role in collective memory. Whereas in the classical model of collective memory, facts can be either remembered or forgotten, the availability of stored information gives a society the possibility to reactivate certain parts of social memory that had already been forgotten. Assmann defines this as a “status of latency”.⁵⁸ The difference between political and cultural memory is that “while political

⁵³ For Assmann’s criticism of Halbwachs see Assmann, 2008, 51-52.

⁵⁴ See Assmann, 2006.

⁵⁵ Assmann, 2006, 213.

⁵⁶ *Ibid.*, 215.

⁵⁷ *Ibid.*

⁵⁸ *Ibid.*, 220.

memory draws individuals into a tight collective community centered around one seminal experience, the content of cultural memory privileges individual forms of participation such as reading, writing, learning, scrutinizing, criticizing, and appreciating and draws individuals into a wider historical horizon that is not only transgenerational but also transnational.”⁵⁹

Assmann avoids the fundamental criticism leveled against Halbwachs of what memories actually are by accepting that memory basically is individual, whereas its collective manifestations are accumulations and reinterpretations of those very same memories. By defining collective memory this way, she can defend the “presentist” argument, that on a collective level all memories are constructed and conditioned by societal reality. Nevertheless, by defining political memory as “top-down” and “homogeneous” she cannot explain different claims on memory or diverging political uses of memory either. Altogether the notions of conflicting memories and conflicts of memory are absent her work. This is no problem when looking at established official memories – in that case Assmann’s concept can serve as a tool to understand the phenomenon – but it becomes a problem when one wished to analyze how these memories were established: as soon as one leaves the macro-level of official, national memory and asks about memory discourses that led to these official political memories, one needs different instruments.

2.2.3. Nora and François/Schultz

One of the first to bring the concept of collective memory into historiography (and actually to be successful with it) was French historian Pierre Nora, who in the 1980s developed the concept of *lieux de mémoire*. Focusing on the developments in France, Nora argues that history and memory are not the same but rather diametrically opposed elements. In losing their memory and recurring more and more to history, the French would lose their identity. *Lieux des mémoire*, however, are a point of convergence of history and memory and their active excavation and presentation would be a way of regaining identity. *Lieux de mémoire* are not history nor purely memory: “Contrary to historical objects, however, *lieux de mémoire* have no referent in reality; or, rather, they are their own referent: pure, exclusively self-referential signs. This is not to say that they are without content, physical presence, or history.”⁶⁰

Nora’s concept elicited quite a stir in historiography. His concept was widely discussed and adopted by some, whereby it was altered. The German historians Etienne François and Hagen Schultz, for example, wrote about German *Erinnerungsorte*, which to them are “points of crystallization of collective remembrance and identity”.⁶¹ Whereas Nora tries to “dissolve the historical reality from its perception”⁶² the German authors use *Erinnerungsorte* as a strategy to cope with the past by excavating positive moments of Germany’s past.

In general, Nora’s concept and its adaptations, such as François’ and Schultz’, have been most fundamental to the studies of the theorists themselves. Both of their projects culminated in several elaborate volumes on French *lieux de mémoire* or German *Erinnerungsorte*. However, the actual

⁵⁹ Ibid.

⁶⁰ Nora, 1989, 23.

⁶¹ Carcenac-Lecomte, 2004, 124, my translation.

⁶² Ibid., 126, my translation.

impact the theory has had on academia and the wider discourse on memory, is that the concept of *lieux de mémoire* became a buzz-word in the discussion of memory, often referred to without accepting (or acknowledging) the theoretical underpinnings of its creator(s). The *locus memoriae* has thus become a constant point of reference one has to take into account when talking about collective memory.

A major problem with using the concept is that it heavily relies on a normative and national perspective: it is normative, because it does not only describe the commemoration practices and places of remembrance seen, but rather wishes to select some of these and elevate them to *lieux de mémoire* which are then canonized. The approach does not leave room for more deductive empirical research. The approach is national, because it limits itself to national histories, or rather, takes the nation as its fundamental unit of research. This does not allow for sub-national, regional, local or supra-national *lieux de mémoire* to be found and impedes seeing cross-connections in the processes of the evolution of memory.

2.2.4. Rothberg

Whereas after Nora, in the 1980s and 1990s, the bulk of memory theory was developed in historiography,⁶³ at present it is the area of Literary Studies that offers a wide range of theorizing on collective memory. Most prominent in this regard has in recent years been US-American Literature and Language scholar Michael Rothberg. Two of his concepts are of particular interest: *Noeuds de mémoire* and *multidirectional history*.

Noeuds de mémoire (“knots of memory”) accrue from of a criticism of Nora’s *lieux de mémoire*. To Rothberg, Nora’s theory is too schematic in its division between history and memory and, even more important, it is silent about the way different memories of different groups are linked to each other and therefore offers a very homogenous picture of memory. The *noeuds de mémoire*, on the other hand, seek to describe the connections and interlinkages between the points in which memory comes to the surface. Other than Nora, Rothberg does not seek to explain the memories of a certain the group: “A project oriented around *noeuds de mémoire*, on the other hand, makes no assumptions about the content of communities or their memories. Rather, it suggests that ‘knotted’ in all places and acts of memory are rhizomatic networks of temporality and cultural reference that exceed attempts at territorialization (whether at the local or national level) and identitarian reduction. Performances of memory may well have territorializing or identity-forming effects, but those effects will always be contingent and open to resignation.”⁶⁴ Thus, the knots described by Rothberg’s theory are not necessarily the memories themselves but also their travelling, their employment, their re-narration, re-definition, their reduction, expansion, etc.

Multidirectional memory, Rothberg’s second noteworthy concept, is closely linked to the previous one: “In attempting to conceptualize the knotted nature of collective memory, Halbwachs’ notion of the ‘social framework of memory’ remains an important starting point [...]. However, the metaphor of the framework may fail to capture the dynamism inherent in remembering – what we call

⁶³ See Cubitt, 2007.

⁶⁴ Rothberg, 2010, 7.

memory's multidirectionality."⁶⁵ These "dynamisms of remembering" stem from Rothberg's analysis of Holocaust memory's use in a broad variety of different contexts, such as the US-American Civil Rights movement in the 1960s.⁶⁶ Through these findings Rothberg comes to question the contention that collective memories are competitive and only pertain to one group.⁶⁷ Rather, he argues that collective memories interact and are "subject to ongoing negotiation, cross-referencing, and borrowing".⁶⁸ This interaction is productive and not destructive, as one would have it in the case of competing memories. It leads to "more memory and not to less memory."⁶⁹

A difficulty and point of criticism with all of Rothberg's works is that he does not distinguish between the actual memory and its use, its employment. This way, in some of his writing memory is used, whereas in others it seems to have an agency of its own.⁷⁰ This difficulty stems from a lack of a clear and coherent definition of what memory actually is.⁷¹ Though for Rothberg's analysis this is not important, as "a memory has no intrinsic meaning",⁷² but rather all memories are "truths that produce insight about individual and collective processes of meaning-making",⁷³ and thus the content of the memory is not as important as its form and articulation, this represents an obstacle when applying the theory to other fields of research: leaving sketchy what memory is and leaving it only to the enunciator to define, leads to a subjective relativism that would hinder grasping the full picture.

2.2.5. Hirsch

As Rothberg, US-American Comparative Literature scholar Marianne Hirsch also takes Holocaust-literature as her point of departure for studying memory. She picks up the theoretical frame offered by Assmann, but tries to explain how the process of transference within what Assmann calls social and cultural memory works. This process of transgenerational transfer of memory Hirsch calls *postmemory*.

More precisely defined, postmemory "designates the relationship of the generations that follow survivors and witnesses of historical or collective traumatic events to these experiences. These events are internalized and 'remembered' indirectly through stories, images, and other reminders and remainders of their family's experiences."⁷⁴ Postmemory is thereby different from memory itself, not just a mere recollection passed on: it is not memory, for the bearers of postmemory have not witnessed the events they are recalling. Postmemory rather has to do with the "critical distance and profound interrelation" of the second generation.⁷⁵

⁶⁵ Ibid., 9.

⁶⁶ See Rothberg, 2009a, 1-4.

⁶⁷ See Ibid., 2-5.

⁶⁸ Ibid., 3.

⁶⁹ See Rothberg, 2009b.

⁷⁰ See especially Rothberg, 2009a, 16.

⁷¹ Rothberg does give a short definition (see Rothberg, 2009a, 3-4), but fails to further use this definition in the course of his work.

⁷² Rothberg, 2009a, 16.

⁷³ Rothberg, 2009a, 14.

⁷⁴ Skyrin, 2013.

⁷⁵ Hirsch, 2008, 106.

It is also only partly about the content of the memory, and more about the relation of the following generations to the memory in question: “Postmemory describes the relationship that the generation after those who witnessed cultural or collective trauma bears to the experiences of those who came before, experiences that they ‘remember’ only by means of the stories, images, and behaviors among which they grew up.”⁷⁶ These stories have such an impact that they seem to be memories, although the individual never witnessed the event recalled. Unlike memory, Hirsch explains, postmemory’s connection to the past is “not actually mediated by recall but by imaginative investment, projection, and creation [...]”⁷⁷ In short: “Postmemory is a type of inter- or trans-generational (mediated) memory that recalls the structure and function of memory, particularly in its affective force, but which is distinguished from memory because of generational distance and from history because of personal connection.”⁷⁸

Hirsch further differentiates between “familial” and “affiliative” postmemory, whereby familial postmemory is the transmission in to the second generation through family members. Affiliative postmemory, on the other hand, is the transmission to those not being the direct descendants of the first generation, but rather to those that live in the same generation as the descendants, although they might only have little or no connection to the first generation. In the case of remembering the Holocaust, for example, postmemory would be transmitted to the children of Holocaust survivors by a familial process of transmission, whereas by means of affiliative transmission this postmemory would widen horizontally towards the contemporaries of the second generation through art, literature, films, etc.

In the way Hirsch defines postmemory and in the way her definition has been applied until now, it describes the mechanisms of memory-transfer in situations of traumatic experience, “that still defy narrative reconstruction and exceed comprehension”,⁷⁹ and subsequent diaspora. In Hirsch’s case this is the Holocaust – in other research that uses her concept the trauma is slave trade, indentured labor or other genocides.⁸⁰ But there is no indication that this concept should not be stripped off its condition of trauma and applied to other contexts. As it sheds light on how on a personal level memory transferal takes place, it fills the gap Assmann left with her definitions of social and cultural memory.⁸¹

2.2.6. Kleist/Glynn

The last two scholars mentioned here are the German political scientist Olaf Kleist and the Irish historian Irial Glynn, who have already worked on applying theories of collective memory to migration studies.

Kleist’s general understanding of the classical theories of collective memory (Halbwachs, Assmann, Nora) is that they fall short of understanding the dynamism and impermanence of social groups.

⁷⁶ Ibid.

⁷⁷ Ibid.

⁷⁸ Skyrin, 2013.

⁷⁹ Hirsch, 2008, 107.

⁸⁰ See Skyrin, 2013.

⁸¹ Although, quite ironically, Hirsch refers to Assmann to clarify some of her theoretical tenets (See Hirsch, 2008, 109-110).

According to Kleist this is mostly so, as they focus on the national context or at least on bigger social groups and thereby disregard the instability of groups and, consequently, the dynamism of memories. In looking for a way out of this pitfall and in order to understand the dynamics of memory's articulation better, Kleist suggests using the concept of *memory policies* proposed by Marie-Claire Lavabre.⁸² To the author, memory policies or politics are "political interests, that in their argumentation hinge upon memory."⁸³

Memory policies are, however, not only interests, but also a sign of belonging to the polity. In acting politically through using memory as means to make political claims, the individual is empowered and not envisioned only as part of a social group. In his work on migrant participation in Australia Kleist develops this theoretical assumption further: he suggests that memories are able to create two different modes of belonging. The first of these is cultural. He defines *cultural memories* as "memories that allude to an event as the origin of a 'heritage' [and which, JT] define the group stemming from this origin by the heritage as its 'identity'."⁸⁴ This is what the author in the Australian case sees, for example, in the immigration myths perpetuated by the Australian majority society. Second are the *civic memories*, "memories that remember actions rather than events as elements of a historical process [and that, JT] bring to mind a certain tradition that proceeds by a particular logic."⁸⁵ Both forms of memory to Kleist construct belonging in a democratic polity, "structure and frame democratic contestation as well as legitimize democratic and sovereign policies"⁸⁶ and can therefore be subsumed under the term *political memories*.⁸⁷

But it is not only individuals that use memories and are empowered by them – memories also have implications on more general politics and policies. According to Glynn and Kleist this has to do with the preservation of heritage: "As memories evoke notions of belonging, they affect political action. They gear policies towards ensuring the preservation of the heritage or tradition they evoke. In this case, memories function as a way of indirect persuasion to act according to a particular social group's legacy."⁸⁸ Persuasion points towards the phenomenon we have seen in Glynn's research: memories acting as arguments in political discourse. According to the authors this has a high impact: "In addition, memories directly inform state policies, [...] with 'lessons from the past'. [...] Memories influence who the principle actors executing policies are – whether individuals, nationals, citizens, or the state itself – as well as the content of the policies."⁸⁹

This last quote shows that Glynn and Kleist's theoretical framework can account for multiple and diverging uses of the same memory – in a way it thereby defies Rothberg's rather peaceful multidirectionality of memory, as Glynn and Kleist clearly allow for memories to contest one another. They do this, however, in a productive way, as they are seen as democratic enunciations.

⁸² See Kleist, 2010, 240, my translation. In a later contribution with Irial Glynn the term is even widened to become *memory politics* (See Glynn/Kleist, 2012, 9).

⁸³ Kleist, 2010, 240.

⁸⁴ Kleist, 2013, 668.

⁸⁵ *Ibid.*, 669.

⁸⁶ *Ibid.*

⁸⁷ Kleist thereby is in line with Rothberg and Yildiz, who argue that „performances of memory can function as 'acts of citizenship' (Rothberg/Yildiz, 2011, 34).

⁸⁸ Glynn/Kleist, 2012, 9.

⁸⁹ *Ibid.*

On the other side, this quote also shows that the two authors, as all other theorists taken into account so far, stay unclear about the distinction between memories and their employment. In their theorizing a memory is at one time an argument used by individuals or groups and at another time an entity that seems to have agency.

Another point of criticism connected to this is that the authors insist on memory having to be political in its social dimension. This might be true for the field of research they are looking at (mostly asylum policy), but hinders the application of their theory to situations in which this might not be the case – or even give a distorted image of the empirical evidence, as with this theoretical background one is almost compelled to read memories in a political way, even if they might not be politically tainted or used.

Also closely connected to these arguments is the criticism of the fact that Kleist conflates memory and identity in his concept of cultural memories. He is able to make a case for this in his research examples, but in taking the concept of cultural memories out of this context, it is important to keep in mind that this conflation is not a necessary one. Identity is dependent on memory, but memory does not necessarily constitute identity.

2.3. Memory Theory in this thesis

After having discussed the most influential theories of collective memory and shed light on some new theoretical conceptions, the question is: how does the concept of *emigration memory* figure within all this? The problem is that none of the concepts discussed above seems fit to explain the phenomenon we will be seeing in the main part of the thesis by its own. Thus, in the following part, I will establish a theoretical definition of the concept of *emigration memory* based on the aforementioned theories and concepts.

2.3.1. “Emigration memory” – a general definition

As we have seen, most theories on collective memory stay unclear (a) about the definition of memory and (b) about what their focus actually is: memory or its employment. I would argue that this confusion leads to a poorer understanding of the mechanisms of memory altogether, as the conflation of what memory is and how memory is used, obscures that both work in two very different ways and have to be analyzed in different ways. A clear definition of memory and collective memory is therefore important to start with.

Memory

For the purpose of this thesis I assume that memories are certain mental elements or imaged in the mind of an individual.⁹⁰ These images have a tendency (and there I fully draw on the Halbwachsian tradition) to be socially constructed, possibly even altered socially. But: howsoever constructed, they pertain to the individual. A person that has mental images of his childhood house, for example, can have these years after s/he moved to another context into a completely different social setting. The way s/he is integrated in society might alter the memory, but the bearer of the memory essentially stays the person itself.

These images are available to the individual for enunciation, for use, for employment. I further assume, contrary to Halbwachs, that there is a certain historical continuity between the historical “event”⁹¹ leading to the formation of the mental image and the memory of this occurrence. The historical “event”, however, must not be an actual occurrence, but can also be an imagined one (that has entered the mind of the bearer of memory through trauma or neurological disorders – what one would call false memories). Likewise, the continuity can be altered or distorted (e.g. by amnesia). Nevertheless: memories are tied to something, an “event”, that the bearer of memory associates with his or her personal past.

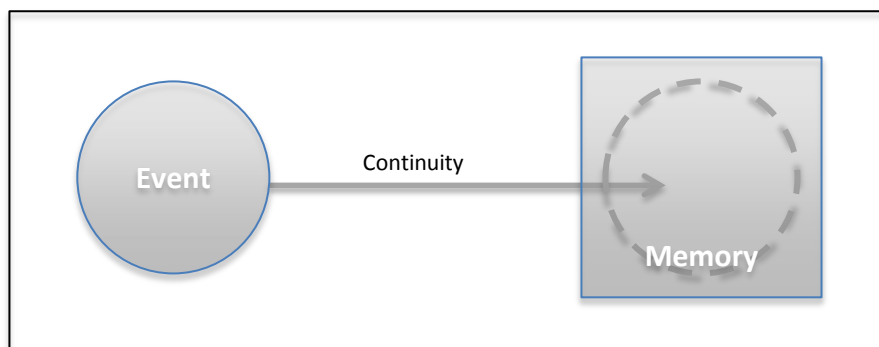


Fig. 1: Memory (own elaboration)

Enunciation of memories

The enunciation of a memory, on the other hand, is a process that is not necessitated directly by the memory itself. It is an independent act in which the speaker draws upon memory in order to make a statement. An example: I might have a memory of a wonderful, joyful solitary hike, of which nobody else knows. The memory is solely mine (although I might have been compelled to think about this hike as a hike and not as race or walk because of societal conventions) and stays this way. I do not need to talk about the memory of this hike if I decide not to. If I do decide to talk about it, then I have to employ the memory.

⁹⁰ I am aware that my definition grows out of my concentration on memory studies in the humanities and social sciences. Taking psychological and also neuropsychological research into account would be highly interesting and might also alter the theoretical point of view taken in this thesis. However, due to the limitations set by the scope of a Research Master thesis, these strands of research were consciously left aside.

⁹¹ The term „event“ or „historical event“ is in itself difficult enough, and is strongly debated upon in historical theory (for two rather different accounts see Carr, 1986 and Lorenz, 1994). In this context I define „event“ as all past and present occurrences witnessed or experienced by an individual (or a group), that has or can have a bearing on his/her/their memory. An “event” in this definition can also be artificial, i.e. the bearer of memory must not have witnessed an actual occurrence, but might only think s/he has – this would happen, for instance, in the case of memory manipulation, neurological disorders, etc.

Of course, this employment is based upon the memory, from which it takes its material – but it is bound to the context of the enunciation: the social, political, personal, etc. situation of my enunciation. To stay with the example: If I decide to tell a group of enthusiastic hikers about my memory in order to share my experience, I will do this differently from when I tell politicians about this memory during a debate on public investment in parks and natural reserves. The employment is a different one each time. The memory itself, on the other hand, is thereby is not altered.

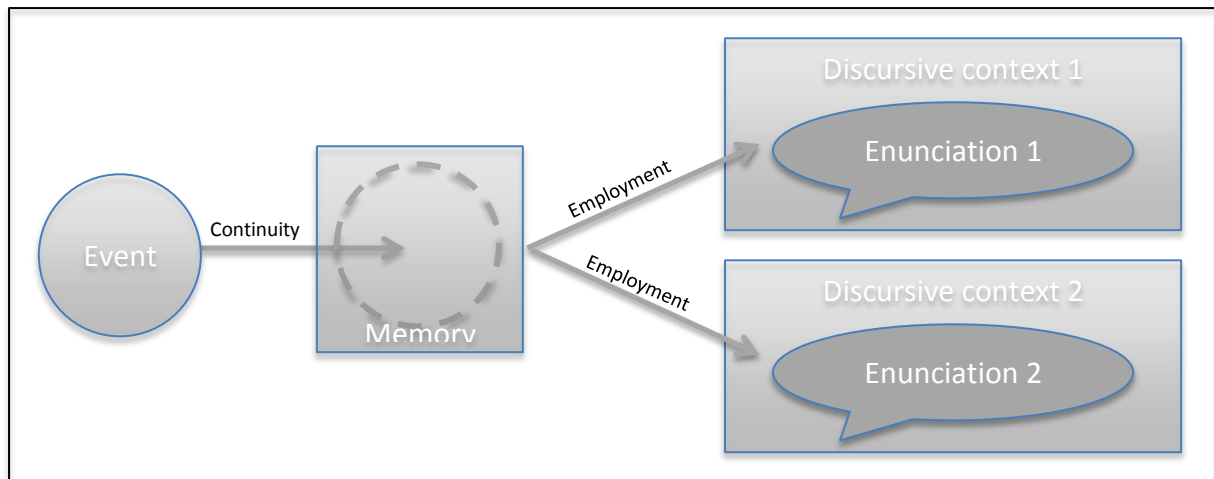


Fig. 2: Enunciation of memories (own elaboration)

Defining memory this way eliminates the possibility of an agency of memory, as some of the theories have it. Memory does not have a discursive power of its own – the enunciation is an act connected to the memory by means of content, but a memory does not possess means to be recalled independent of the surrounding discourse. The bearer of memory is always the one employing memory within a certain discursive context.

This leads to conclude that analyzing memories *must be a different task* than analyzing its enunciations. We have to do with two different analytical levels. This division of analytical steps might seem artificial at first and one may want to object that enunciations are the only way of entering the matter of a memory anyway. If one takes this argument for granted, we must conclude that an analysis of memory itself is simply impossible. The analysis we can make of the enunciations, however, becomes way more functional.⁹² We focus on understanding why a certain memory is brought up in a certain context. This resembles some of Rothberg's theory, but goes slightly beyond in accepting that the content of the memory does matter for the enunciation. Only because we cannot enter the matter of the memory directly does not mean that we cannot say anything about its content and its relation to the enunciation (the historical continuity mentioned above). To resume the example: a researcher will look at my two enunciations of the hiking-memory and ask why I brought up this memory in either context and how I employed it. It is important for her or him to

⁹² Bach, 1977, 107, makes a similar case, not for memory, but for historical arguments in general. He argues that one should analytically divide the analysis of the historical arguments brought up in politicians' discourses and the historical validity of their content. He even introduces a further level by arguing that the image evoked in the mind of the enunciator need not necessarily be the same image evoked in the mind of the listener by the enunciation.

understand that this memory has to do with hiking, as otherwise s/he will not understand the function of the discourse. However, it is not important for the researcher to analyze the content of the memory, to point out where I walked, if I recall correctly, etc. in order to understand the function of the enunciation of the memory in the discourse.

This also leads to having to qualify Rothberg's contention on the functioning of enunciations of memory. He maintains that "[...] one cannot know in advance how the articulation of a memory will function; nor can one even be sure that it will function only in one way."⁹³ Although I agree with the idea that enunciations or articulations can function in more than one way, the possibility of an articulation not functioning at all is contradictory to what we have established so far: as soon as a bearer of memory decides to employ a memory and thus enunciate it, this is already the function of memory employment. Whether or not the underlying strategy of discourse, which motivated the speaker to enunciate the memory, functions or not, whether or not it can convince others (and this is what Rothberg is pointing to), is a completely different question altogether: this is the question of the impact of arguments employing memory.

Collective memories and their enunciation

What we have seen so far for memories in general also holds true for collective memories. Collective memories are also mental images, they are also connected to "events" through historical continuity and also with collective memories there is a divide between the memory and its enunciation that has to be carefully taken into account when analyzing the appearances of memory (i.e. in debates).

But where does the difference between normal and collective memory lie? As I have already pointed out, I base my definition of collective memories on Halbwachs' notion of the social construction (thereby disregarding his purely presentist approach and his negation of historical continuity). The framework of society has a two-fold purpose: first, to construct the mental images of the individual by mediating the experienced events through a societal framework,⁹⁴ and second, to transfer memories between individuals and groups, which is what Assmann means by social, political and cultural memory. The process is thereby fluid and not static, making collective memories heterogeneous and homogenous. Because of this, I cannot fully subscribe to Assmann's model, either, as it focuses too much on established, monolithic and official memories. Nevertheless, her idea of different dimensions of collective memory does influence the way I define the processes of transfer of collective memory: I would argue that on the level of social memory, Hirsch's concept of postmemory, can claim quite some validity and can be applied also outside of the context of situations of traumatic memory. However, on the level of politics (and this is what this thesis is about), Assmann's contentions have to be brought together with Rothberg's and Glynn's/Kleist's notions of contesting uses of memory: Memories do not merely exist in their established form, but are – through discourse – attacked, changed, transformed, defended, transferred, appropriated and so on.

Rothberg's concept of multidirectionality helps to understand these processes. In line with his reasoning I argue that a collective memory does not necessarily pertain to one group alone, but that

⁹³ Rothberg, 2009a, 16.

⁹⁴ For example, an individual in society A will remember a war as an attack, whereas an individual in society B will remember it as liberation – depending on the respective social frameworks.

memories can be subject to processes of appropriation and adaption. Also, they can flow through space and time: just like the memory of the Holocaust enunciated in the US-American Civil Rights movement, memories can come back to life in very different circumstances and periods. For this Rothberg develops the idea of the trigger: “Memories of particular events come and go and sometime take on a surprising importance long after the materiality of the events remembered has faded from view. An important epistemological gain in considering memory as multidirectional instead of as competitive is the insight, [...] that the emergence of memories into the public often takes place through triggers that may at first seem irrelevant or even unseemly.”⁹⁵ This trigger in the political context can be social or political events or even – as will be the case with this study – seemingly unexciting legislative reforms.

Emigration memories and collective memories of emigration

Now, finally, what sets emigration memories apart from the more general notion of collective memory? I define emigration memories (or memories of emigration) as a special form of collective memory, namely those memories a social group (e.g. a society, a nation, a sub-nation, etc.) has of its past emigrations. The emigration memories of a society can comprise of a broad number of diverging moves out of its true or perceived land of residence, covering a long time-span of history. For a memory of a move being qualified as an emigration memory of the society, the point of view of the society is important: one has to ask, how a society defines this move and remembers it. The move of a part of the group towards other lands a thousand years ago can, for example, be a more powerful mental image than the out-migration of others only a few decades ago. This depends on the processes of societal mediation (again: Assmann and Hirsch). The sum of all historically recorded emigrations that would thus be available as collective memory, I define as the *archive of emigration memory* (see below).

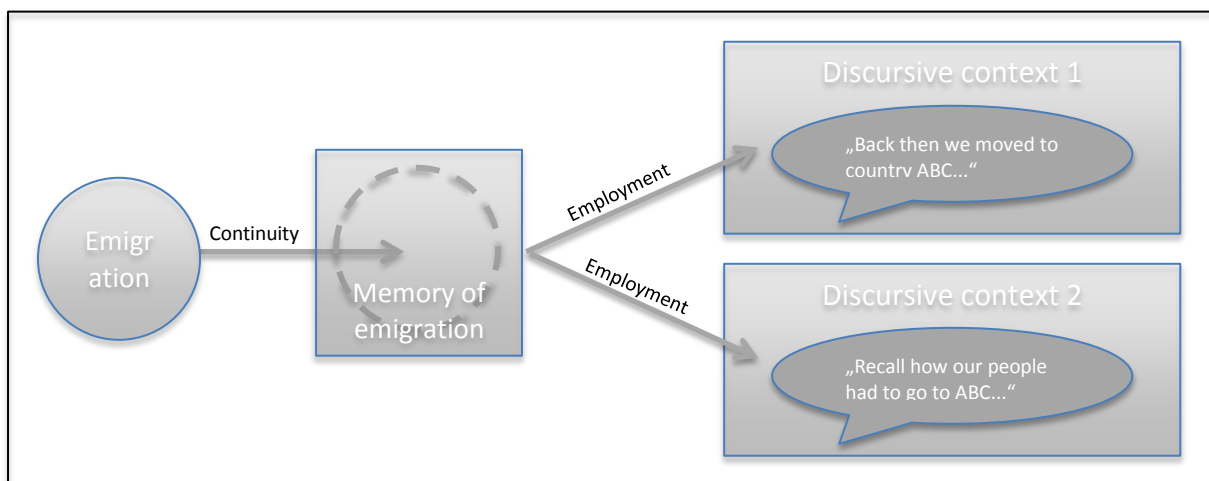


Fig. 3: Emigration memories and their enunciation (own elaboration)

The strong impact emigration memory can have closely connects it to identity, as those emigrations that are remembered, enunciated and retold come to form part of how the group perceives itself. Contrary to Kleist, however, I maintain that although a link exists between emigration memory and identity, they are not the same thing. Collective memories of migration have a very complex influence on identity, an influence that changes over time both in intensity and importance. They can

⁹⁵ Rothberg, 2009a, 17.

become civic or cultural memories over time, but they must not (it is also interesting to see why certain ones become civic and cultural memories and others not – for this purpose, I develop the idea of the archive of emigration memory (see below)).

Although they can have a bearing on a common (i.e. also national) identity, emigration memories do not fall into Assmann's category of political memory, as they are not necessarily top-down. Rather, what we will see in the debates, enunciations of emigration memory can be contesting, can be arguments to delegitimize the policies of the ruling power, in the same way they come to legitimize them. What I argued to hold true for collective memories in general, Rothberg's multidirectionality, has to be qualified in the case of emigration memory: when we are looking at emigration memory, we deliberately choose to see the memories pertaining to one group only. This is not to say that the memories of past emigration cannot be multidirectionally adopted by other groups and societies. However, in the case of emigration memory this is not very likely. Multidirectionality will appear in the context of emigration memories rather in the form of the adoption of different emigration memories within the same group – that is, from local contexts to regional and national contexts and vice-versa. To exemplify: it is not likely that Spanish emigration memory will influence Russian debates intensively. A multidirectional adaption of the Catalan or Andalusian emigration memory to the national Spanish context, on the other hand, is more likely to occur.

It is important to note that next to collective memories of emigration there exist also individual memories of emigration. After all, the big waves of emigrations that enter the archive of emigration memory are made up of movements of individuals. However, when used in public or political debate, these memories necessarily have to be employed in the scheme of collective memories of emigration. Only this way they are tied to issues of identity and serve as valid arguments in discourse. Thus, individual memories of emigration in their employment often serve as examples, as representing an individual migration experience that is exemplary for the experience of the entire group.

In the following chapters I will stay true to the analytical divide made in this theoretical chapter and will thus focus not on the memories themselves, but on their enunciations and employments, ask why they are brought up in this specific situation, why they are employed the way they are and how this employment functions within the discourse.

2.3.2. The archive of emigration memory

In order to understand which memories of emigration are actually available for enunciation in the discourse, I introduce the concept of the *archive of emigration memory*. It is defined here as *a theoretical collection of all memories of emigration memory existent within a society that can be enunciated or evoked within a given discourse*. For a participant in a debate wanting to evoke emigration memory, the archive of emigration memory functions like a physical archive: through historiography, school books, museums, narrations, etc. s/he has access to these memories of emigration and can decide which one to employ. Assmann's concept of cultural memory is important here: like in cultural memory, the archive stores memories of past emigrations for them to be employable later on. The memories must thereby not continuously be present in the social group. They can be stored in the archive, be rediscovered and employed, making the archive a dynamic one.

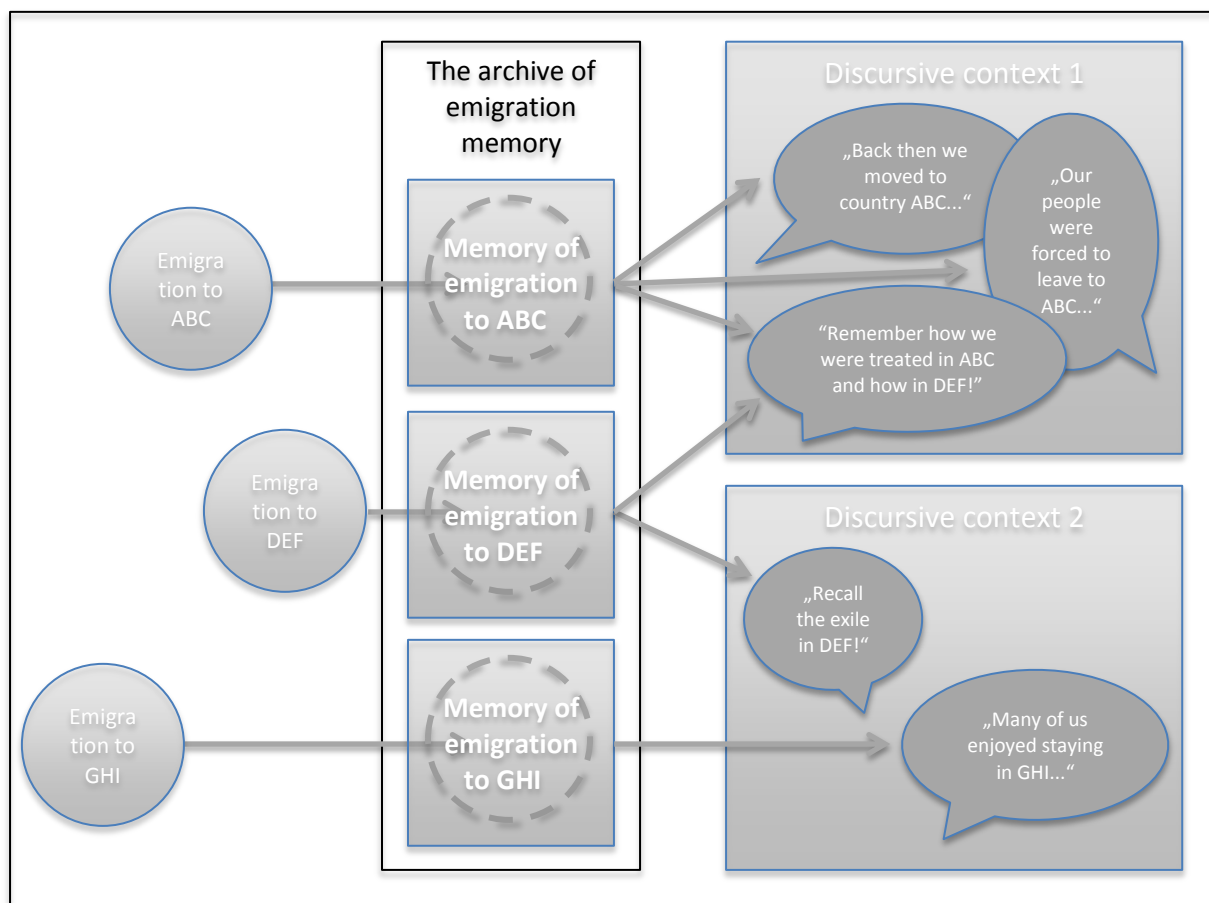


Fig. 4: The archive of emigration memory and its use (own elaboration)

2.3.3. Theoretical foundations

The idea of an archive is borrowed from Michel Foucault. In his *Archaeology of Knowledge*, he also introduces an archive of discourse which he defines as “[...] the law of what can be said, the system that governs the appearance of statements as unique events.”⁹⁶ In Foucault’s definition the archive is not only a theoretical container, but the mechanism setting the rules of the discourse. I would not go as far as to give the archive agency, as Foucault does, as I argue that it is still individuals who are the bearers of agency and thus dictate the development of the discourse.⁹⁷ However Foucault’s idea of the archive dictating the “enunciative possibilities and impossibilities”⁹⁸ of discursive statements applies to the archive of emigration memory, as well: only what is contained within the archive can be enunciated. Only those emigrations that took place can be called upon. Also in another point my

⁹⁶ Foucault, 2002, 145.

⁹⁷ Foucault takes the idea of the archive’s agency even further: “But the archive is also that which determines that all these things said do not accumulate endlessly in an amorphous mass, nor are they inscribed in an unbroken linearity, nor do they disappear at the mercy of chance external accidents; but they are grouped together in distinct figures, composed together in accordance with multiple relations, maintained or blurred in accordance with specific regularities; that which determines that they do not withdraw at the same pace in time, but shine, as it were, like stars, some that seem close to us shining brightly from afar off, while others that are in fact close to us are already growing pale.” (Foucault, 2002, 145-146).

⁹⁸ Ibid., 145.

definition of the archive diverges from Foucault's: to him the archive is not a mere storage, especially not of memories, as he points out: "The archive is not that which, despite its immediate escape, safeguards the event of the statement, and preserves, for future memories, its status as an escapee; [...]." ⁹⁹

Nevertheless, when stripped off some of its Foucauldian glamour and combined with the concept of collective memory defined above, the archive turns to be a concept that can elucidate the subject that is being scrutinized here: by defining it as the theoretical locus in which all collective memories are kept, or more accurately, as the totality of these memories, the archive enables the researcher to understand which memories are evoked and which are left out of the discourse.

In order to establish the archive of emigration memory, one has to look at all past emigrations that the social group one wishes to analyze in some forms keeps in its cultural memory. The point of view of the group is thereby decisive, as one only describes the existing archive. One does not create or construct it. In the Spanish case the archive ranges from the colonization of the Americas, to the expulsion of the Sephardic Jews and Moriscos, the colonial activities in Africa and the Pacific, the labor migration to North and South America and other parts of Europe in the 19th and early 20th centuries, the exile of republicans after the Spanish Civil War, the labor migration to Central and Northern Europe in the second half of the 20th century to the emigration because of the economic crisis in the latter part of the 2000s. These memories are all kept alive on a level of national collective memory through historiography, education, media, commemoration, etc. They are complimented by similar but differently scaled memories on the sub-national and local levels.

2.3.4. Other archives of memory

The concept of an archive of memory has been used by several different scholars as well. Their concepts, however, diverge significantly from my understanding of the archive, which I why I briefly want to present and discuss them here.

Rothberg

In his discussion of multidirectional memory, Michael Rothberg too makes a case for the existence of an archive of memory. Rothberg's archive is multidirectional: „Far from being situated – either physically or discursively – in any single institution or site, the archive of multidirectional memory is irreducibly transversal; it cuts across genres, national contexts, periods and cultural traditions.“ ¹⁰⁰

Rothberg's archive is something that the researcher has to construct, it is nothing preexisting as the archive of emigration memory would be. ¹⁰¹ This, of course, leads to a certain difficulty with his concept: if the researcher is the one establishing the archive, how much constructed are the multidirectional linkages Rothberg tries to discover? Does the mere mentioning of the same memory already establish a connection? And how does the researcher actually decide if a connection exists between two enunciations of memory and is therefore included into the archive? Is there an underlying typology or scheme? Because if not, the construction of the archive of multidirectional

⁹⁹ Ibid., 146.

¹⁰⁰ Rothberg, 2009a, 18.

¹⁰¹ See Rothberg, 2009a, 29.

memory is a subjective task. It will represent the connections the researcher sees and feels to be there, not those actually existing (though s/he might pick the right ones, still).

Rothberg/Yildiz

Rothberg and Yildiz in looking at the way immigrants (and second/third generation descendants) deal with Germany's difficult history, use the term archive as well. However, contrary to Rothberg's prior definition, the two authors stay vague about what the concept actually means to them: „migrants have brought memories of their own – sometimes traumatic – national and transnational histories into German space, and have thus helped transform Germany's postwar memory-scapes in ways that remain to be explored. These transformations of Germany's memory-scapes have left traces that constitute what we all migrant archives.“¹⁰² In the rest of their article they draw heavily on cultural production, thus insinuating that their archive is the collection of the cultural artifacts produced by a specific group (in this case the migrants). If this archive is preexistent to research or is defined by the researcher stays unclear, too.

Glynn

In his comparison of the Italian and Irish case of emigration memory use, Irial Glynn speaks of an “archive of suffering“.¹⁰³ Ireland is thereby said to possess an “open archive of suffering“, whereas in the Italian case the archive is closed. Glynn does not further define the concept of the archive, but here alludes to the way emigration memories are employed in public debate differently in both countries.

¹⁰² Rothberg/Yildiz, 2011, 37.

¹⁰³ Glynn, 2011, 76.

3. Migration legislation without immigration? The 1980s

3.1. A dynamic decade

The 1980s was a decade of rapid and dynamic political and societal development for Spain. Having gone through the political transition (*transición*) in the late 1970s, which took the country from being the last fascist stronghold in Europe to defining itself as a modern-day democracy, Spanish society in the 1980s sought to stabilize the liberties it had recently gained.¹⁰⁴ This process was, however, not an automatic and straightforward one as was shown clearly by the failed military *coup d'état* in February 1981 that briefly threatened the young democratic order.¹⁰⁵

A year later, in 1982, the Spanish Socialist Workers' Party (PSOE), who just a few years before had still been illegal and forced to work in exile, gained power with an overwhelming majority.¹⁰⁶ Disregarding the desolate economic situation of the country, the signs were set on change, the spirit of the time on moving Spanish society forward, on aligning it with other contemporary European states. Entering the European Community in 1986 thus for most Spaniards at the time marked an important stage in the country's development, as it did not only mean an economic upsurge and end to the economic crisis,¹⁰⁷ but a recognition of Spain as a full member of the European family and a modern nation.

Spanish legislation in the early 1980s was characterized by casting this development into law, by securing the gains Spanish society had made in terms of societal and individual liberties through a set of fundamental norms. Much parliamentary work was accordingly dedicated to developing laws on liberties that were already granted by the constitution of 1978, but that, still needed a more precise normative codification. These so called organic laws (*leyes orgánicas*) not only took Spanish society and Spaniards themselves into consideration, but also touched upon the way Spain intended to treat foreigners who were coming or had come to live in the country. The debates on these laws, taking place in a phase of self-definition of the new democratic system, thus can be read not only as moments in which the place of the 'Other' within the social texture of Spain was defined, but in which, through contrasting, disregarding or empathizing with the 'Other', Spanish society discussed its own identity.¹⁰⁸ As we shall see, memory, and especially the memory of past emigration, played a

¹⁰⁴ For a general account of the *transición* see Yllán Calderon, 2003 or Tusell, 2003, 39-194.

¹⁰⁵ See Tusell, 2003, 147-152.

¹⁰⁶ See *ibid.*, 209.

¹⁰⁷ See Hernández Marco, 2006, 806.

¹⁰⁸ The "Other" is used as a term in a broad variety of disciplines with a broad variety of definitions. The Oxford Dictionary of Media and Communication, for example, lists the following definitions: "1. A person or group defined as different from oneself or one's own group: the negatively differential basis of personal or group identity ('me' or 'us' vs 'them'). In structuralism, a non-self which, by binary opposition, is constitutive of the subject. In poststructuralism, such distinctions are seen as arbitrary. 2. A reference in sociology and symbolic interactionism to significant others or generalized others. 3. In psychoanalytic theory, for Lacan, the illusory wholeness of the self in the mirror phase; when capitalized, the lack. In other psychoanalytic discourse, that which is repressed within the self. 4. For Foucault, all those excluded from power. 5. In postcolonialism, for Said, the projection by Western cultures onto 'orientals' of qualities opposite and inferior to those which they ascribe to themselves: labelling them irrational, uncivilized, and so on (orientalism); part of a discourse of power enabling control of the colonized subject. This ideological process has been called othering." ("Other", in: Chandler/Munday, 2014.) For the purpose of the current work, the capitalized term "Other" describes, following Foucault and Said, the group of people that the majority society, through discursive mechanisms,

crucial role in this process – both as an argument in favor of or against immigration and, often at the same time, as a means of self-identification.

Focus: the second legislation (1982-1986)

This chapter will focus on the second legislative period reaching from October 1982 to June 1986.¹⁰⁹ During these first years of Socialist government, in which Prime Minister Felipe González was able to govern with an absolute majority in the *Cortes*, the Spanish parliament, two major legislative projects on the rights of immigrants and foreigners were initiated, debated and carried out: the Asylum Law (*Ley reguladora del derecho al asilo y de la condición de refugiado*) in 1984 and the Foreigners Law¹¹⁰ (*Ley orgánica sobre derechos y libertades de los extranjeros en España*) in 1985.¹¹¹ Both laws had been pending since the enactment of the constitution, which had granted the right of asylum and other rights to foreigners established in Spain but had made these rights dependent upon a later law. The debates that evolved around these legislative acts generated quite some discussion. The empirical base for the following analysis stems from a total of 17 parliamentary and legal records.¹¹²

Within these debates we find 23 passages that refer to past emigration. They are rather evenly distributed among the political spectrum, as the following chart shows:

Political inclination	Left	Center	Right	Other/unknown ¹¹³
Number of passages referring to emigration memory	10	7	5	1

defines as not being part of the majority society, but as being a group apart. The “Other” is rather the group one uses as a foil against which the own “Self” is defined.

¹⁰⁹ For a general overview of the early 1980s political development, see Bernecker, 2012, 199-209. For a close description of the political landscape of the second legislative period, see Tusell, 2003, 209-224.

¹¹⁰ The law, commonly known in Spain as *Ley de extanjería*, does not have a standard translation into English and will here, following most of the literature, be translated as Foreigners Law (further translations include Alien Law or Foreigners Bill, see e.g. Peixoto et al., 2012, 128).

¹¹¹ These two laws “set the basis of what would be the initial institutional policy on the matter, based fundamentally on legal and police control of the migratory flows.” (Ruiz y Ruiz, 2001, 35 quoted in Gil Araújo, 2006, 106, my translation). Bruquetas-Callejo et al. argue that also the developing regulations of the laws and the early court decision on the two laws have to be included in this group of norms (Bruquetas-Callejo et al., 2011, 295-296).

¹¹² The parliamentary sources used in this period are, as in all periods under analysis, comprised of draft laws, amendments and other formal texts (recollected in the Official Bulletin of the Parliament, *Boletín Oficial de las Cortes Generales*, BOCG) and the parliamentary recordings of plenary and commission meetings (recollected in the Gazette of the Spanish Parliament, the *Diarios de Sesión*, DS). The process is thereby the same with both laws: they are introduced in the lower chamber, the Congress, first, where they are debated and possibly amended by a commission. After another debate, they are passed on to the higher chamber, the Senate, in which the law is discussed once again. Here also a commission can again have a look at the law before it is passed back to the Congress for final voting. Subsequently, the finished legal text is published in the Bulletin of the State (*Boletín Oficial del Estado*, BOE). The law is valid from this point on, but normally is elaborated in detail through a developing regulation that specifies points the law has left vague or gives information the administration needs in order to apply the law practically (Bruquetas-Callejo et al. define the developing regulation as “[...] a form of secondary legislation used to implement a primary piece of legislation appropriately.” (Bruquetas-Callejo et al., 2011, 317)).

¹¹³ Passages are categorized as “other” or “unknown”, if the political conviction of the enunciator is known, but does not fit within the spectrum given here or is not known at all.

Overview: the second legislative period

General elections	28.10.1982
End of legislation	22.6.1986
Strongest party	PSOE (48,11%)
President	Felipe González Márquez (PSOE)

Congress				
Party ¹¹⁴	Abrev .	Votes	%	Seats
Partido Socialista Obrero Español	PSOE	10.127.392	48,11	202
Alianza Popular - Partido Demócrata Popular	AP-PDP	5.548.107	26,36	107
Convergència i Unió	CiU	772.726	3,67	12
Unión de Centro Democrático	UCD	1.425.093	6,77	11
Partido Nacionalista Vasco	PNV	395.656	1,88	8
Partido Comunista de España	PCE	846.515	4,02	4
Centro Democrático y Social	CDS	604.309	2,87	2
Herri Batasuna	HB	210.601	1	2
Esquerra Republicana de Catalunya	ERC	138.118	0,66	1
Euskadiko Ezkerra	EE	100.326	0,48	1

Senate	
Party	Seats
Partido Socialista Obrero Español (PSOE)	134
Alianza Popular (AP)	54
Catalunya al Senat (CS)	7
Partido Nacionalista Vasco (EAJ-PNV)	7
Unión de Centro Democrático (UCD)	4
Independiente (IND)	1
Asamblea Majorera (AM)	1

Own elaboration on basis of Ministerio del Interior (2013): Las elecciones generales en España 1977-2011, Madrid: Ministerio del Interior.

¹¹⁴ Note that the table displays the political parties in Congress, not the fractions (*grupos parlamentarios*) that these parties formed. Depending on the style of parliamentary records, the speakers are either referred to by party or by group affiliation.

The fact that all sides made use of emigration memory in their arguments points towards the fact that, disregarding the possible diverging intentions in using memory of emigration, the reference to the past emigration was wide spread and commonly accepted among actors in the process of policy making. Whether this was really the case, however, will in the following qualitative analysis be subject to scrutiny.

3.2 The Asylum Law of 1984

3.2.1 Constitutional conditions and first announcements

As noted above, both laws dealing with foreigners were foreseen already in the constitution. Inserting the right of asylum into the state's fundamental legal text in 1978 had, however, not been a straightforward process. Rather, the question of if and how to grant refuge and asylum to those in need created "one of the most heated discussions in the entire process of drafting the constitution"¹¹⁵ between the left-wing and extreme left parties, who were in favor of a broad definition of asylum and its anchoring in the constitution, and the right-wing and conservative parties, who sought to not incorporate the right to asylum in the constitution, but to relegate it to an ordinary law.¹¹⁶ The compromise that was found eventually guaranteed the right to asylum, but left its concrete execution subject to an ordinary law.¹¹⁷

The Socialist government had placed the elaboration of this constitutional demand on its electoral manifest for the general elections of October 1982, next to a list of other constitutional liberties that the PSOE thought would need urgent development.¹¹⁸ Shortly after the landslide Socialist victory, the vice-president, Alfonso Guerra, accordingly announced the creation of a law on asylum. This first announcement was made on the occasion of the inauguration of a new president of the Institute of Iberoamerican Cooperation. It was thus portrayed by the press as an act towards fostering the relationship between Latin America and Spain:

"The president of the Institute was full of words of gratitude for the peoples that for years had received Spaniards, men and women of all conditions, who were given a family-like reception that made possible the creation of the most numerous Spanish community in foreign countries. And precisely because of this, he promised to treat reciprocally "the brothers of Iberoamerica that are suffering [the condition, JT] of exile", and further cooperating through the institute towards the easy integration of the latter into our society. [...] Alfonso Guerra announced that the government has the intention of immediately sending to the *Cortes Españolas*, the project of a law of asylum and foreigners [...]"¹¹⁹

Whereas Guerra plainly announced the government's plans of initiating the legislative process, the president of the institute, Luis Yáñez-Barnuevo, explained the motivation for exposing this solidarity: Spaniards had always been welcomed by foreign nations. Although possibly not sought after by

¹¹⁵ Kreienbrink, 2004, 108, my translation.

¹¹⁶ This had been the case with previous Spanish constitutions, who never mentioned asylum. The only attempt to legally codify asylum was the asylum law promulgated in 1855 an asylum law had been promulgated that, until then, had been the only norm (see Luis Planas Puchades, DSC, 2. Leg., Pleno, Núm. 79 del 29.11.1983, 3810).

¹¹⁷ See *ibid.*, 112-115, esp. 114.

¹¹⁸ See *Los candidatos*, ABC, National, 13.10.1982, 31.

¹¹⁹ *Guerra anuncia el inmediato envío a las Cortes de una ley de asilo*, ABC, National, 18.12.1982, 33.

Guerra himself, the positioning of the arguments in the article let the reader draw a direct line from Yáñez-Barnuevo's evoking of the emigrant past to the political-legislative ambitions of Guerra: because other countries had taken in Spaniards, now Spain wanted to give back this favor.

This combination of recalling Spanish exile and demanding a policy reform had been voiced already before in public discourse. In a series of three lengthy reports on the topic under the title of "Spain, country of asylum", the Spanish daily *El País* pressed forward the issue of a lack of legislation on the matter and called for the development of policies. The first article in this series, published a week before Guerra's speech, described the situation of refugees and asylum seekers in Spain and their numerical development in recent years. The conflation of emigration memory and policy claim was thereby used as introduction to the article, setting the stage:

"Spain has passed from being one of the principle countries producing exiles at the end of the Civil War to being the second [largest] country receiving immigrants, after France. But for the lack of an adequate legislation – there is a legislative gap – [...] even though official support is granted, the thousands of refugees – especially the Vietnamese, Cambodians, Laotians, Iranians, Eritreans, etc., constitute an authentic social and human drama."¹²⁰

The emigration memory employed here stayed rather impersonal. The assertion was that Spain had turned from being a source of exile to being a safe haven for asylum seekers, who need better legal protection. However, emigration memory was not used in a direct, causal argumentation. It was an implication that functioned rather in between the lines and it was left to the reader to use the emigration memory alluded to, as to identify him- or herself with the present exiles or not.

3.2.2 *The Asylum Law in parliament*

This changed in the debates on the law in the Spanish parliament. The first draft of the bill was presented to the *Cortes* by the government in June 1983.¹²¹ Some, but not much public attention had been paid to the initiative prior to its first discussion in Congress: the second big Spanish daily, *ABC*, had pointed out that terrorists would be excluded from being granted asylum,¹²² whereas *El País* collected the opinions of the different parties and other social actors on the draft bill.¹²³ Both newspapers seemed content with the fact that a law was now being developed and did not take an overly critical stance.¹²⁴

This rather shallow public discourse was not mirrored in the first debate of the bill in Congress. On the contrary, the debate was lively and harsh: the conservative-right Popular Alliance (AP) attacked

¹²⁰ *España, tierra de asilo / 1*, *El País*, 12.12.1982.

¹²¹ See BOCG, 4. Leg., Serie D, Núm. 165, 22.3.1991.

¹²² See *España no ofrecerá asilo político a los terroristas extranjeros*, *ABC*, National, 18.6.1983, 18.

¹²³ See *Minoría Catalana, PNV y PCE proponen que un servicio de protección asuma las atribuciones de Interior en materia de asilo*, *El País*, 3.10.1983.

¹²⁴ An uncertainty remained about how many refugees the law would actually affect: some articles spoke of ca. 2500 refugees in Spain (see *Aprobado el proyecto de ley de derecho de asilo*, *ABC*, National, 21.04.1984, 6), others mentioned almost ten times as much (see *España no ofrecerá asilo político a los terroristas extranjeros*, *ABC*, National, 18.6.1983, 18). The government gave the following figures as of 30.6.1983: 2148 recognized cases out of 5252 applications. However, the Dirección General de Acción Social, del Ministerio de Trabajo, also mentioned, that the total number of refugees in Spain would be at 40000 to 50000 (see Alfons Cucó i Giner, *DSS*, 2. Leg., Núm. 47, 14.2.1983, 2368).

the Socialist project, judging it to be too imprecise and opening leeway for all kinds of abuses of asylum. On the other side, the AP criticized the draft for its spirit: the Socialists would want to see asylum as a security problem. The proper way of treating it – and this was the thrust of the amendment handed in by the AP – would be by seeing it as a fundamental human right. The Catalan Party (CiU) seconded this criticism, arguing that in the Socialist’s design of the law it would be the Ministry of the Interior who could discretionally decide on granting or denying asylum. This would in other European states be handled by a body independent of the government. In its amendment, the CiU thus proposed a body called SEPRA (short for Refugee Protection Service, *Servicio de Protección al Asilado*) to take over the task. Both parties accused the PSOE of contradicting an earlier draft that the Socialists themselves had wanted to introduce in the previous legislative period.¹²⁵

This, of course, called for rhetorical repulse from the side of the governing PSOE. Its spokesman argued that it was not the Socialists that would be contradicting themselves, but rather the AP, whose arguments he dismantled as being paradoxical and contradictory. The amendment of the CiU, on the other hand, was characterized as not being too different from the draft of the government itself and therefore uninteresting. However, with this position he stood alone, as the reaction of the smaller parties showed: the Communists (PCE) and the Centrist Group (GC) made clear that they would agree with the Catalan Party, the Communists adding – in good internationalist manner – that the right of political asylum should not be denied to freedom fighters.¹²⁶

Mind-games

The debate was peppered with references to emigration memory on all sides of the political spectrum. First to use emigration memory in his argument was the spokesman of the Catalan Party, Miquel Roca Junyent:

“First I said historical memory; historical memory for one reason. The gentlemen of the government and of the [parliamentary] group supporting them, coincide with us in a basic matter. Many or some representatives of this House have enjoyed the right of asylum which was given and recognized to Spanish citizens in other moments of our history, and I have to say, with the application of the legislative project that the government suggests to this House today, other states would not have been able to concede asylum to the MPs that are today sitting in this House, to the MPs that today, thankfully, want to, precisely, recognize that this right deserves to be treated as a problem of much more depth, rooted in what is the defense of the human rights, of international solidarity and the common cause of liberty.”¹²⁷

The interesting and effective aspect of this argumentation was its use of personal emigration memories of members of the opposing party to argue against its political position: the memory of exile of the Socialist MPs was evoked and used as a direct argument against their own draft. Empathy was thus evoked not with current asylum seekers, but with the MPs themselves that, in an alternative history, in which the countries of exile would have had enacted the policy the PSOE government suggested, would have not have a place to flee to. Roca Junyent used this very powerful

¹²⁵ This earlier draft, which the Socialist party had put to discussion in April 1980, then in opposition, was qualified by the CiU and AP as being more open and tolerant than the one at hand. The attack also aimed at the fact that the earlier approach would have included the SEPRA as the deciding authority (see Roca i Junyent, DSC, 2. Leg., Pleno, Núm. 61, 25.10.1983, 2861).

¹²⁶ See DSC, 2. Leg., Pleno, Núm. 61, 25.10.1983.

¹²⁷ Miquel Roca Junyent, DSC, 2. Leg., Pleno, Núm. 61, 25.10.1983, 2862.

rhetorical figure again when attacking the discretionary power the draft bill intended to give to the Interior Minister:

“But, as I said, there are more problems. For example, the form in which it is judged, that it is precisely the government who, on recommendation of the Interior Minister, be the one who determines [who receives asylum and who not, JT]. From that moment on, all administrative appeals are suppressed, and you know, and some of your historical comrades know, by sad experience, that if a citizen who is seeking refuge, when entering at the border, is asked to provide specified documents that accredit, for example, his political condition, this can take some months, and then it results that you [the Socialist MPs, JT] are refusing this condition of political exile, you are impeding the administrative appeal and you are denying the litigious administrative appeal, with which, from this moment on, the expulsion of that citizen takes place. With this practice, that you are imposing here today, in 1939 many Spanish refugees would not have been able to enjoy asylum, and you know this, and this has to be corrected, this should be corrected.”¹²⁸

Here, the personal experience of standing at the border, of being threatened by expulsion was once more summoned by the Catalan spokesman against the PSOE proposal. Noteworthy about this quote was, however, a second element: Roca Junyent mixed this personal emigration memory with an allusion to collective memories (“many Spaniards”) and was thus able to make the emigration memory used applicable to a larger audience.

But this mind-game of drawing alternative histories combined with emigration memory was used by the Socialists as well. When criticizing the AP-amendment for being xenophobic (a wider right to asylum would aggravate social insecurity) PSOE spokesman Luis Berenger Fuster applied a very similar rhetorical figure:

“Think, Your Honor [the MP addressed, JT], if this reasoning would have been adopted in certain countries, as for example Mexico, from 1939 on, when the Spanish exiles contributed not only to strengthening the Mexican economy, but also, as has been absolutely recognized throughout the world, to improve the rank of the Mexican university itself for the intellectual grandeur of a good number of these Spanish exiles.”¹²⁹

Contrary to the CiU, Berenger Fuster did not draw a clear picture of what would have happened, but left it to the audience to imagine. This puts the focus on the contribution Spaniards had made during their time in exile – and, thus, implicitly, on the contributions the asylum seekers in Spain would make.

“Historical debt”

Compared to these arguments that employ memories of emigration in a tricky rhetorical way, a group of arguments one could label “historical debt” followed a rather straightforward construction. This argument, that Spain would, in times of exile after the Civil War, have acquired a debt that should now be repaid in form of a modern/more open/widely defined legislation, came up quite frequently in the debate. Just to give two brief examples:

¹²⁸ Ibid., 2863.

¹²⁹ Luis Berenger Fuster, DSC, 2. Leg., Pleno, Núm. 61, 25.10.1983, 2865.

(1) Communist spokesman Gregorio López Raimundo explained the desire of his party to help draft an asylum law, but at the same time defended his veto against the PSOE draft:

“[...] it is also urgent to convert Spain into a land of exile. This not only to put us on the same level as other countries in Europe with respect to asylum law, but also, to pay a moral debt that Spanish democracy has with the states that received those hundreds of thousands of Spaniards who went into exile after the Civil War and, especially, with the Latin American peoples that are enduring dictatorial governments [and] with whose struggle we feel solidary.”¹³⁰

(2) Antonio Díaz Fuentes of the Centrist Group expounded his motives for voting in favor of the law:

“We are doing this because we consider it to be the most adequate way to fulfill the aims and intentions or the prediction that the Spanish constitution contains in article 13, section 4, which in its day formed a hopeful announcement of situation Spain in an international context of tolerance and modernity. It was this intention – I want to recall this here – that was considered as one of the factors characterizing the Spanish constitution as progressive and it was also understood as a form of service that Spain was ready to the outside world, somewhat as a compensation of the infinity of circumstances in which many Spaniards found reception in other nations during our rough contemporary history.”¹³¹

Both examples show how the memory of exile was, in the very abstract form of “historical debt”, used to argue in favor of a wide definition of asylum. The latter quote, however, also demonstrates that memory was not only employed to domestic ends, but that it also figured within a certain rhetoric aimed at an international context, in which Spain in this phase was still seeking orientation and acceptance. Evoking emigration memory in this setting allowed for the enunciator to boost Spain’s status as a good democratic society, to reassure to the international community that the country has learnt from its undemocratic past.

After this “memory-battle” in the plenary, the subsequent discussion of the law in the corresponding Constitutional Commission stayed surprisingly absent from memory-related arguments. Only one MP, the Communist Gregorio López Raimundo, made use of emigration memory. When defending an amendment that would insert the words “democratic solidarity” to the criteria obliging the Spanish state to take in refugees, he argued:

“We give special importance to this amendment, in spite of its shortness, because we understand that the right of asylum, which is conceded by the majority of countries, has a different meaning, depending on which country it may be. In any case, I can talk about this matter from experience because, when I was in political exile, there were countries that gave me exile, but other countries denied me this because of a simple reason, and that was because I was an exile due to the outcome of the Spanish Civil War. Thus, in every asylum law there is a political restriction, and I believe that this holds true for our country as well, and it would suffice to see the composition, the ideology, the political tendency of the exiles that we have in our country to understand that this is so. Therefore, our law, in our judgment, should include this proposal we made.”¹³²

¹³⁰ Gregorio López Raimundo, DSC, 2. Leg., Pleno, Núm. 61, 25.10.1983, 2870.

¹³¹ Antonio Díaz Fuentes, DSC, 2. Leg., Pleno, Núm. 61, 25.10.1983, 2871.

¹³² Gregorio López Raimundo, DSC, 2. Leg., Comisiones, Núm. 84, 10.11.1983, 2861.

López Raimundo here used his personal emigration memory to explain his political standpoint. Memory was not incorporated to evoke the empathy of the other MPs, as the memory pertains to himself only. He did not enlarge the circle of those who could relate directly to the memory. Rather, the personal emigration memory here was used as an exemplification what could happen if the consequences of the law are not thought through properly. That this argumentative strategy did have an effect on the assembled MPs can be deduced from the fact that, although rejecting the Communist amendment, the PSOE introduced and voted for an almost identical one.¹³³

When the law was re-discussed in the plenary of the Congress López Raimundo picked up this personal emigration memory again. As he here argued on a slightly different subject (namely evading discretion in the process of granting asylum) he had to enlarge the circle of those affected by the memory, giving it more empathic quality:

“Of course I do not agree with the thesis of mister Castellano; and I do not agree because I and many others have had the experience of suffering from persecution in countries – maybe I should say this in singular – where we had been given asylum, for motives that in no case supposed disloyalty to that country, nor did it have anything to do with the problems of this country, but rather because of pressure [exerted] by the Spanish government of the time, and this is what we wanted to evade [with this amendment]. That is, that the right of asylum would not be subject to possible different interpretations and that it would really be adopted as a law.”¹³⁴

The issue of discretion in granting asylum was also prevalent in the interventions of other MPs in this second Congress debate, again, intimately tied to emigration memory. A Catalan MP, for example, called to follow the example of other European countries that would not let their Interior Minister decide on asylum petitions, but that had created an independent entity to do the job. The claim was backed up by Spanish emigration memory that was contrasted to the experience of other European countries.

“We are not asking for anything exceptional. The European experience, in its majority, advises us to do so, and this European experience, I insist, is not capricious, but is based in a practical [experience, JT] we do not have. Spain has not normally been a country of asylum. Its citizens have been beneficiaries of said asylum. We do not have a great obtained experience – I insist – in the subject of conceding asylum. Unfortunately for our history, what we have done is supplied many citizens that claimed and at times obtained asylum outside of our frontiers.”¹³⁵

This quote differs from those seen before, as here emigration memory was employed not to empathize or exemplify, but rather to show the present-day legal consequences of those memories: while other nations had taken in asylum seekers, Spain had produced them. This led to a disadvantage in knowledge on asylum legislation and, consequently, to a situation in which Spain *needed* to take other European countries as an example. Thus, migration memory was here used in a very indirect manner to reach the political aim of the MP.¹³⁶

¹³³ See Luis Planas Puchades, DSC, 2. Leg., Comisiones, Núm. 84 , 10.11.1983, 2862, and also *Los extranjeros podrán usar el derecho al asilo cuando sufran persecución política*, El País, 11.11.1983.

¹³⁴ Gregorio López Raimundo, DSC, 2. Leg., Pleno, Núm. 79, 29.11.1983, 3804.

¹³⁵ Miquel Roca Junyent, DSC, 2. Leg., Pleno, Núm. 79, 29.11.1983, 3795.

¹³⁶ This second debate in Congress contains many more references to emigration memory that are here, however, not displayed, as the structure of the arguments are similar.

When the bill finally came to be discussed in the Senate, the debate on the discretionary powers of the Interior Minister was carried on only low profile (by the CiU and an independent MP). The AP as the biggest party of the opposition had already seen its desired changes fulfilled and now voted in favor of the bill.¹³⁷ This made for a rather uncontroversial debate in which emigration memory appeared only to legitimize the bill and much in the style of the “repaying historical debt”-argument described above. The closing phrase of Alfons Cucó i Giner’s (PSOE) intervention may suffice as an example:

“With its approbation – and also the Minister of Justice recalled this – we start to clear a true historical debt with fraternal countries, who some decades ago received our persecuted and humiliated people. With this, we find ourselves again in a tradition, obvious in the old Asylum Law of 1855, that configured our country as a land of refuge for the persecuted.”¹³⁸

Exile’s benefits

It was only the Minister of Justice, Fernando Ledesma Bartret (PSOE), who, when describing the project to the Senate, made use of a different form of emigration memory:

“[...] it is clear that the approbation of this project can mean sacrifices; but these sacrifices will have a counterpart of bigger magnitude, because, gentlemen – I truly think this –, to the respect and the growth that our solidarity with the asylum seekers and refugees will make us worthy of, will add the social and personal enrichment that is supposed by the presence amongst us of persons that contribute values and messages of liberty and that, in not few cases, are very prominent figures in the different fields of creativity, of science and of knowledge. Other peoples, especially the Latin American peoples, had [in the past] the fortune of enriching themselves with men of ours. I could cite a long list of Spaniards that contributed not only to America, but also to Europe with their great literary, poetic, scientific, etc. capacity.”¹³⁹

The legitimizing function of emigration memory here is more than apparent: Spaniards in exile helped the respective countries thrive; now the same would happen with Spain. Towards the very end of the legislative process the employment of this specific memory was an interesting turn. The debate before had centered on the negative memories of Spanish exile. Now, as to give the project a final positive legitimization before voting, the memories of Spaniards contributing to their places of exile, only briefly mentioned in the debate itself, are drawn upon.

Although, ironically, parliamentarian of the oppositional AP proved the Socialist Minister wrong and argued that Spain should be willing to accept all those in need, not only skilled exiles,¹⁴⁰ no further discussion came about and the draft was passed back to the Congress, where the final vote was but a formality, eliciting only minor technical discussion.¹⁴¹

¹³⁷ See César Llorens Barges, DSS, 2. Leg., Pleno., Núm 47, 14.02.1984, 2371.

¹³⁸ Alfons Cucó i Giner, DSS, 2. Leg., Pleno., Núm 47, 14.02.1984, 2369.

¹³⁹ Fernando Ledesma Bartret, DSS, 2. Leg., Pleno., Núm 47, 14.02.1984, 2368.

¹⁴⁰ See César Llorens Barges, DSS, 2. Leg., Pleno., Núm 47, 14.02.1984, 2371.

¹⁴¹ See DSC, 2. Leg., Pleno, Núm. 97, 28.02.1984.

3.2.3 *The Asylum Law after its enactment*

Other than the Foreigners Law that generated a lot of public polemic after its promulgation (see below), the Asylum Law was approved without being the subject of a wide societal debate.¹⁴² This can most probably be ascribed to the fact that in some way or the other, the parliamentarians elaborating the bill and society at large, agreed on the general necessity of having a stable norm.¹⁴³ The use of the “historical debt” argument in this context might have had an influence on this general appreciation.

3.3. *The Foreigners Law of 1985*

3.3.1 *Legislative predecessors*

The liberties and duties of foreigners who did not fall under the category of asylum seeker or refugee were until the 1980s subject to a plethora of different normative regulations. There were numerous laws on entry, exit, residency and labor. Altogether, there was no normative coherence, leading most literature to coincide that “until the mid-1980s, Spain had an only scarcely defined frontier and immigration policy.”¹⁴⁴

Although legislation on foreigners had been a matter of concern throughout the modern period,¹⁴⁵ the earliest piece of migration-related legislation that still played a role in the 1980s, was a Royal Decree (*real decreto*) from 1852, which set foreigners at a par with inhabitants of the kingdom. This decree, that stayed valid until the elaboration and implementation of the new Foreigners Law,¹⁴⁶ granted foreigners the right to move freely within the country and be active economically.¹⁴⁷ Similar liberties were granted in the first elaboration of the Civil Code (*Código Civil*), which in 1889 laid the basis for legal equality of foreigners and Spaniards by granting the former full freedom of residence and vocational liberty.¹⁴⁸ Obviously, these regulations were directed at wealthy investors from Northern European countries and skilled migrants that would contribute to the Spanish economy. They were not conceptualized as laws covering modern-day economic immigration.

¹⁴² See BOE-A-1984-7250.

¹⁴³ ABC, for example, published an article in 1985 in which the situation of asylum seekers in Spain is described and lamented, but, however, the positive role of the new norm in making their situation acceptable is highlighted (see *Los 6.000 exiliados políticos que hay en España, entre el amparo de las leyes y el rechazo social*, ABC, National, 28.2.1985, 45).

¹⁴⁴ Kreienbrink, 2004, 73, my translation.

¹⁴⁵ See e.g. Álvarez-Valdés y Valdés, 1992.

¹⁴⁶ There is some confusion in the literature with respect to this: According to Kreienbrink, the Foreigners Law of 1985 itself abrogated the decree of 1852 (see Kreienbrink, 2004, 88). It does, indeed, in its statement of purpose allude to the decree (see BOE-A-1985-12767, 20824). Muro Castillo and Cobo del Rosal, however, argue that the decree was only abrogated only by the Royal Decree 1119/1986 that contained the regulations on the execution of the Foreigners Law (see Muro Castillo / Cobo del Rosal, 2011, 2086). This can be confirmed by a reading of the decree of 1986 (See BOE-A-1986-15311, 21388). The confusion stems from Kreienbrink’s superficial reading of the text of the Foreigners Law, but does, in practice not matter: with the promulgation of the law in 1985, the decree of 1852 was *de facto* not valid any more, as foreigners could claim their rights according to the law itself.

¹⁴⁷ See Kreienbrink, 2004, 87f.

¹⁴⁸ See BOE-A-1889-4763, 249.

Although staying formally valid throughout the Franco-period, these rather liberal legislative texts were counterweighed by the actual attitudes of the autocratic regime towards foreigners. Authorities were given “full discretionary freedom in their decisions”¹⁴⁹ regarding foreigners. As this could also entail arbitrary expulsion, there was *de facto* no legal security for foreigners in Spain.¹⁵⁰ This only changed in 1974, when a Royal Decree came to regulate extensively the entry and exit of foreigners to and from Spain.¹⁵¹ Although, as the preamble of the decree clearly states, the regulations aimed at dealing with all kinds of “situations that come about through the current massive movement” brought to Spain by the “touristic phenomenon”,¹⁵² the decree did contain some articles that dealt with the labor market insertion of non-Spaniards. Article 24, for example, prescribed that foreigners, „who are willing to acquire a stay or residence permit with the intention of commencing any form of labor in Spain, be it as employee or self-employed, will have to forward a work permit issued by the competent authority.”¹⁵³ To a certain extent, thus, this regulation covered several fields (entry, exit, work and residence permits) and was therefore, until the enactment of the new Foreigners Law, quoted by politicians as being one of the fundamental norms of Spanish legislative regulation on foreigners.¹⁵⁴

However, it was only *one* of those norms next to other minor laws and regulations. Thus, the statement of purpose of the new Foreigners Law would contend that since 1852 “our normative order lacks [...] a norm that with an aspiration of generality, recollects, formulates and synthesizes the principles that should inform the situation of aliens [...] and that avoids the proliferations of orders of different status [*rango*] that until now have regulated this matter.”¹⁵⁵ Another pressing issue was the need to develop the liberties the constitution in 1978 had granted to foreigners. Article 13 states that “Aliens in Spain may enjoy the public freedoms guaranteed by the present Title under the terms which treaties or laws may establish”.¹⁵⁶ Although there were several attempts made at enacting an organic law that would develop these basic liberties, it was not until 1984 that a legislative project was initiated that would actually produce a valid norm.

¹⁴⁹ Kreienbrink, 2004, 90, my translation.

¹⁵⁰ Kreienbrink suggests that, however, that during Franquism, Moroccan migrant workers without regular papers, were tolerated as cheap labor (See Kreienbrink, 2004, 91).

¹⁵¹ See BOE-A-1974-360.

¹⁵² BOE-A-1974-360, 4008, my translation.

¹⁵³ BOE-1974-522, Art. 24,1, my translation. The stipulation that a work permit is the precondition of a residence or stay permit, is picked up by subsequent legislations on the matter and leads to polemics, as it made it impossible for foreigners with an irregular status to regularize their situation bringing them into a vicious circle (See, e.g. for the Foreigners Law of 1985, Cachón Rodríguez, 2009, 169). This path-dependency from legislation in the late Franco-period to contemporary migration-legislation has, however, not yet been object of study.

¹⁵⁴ See e.g. the response of the government to deputy Jorge Verstryngue Rojas in 1983 (BOCG, 2. Leg., Serie D, Núm. 12, 11.11.1983, 878).

¹⁵⁵ BOE-A-1985-12767, 20824.

¹⁵⁶ BOE-A-1978-31229, 29318.

3.3.2 First calls for a new Foreigners Law

Aside from the pressure to unify the existing legislation on foreigners and to develop the constitutional demands, calls for a partial or even fundamental reform of the legislation had been perceivable from various sides of Spanish society throughout the early 1980s:

1. The police argued that it needed more effective instruments to deal with criminal foreigners:

“A police raid without precedent amongst the flourishing community of foreigners in Barcelona has shown, according to police sources, that the current ‘foreigner law’ should be revised as soon as possible. Spain, in contrast to other European and American countries, does not possess a clear regulation on the rights and duties of the foreigners that are on its territory. Due to this situation, criminals from all around the world choose Spain – and especially Barcelona – as their place of work.”¹⁵⁷

2. Representatives of commerce claimed that new regulations would reduce delinquency, as foreigners were especially involved in armed robbery:

“The jewelers consider that the sector [of jewelry, JT] has one of the highest levels of insecurity, as is shown by the fact that during the past two years eleven jewelers were assassinated in Spain and that the sum of goods robbed amounted to 1500000 pesetas yearly. [...] Other requests of these merchants are that the new articles 503 and 504 of the law on Criminal Punishment are published as soon as possible [...] and that a new foreigners law is elaborated.”¹⁵⁸

3. Local politicians contend that commercial disorganization and petty crime would be easier to get hold of. The deputy mayor of Madrid, Juan Barranco, put it in the following terms when talking about commerce in the center of Madrid:

“There exists a legal framework, but what happens is that it is not obeyed. It is true that things are sold outside of [the stipulations of] the law, especially in the center, and it is true that this, to a certain extent, is harmful to the established commerce. [...] On the other side, we have asked for a reform of the Foreigners Law, as many of those that sell on the streets are South Americans or Arabs.”¹⁵⁹

4. The conservative opposition made clear that only a fundamental reform of the legislation on foreigners would save the Spanish labor market:

“Our respective legislation is obsolete, as it stems from a time in which the factors of the world of labor were pretty different. And while the rest of the Western countries have made their norms adequate to present and future necessities, we, for the lack of provision, are now being the destination of foreign labor force who invades us, without us putting a solution to such a serious situation.”¹⁶⁰

¹⁵⁷ *Detenidos en Barcelona 141 extranjeros por delincuencia o situación irregular*, El País, Barcelona, 19.07.1983.

¹⁵⁸ *Los joyeros secundaron la convocatoria de cierre en protesta por la inseguridad ciudadana*, ABC, National, 14.11.1984, 21.

¹⁵⁹ *Juan Barranco: «El contrato directo es legal; es un concurso restringido»*, ABC, Madrid, 29.1.1985, 36. Juan Barranco (PSOE) was mayor of Madrid from 1986 to 1989. When giving the interview, he was in position of deputy mayor. See also *Los ciegos no quieren ser intervenidos por el Estado, sino autogobernarse*, ABC, Madrid, 27.2.1985, 40.

¹⁶⁰ BOCG, 2. Leg., Serie D, Núm. 4, 8.10.1983, 388.

All these arguments concurred in seeing a causal relationship between the existence of a large number of foreigners in the country and a high crime rate. A change of the hitherto valid legislation on foreigners would help reduce crime, so the reasoning. The initial impulse for the reform to the *ley de extranjería* was accordingly envisioned by the responsible ministers of Justice and the Interior as part of a plan of action against delinquency, especially the drugs trade.¹⁶¹ The package of laws against delinquency it was to be part of, was to be developed under the auspices of the Interior Ministry and was announced as early as April 1984.¹⁶² In late October of the same year the Foreigners Law, now a more concrete project, was still envisioned by the Minister of the Interior as part and parcel of a strategy to combat crime.¹⁶³

When the law was first drafted and presented to the public in early November that year, the newspapers, reporting in detail on the regulations the new law would entail, stressed that it would endow foreigners with rights similar to those of Spaniards.¹⁶⁴ The focus on the newspaper coverage thus shifted slightly from fighting delinquency to the actual content of the law.¹⁶⁵

Nevertheless, it remains clear that the incentive for reforming the law came initially from parts of the society that saw a reform as a remedy to a perceived social problem. Although immigration figures were not high yet, decisive actors within the societal discourse perceived immigration to already be a palpable issue and voiced these concerns by calling for a new legislative regulation.¹⁶⁶ The existence of these prior demands, corroborated by the fact that the law was initially envisioned as part of an anti-crime strategy, makes clear that – foreign influences on the final content of the law apart – the initiation of the legislation process was not forced by external, European factors, as the current literature argues, but was a development internal to Spanish society.

This has some implications for the existing literature. A considerable part of the literature on the evolution of Spanish Foreigners Law speculated about the influence of the entry of Spain to the European Communities and the influence of European legal harmonization in this early phase. The discussion can be broadly divided into three currents:

1. Europe as central explanatory factor. This stance is taken by most of the early literature that saw a mismatch between the virtual non-existence of immigration and intensive law-making in this realm. To them, the sole or main explanatory factor for the evolution of Spanish alien laws was European

¹⁶¹ See *El Gobierno enviará hoy a las Cortes la reforma de la ley de Enjuiciamiento Criminal*, ABC, National, 5.4.1984, 21. The literature on the Foreigners Law does not mention this prior development.

¹⁶² See *El Gobierno aprobará hoy la «contrarreforma» en Justicia*, ABC, National, 4.4.1984, 19.

¹⁶³ See *Barrionuevo anuncia cambios en los Cuerpos policiales*, ABC, National, 27.10.1984, 19.

¹⁶⁴ See *Los extranjeros residentes podrán votar en las elecciones municipales*, ABC, National, 10.11.1984, 17.

¹⁶⁵ Here, however, a slight qualification has to be made as to the different newspapers under analysis. Whereas ABC covers the initiative quite early and, when the first draft is issued, rather neutrally, El País first does not cover the initiative at all and, when it starts to do so (after the draft was agreed upon in the Council of Ministers), the focus is for a long time to point out the laws advantages to deal with delinquency. See e.g. *El Consejo de Ministros aprueba un proyecto de ley que permite expulsar a extranjeros 'indeseables'*, El País, 13.12.1984. Thus, for a short time, the two dailies seem to have switched political roles.

¹⁶⁶ This finding is not shared by the current literature, who argues that the discourse on immigration only developed at the end of the 1980s and at the beginning of the early 1990s. It thereby concurs with the perception of some parts of the political elite that, when looking back at the origins of the immigration debate, seems to have forgotten the earlier origins over the difficult events of the late 1990s and early 2000s (see Marquez Lepe, 2006, 326-330, who interviewed policy-makers in the early 2000s).

influence. As main proponents Cornelius¹⁶⁷ and Arango¹⁶⁸ and, more recently, Bruquetas-Callejo et al.¹⁶⁹ and Álvarez-Miranda et al.¹⁷⁰ can be identified. An extreme position is taken by Sánchez Alonso, who contends that the new Foreigners Law was “imposed upon us by the European authorities”¹⁷¹ and Kleiner-Liebau, who gives a similar impression.¹⁷² A more theoretical approach from a generalizing European perspective is given in a recent contribution by Arango, who argues that the common membership in the EU has limited the policy choices of Southern European countries, thus taking out the “imposing”-aspect, in favor of a more passive point of view on European coercion.¹⁷³

2. Europe as one among many factors. This view contends that the prospect of joining the European Communities did have an impact on the creation of migration-related legislation, but that, however, it was only one in a complex web of determining factors. The main proponent of this argument is Kreienbrink, who dedicated his PhD thesis entirely to the analysis of the nature of this influence.¹⁷⁴ Fauser also takes this middle position, arguing that European and internal domestic factors were mutually influential.¹⁷⁵ Rubio Carbonero, finally, argues that Spain was one of the most eclectic countries in applying European norms.¹⁷⁶

3. Europe a negligible factor. This position argues that the process of Europeanization is not at all decisive for the development of the Spanish alien laws, but that it was internal path-dependency that led to this enactment. This position remains a minority one with Izquierdo being the only clear proponent.¹⁷⁷

The findings presented above make clear, however, that this discussion should be reevaluated: instead of asking about the influence or absence of Europeanization in general, it should be asked how much influence the European factor had in different phases of the elaboration of the legislation (initial impulse, formulation of first draft, public and parliamentary debate). This thesis thus contends that for the initial phase the European factor was absent and that it was rather the element described above, namely the *perception* of immigration by policy-makers and actors in the public discourse, that played a role.¹⁷⁸ To these actors, immigration (and its perceived connection to crime) was high enough to demand legislative action. This perception did not come out of the blue, but correlated with a steep rise in increase of foreigners residing in Spain, as the following graph shows:

¹⁶⁷ See Cornelius, 1994, 345.

¹⁶⁸ See Arango, 1999, 265.

¹⁶⁹ See Bruquetas-Callejo et al., 2011, 295.

¹⁷⁰ See Álvarez-Miranda et al., 2004, 219.

¹⁷¹ Sánchez Alonso, 2011, 249, my translation.

¹⁷² See Kleiner-Liebau, 2009, 85.

¹⁷³ See Arango, 2012, 56-57.

¹⁷⁴ See Kreienbrink, 2004.

¹⁷⁵ See Fauser, 2007, 149-155.

¹⁷⁶ See Rubio Carbonero, 2010, 70-71.

¹⁷⁷ See Izquierdo, 1993.

¹⁷⁸ Zapata-Barrero, 2009, 1105 likewise argues that literature should not commit the mistake to take immigration figures as point of departure, as this would be an *ex-post* argument, and rather look at the perception of immigration. However, he alas is not consistent with his own argument, as he, too, argues that only from 2000 on immigration came to be perceived as a threat.

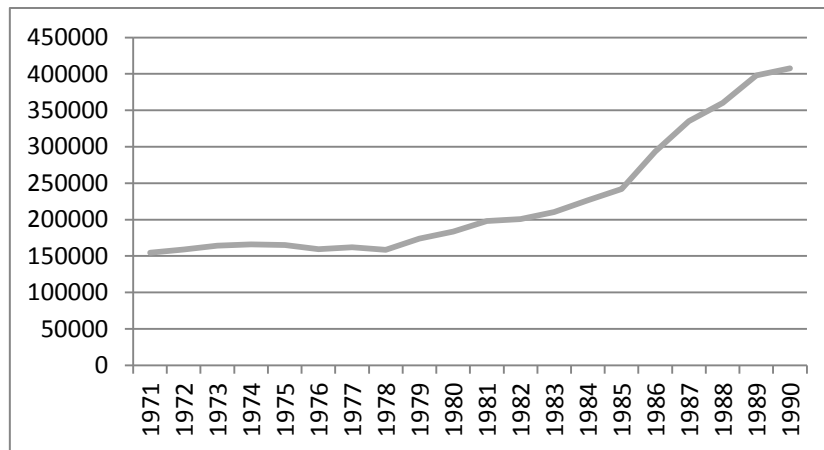


Table 2: Foreigners residing in Spain with residence permit (stock data), 1970-1990
(own elaboration on the basis of INE (1980, 1990))

Whereas immigration had been virtually absent until the end of the 1970s, and the stock of foreigners living in Spain had even decreased somewhat towards the end of the decade, from the early 1980s onwards the number of foreigners living in Spain grew constantly. The liberalizing effects of the recent democratization and the prospect of the integration of Spain into the European community now made themselves felt. The impact of immigration becomes even clearer when we look at the percentage change in immigration figures, that is, how many percent faster the foreign population in Spain grew each year in comparison to the previous one:

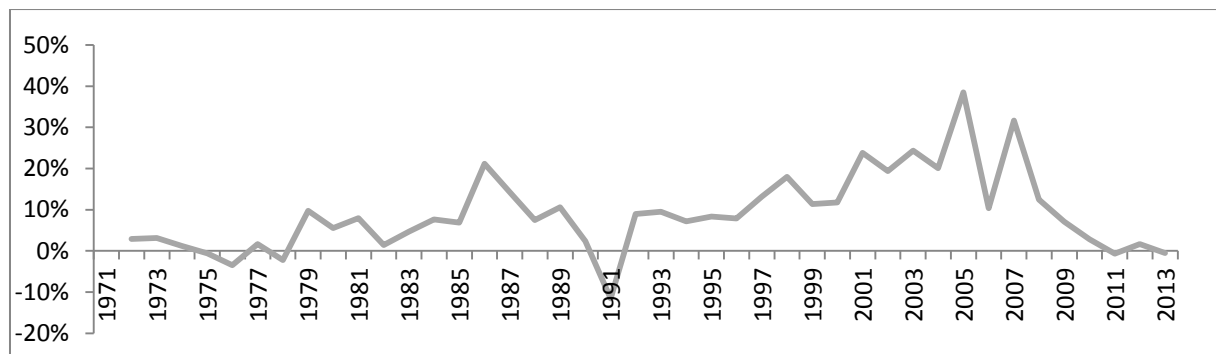


Table 3: % increase p.a. of foreign population with a residence permit in Spain
(own elaboration on the basis of INE (1980, 1990, 1995, 2000), Ministerio de Empleo y Seguridad Social (2009, 2011, 2014))

As becomes clear from the graph, the pace of immigration in the 1980s was (although absolute immigration figures were not high yet) almost on the level of the late 1990s and early 2000s – for the first time immigration started to accelerate. Thus, although there were not many immigrants, the change was felt by the population and resulted in the perception of immigration as an issue. Taking *contemporaneous perception* as the point of departure for the analysis thus proves the literature wrong, that argues (out of historical hindsight and by looking at the stock numbers only) that there would be no causal relationship between immigration and alien legislation in the 1980s (see e.g. Kreienbrink who contends that the Foreigners Law was enacted in a phase “without noteworthy immigration”,¹⁷⁹ or Cachón Rodríguez, who contends very clearly that there would be no causal relationship between immigration and the elaboration of the new Foreigners Law¹⁸⁰).

¹⁷⁹ Kreienbrink, 2004, 445, my translation.

¹⁸⁰ See Cachón Rodríguez, 2009, 168.

3.3.3. Memory in the pre-drafting phase

During this initial phase in which the need for a coherent alien legislation was formulated in discourse, memories of emigration were rarely evoked. Two discursive instances from two very different points of view, however, stood out. In autumn 1983, Jorge Verstryngue Rojas, then General Secretary of the Popular Alliance (AP), asked the government in a written parliamentary inquiry about the legal situation of foreigners in Spain, the way they interfere with the labor market and how the government would seek to curb immigration.¹⁸¹ This fear for competition in the labor market was introduced at the beginning of his inquiry with an explicit reference to emigration memory:

“Before, we Spaniards, due to tradition and necessity, emigrated. Today, as the economic crisis has not left anybody untouched, the obstacles of emigration are almost insurmountable. And, curiously and disgracefully, we have come to be a pseudo-paradise for immigrants, as, even though the supply of labor is not attractive [to them], the easiness of settlement is.”¹⁸²

More than being a mere rhetorical introduction, this reference to memory served to set the past experience of Spaniards apart from those that were coming to Spain. It made a clear distinction between ‘Our’ past and ‘Their’ present situation. The past emigration, honored by tradition and legitimized by necessity would still be a driving force in Spanish society, if it were not for the situation of crisis prevalent in the early 1980s. This positive memory of out-migration was contrasted with present day immigration: the immigrant did not come to work, not to be productive, but rather, because it was easy to establish residency in Spain, thereby making Spain a pseudo-paradise. Implicitly, the immigrant was accused of being lazy and unproductive.

Interestingly, Verstryngue Roja’s use of memory elicited a reaction from the government. In its answer to the MP, although itself not alluding to memory, it picked up the argument deriving directly from his use of memory: future immigration would be always regulated under the premises of the Spanish labor market and a new regulation would entail “a restrictive effect”.¹⁸³ The government did not specify when such a new norm would be developed, and, as seen, the planning did not start until a year later – however, if one assumes that Verstryngue Roja’s argument was read and answered by the same persons in the Ministry of the Interior that were later responsible for drafting the new bill, then one could argue that his use of memory did have a (very indirect) influence on the first drafting of the new Foreigners Law.¹⁸⁴

Probably of less influence on the governments framing of the legal text, but a good example of the public discourse of the time, is the second enunciation in which emigration memory played a role. In a letter to the editor from February 1984 titled “I, too, was foreigner” former immigrant Antonio

¹⁸¹ The overtly anti-immigration stance taken by Verstryngue Rojas in this inquiry is interesting when contrasted with his personal and political life. He was born in Tangier, half-Spanish and half-French, where he spent most of his childhood. Having lived in France throughout his youth, he moved to Spain only when he started his studies in sociology and political science. His early (successful) career in the right-wing party was brought to an abrupt end through a confrontation with its leader Manuel Fraga in 1986. Verstryngue Rojas then turned to the left-wing, becoming member of the PSOE and working occasionally for the United Left (See, e.g. *Jorge Verstryngue: de secretario general del PP a ‘okupa’ dealojado*, La Voz Libre, 25.5.2012)

¹⁸² BOCG, 2. Leg., Serie D, Núm. 4, 8.10.1983, 388.

¹⁸³ BOCG, 2. Leg., Serie D, Núm. 12, 11.11.1983, 878.

¹⁸⁴ Although no causality can be proven, one could argue in this sense, due to the fact that the law was indeed rather restrictive with respect to the inclusion of foreigners to the Spanish labor market (see e.g. Cachón Rodríguez, 2009, 169).

Tello¹⁸⁵ denounced growing xenophobia and openly attacked government actions he perceived to be directed specifically against immigrants. He argued that the ruling PSOE would know how difficult emigration would be but that it still would not adopt a legislation to help the immigrants, even more, that it would overtly take an anti-immigration stance:

“It is not proper for a state governed by the rule of law to search for scapegoats to hide the economic or political crisis [...]. The Socialist government does not ignore that political persecution, in one case, and urgency of poverty, in the other, are the origin of the massive immigration. And it does not ignore this for the simple reason that it are the same causes that led thousands of Spaniards to seek for shelter in other countries. And yet, knowing this, it goes on without developing an alien law [...]. It seems to be easier to discard the foreigner than to facilitate social coexistence by democratic means. [...] I, who was foreigner, profoundly thank that the Spanish people have integrated me under the shelter of their particular laws.”¹⁸⁶

To Tello, the experience of emigration was recognized by policy-makers but ignored in its consequence. He argued that it would be exactly this experience that should motivate the Spanish government to take democratic action and enact a new law rather than expelling immigrants. This should be valid for both political refugees and economic migrants, as Spaniards had experienced both.

The most interesting thing about this quote is the fact that the author played with two migration memories: that of the Spanish people in general and that of his own exile. Linking the former to the latter and combining his personal memory with expressed gratitude towards Spanish society, he could argue in favor of a more benevolent legislation. Tello’s letter is a good example of intellectuals entering the public discourse on migration-related legislation and how emigration memory was used to convey a message of empathy with immigrants. Tello’s case, however, is especially interesting, as he finds a way to express Spanish emigration memory without being Spanish himself.

Other intellectuals have also taken part in the wider public discussion on immigration and thereby employed emigration memory. Two prime examples of this are the author Juan Goytisolo, who described the death of a young immigrant and thereby identified the reader with the victim using allusions to Spanish emigration memory,¹⁸⁷ and Mario Benedetti, an Uruguayan writer in exile, who used Spanish memories of emigration to South America to speak to his fellow Latin American immigrants on how to react in Spain and to describe to the Spanish population how to best receive them.¹⁸⁸ These and many more examples did not directly pertain to migration-related legislation, but rather to a more general public discourse on immigration. Nevertheless, they show that Spanish emigration memory was a widely used rhetorical figure in the hands of public intellectuals when arguing about immigration as well.

¹⁸⁵ Neither the information given on the author, nor the content of the letter itself allows any precise conclusion to be drawn on who the author actually is. Most probably, however, it is the Argentine exile poet and writer Antonio Tello Argüello who was living in Barcelona at the time, after having fled from dictatorship in Argentina in 1975. This would be in line with the overall character of the letter that argues rather from the perspective of an exile than from that of an economic immigrant.

¹⁸⁶ *Yo también fui extranjero*, El País, 4.2.1984.

¹⁸⁷ See *Morir con los zapatos puestos*, El País, 26.10.1984.

¹⁸⁸ See *'Sudacas' del mundo, uníos*, El País, 20.6.1983.

3.3.4. The new Foreigners Law

Before the law was formally introduced in the *Cortes*, it already received some media attention due to the fact, that it was to be part of a “reform against delinquency”¹⁸⁹ and that, according to *El País*, its “main objective would be to control the entry into our country of the numerous Mafiosi, that in the past years have come to establish their residence in Spain [...]”¹⁹⁰ But not only the anti-criminal intention of the law was painted colorfully by the press, also the discrepancies and quarrels that arose between several ministers in cabinet, when the first draft was presented by the Ministry of the Interior in November 1984, were reported in detail.¹⁹¹ However, confrontation was not the spirit in which the law passed through the parliamentary process. Quite to the contrary: although the law was debated, yielding changes to this or that article, there was no polemic or fierce discussion on the content and spirit of the law as would be the case in later years of migration legislation.¹⁹²

The bill was introduced to the Congress, the lower chamber of the *Cortes*, in late January 1985.¹⁹³ The draft had a very different focus from what newspaper reports would have made one expect: in the statement of purpose, the aim of curbing criminal immigration receded to the background, whereas the ideas of harmonizing the existing legislation and making it compatible with international norms were put forward as the prime motivators. Furthermore, the integration of foreigners into Spanish society was explicitly mentioned as a goal of the law.¹⁹⁴ Regardless of this seemingly new focus, the first discussion in the plenary of the Congress stayed technical in nature: whereas the PSOE defended the government’s draft, pointing towards the necessity of reform, the right-wing oppositional AP argued that the legislative text had been faultily drafted and needed correction on several points.¹⁹⁵ The AP then also presented a complete amendment (*enmienda a la totalidad*), i.e. an alternative text. Any substantial discussion of the spirit of the text(s) or its substance was absent in this debate – and so were memories of emigration.

Only in the corresponding Constitutional Commission that aimed at bringing together the points of view of the two opposed parties, did the discussion turn to the actual content of the law. Very quickly in the debate, the AP brought up the question of how to deal with those Spaniards, who had emigrated, lost their Spanish nationality and now wanted to live in Spain again. To the AP, those who had lost their nationality should, even after generations, obtain a residence permit more quickly – as they would have lost their Spanish passport but not their Spanish identity.¹⁹⁶ One could make a case

¹⁸⁹ *El Gobierno aprobará hoy la «contrarreforma» en Justicia*, ABC, National, 4.4.1984, 19.

¹⁹⁰ *La nueva ley de extranjeros otorga al Gobierno plenos poderes para la expulsión de mafiosos*, El País, 18.12.1984.

¹⁹¹ See *Discrepancias en el Gobierno ante el proyecto de ley de Extranjería*, ABC, National, 19.11.1984, 21.

¹⁹² In the corresponding literature, it has become commonplace to note this lack of parliamentary debate (see e.g. Kreienbrink, 2005, 130 or Moreno Fuentes, 2004, 10), which has led to disregarding simultaneous discussion processes in other parts of society.

¹⁹³ See BOCG, 2. Leg., Serie A, Núm. 132-1, 28.01.1985.

¹⁹⁴ See *ibid.*, 1930. The idea of integration had not figured in the first draft of the law from 1981 which had been taken as a blueprint for this version (see BOCG, 1. Leg., Serie A, Núm. 194-1, 11.05.1981).

¹⁹⁵ See DSC, 2. Leg., Pleno, Núm. 181, 19.02.1985.

¹⁹⁶ The AP spokesman, Emilio Durán Corsanego, called this move of his group a “merely affectionate and caring consideration” (Emilio Durán Corsanego, DSC, 2. Leg., Comisiones, Núm. 292, 10.04.1985, 9075). However, the argument can be read within the context of a much broader debate on citizenship, which will be explained in Chapter 6: the Spanish left traditionally argued in favor of a *ius solis* model of citizenship, whereas the conservative forces aimed at protecting the Spanish population abroad and put an emphasis on the principle of *ius sanguinis* (on citizenship see Chapter 6, and Martín-Pérez/Moreno-Fuentes, 2012, esp. 640-647. On the

for this being a form of “practical emigration memory” employed by the right, however, the argument rather pertains to a concern of the right-wing opposition towards the ethnic Spaniards living abroad that at this time was a very present issue.¹⁹⁷

Another very noteworthy case of “practical emigration memory” was presented almost *en passant* in the proceedings of this commission: the inclusion of the Sephardic Jews to the group of those eligible for a preferential granting of work permits.¹⁹⁸ The work permit was crucial for obtaining a residence permit.¹⁹⁹ Whereas the original draft had enlisted “Iberoamericans, Portuguese, Philipinos, Andorrans and Equatorial Guineans”²⁰⁰ as those who would, regardless of factors such as the situation of the national and local labor markets, be granted a work permit, the AP member of the commission mentioned without much ado: “Let us also add that of *sefardíes* to apparatus e) [of the article 18 we are discussing], as I think the workgroup had already agreed upon.”²⁰¹

Although agreeing completely to the inclusion, the PSOE spokesman in the commission felt compelled to point out that it was his group that had originally presented the amendment to include the *sefardíes*, but that, at the end, it had been unanimously agreed upon by all members of the workgroup.²⁰² Several points about this intervention are interesting: first, the fact that it was unanimously accepted that the Sephardic Jews were included in the privileged group without further discussion;²⁰³ second, that the Moriscos, who experienced a similar expulsion, were not mentioned at all in this context, exhibiting an eclectic use of the archive of emigration memory; third, that it seemed important to claim authorship for this inclusion. The “practical emigration memory” of including the expelled, thus seemed to be political capital that could and had to be claimed.

The overall technical character of the debate was also felt in the discussion of the commission’s report in Congress,²⁰⁴ and subsequent plenary debate in the Senate,²⁰⁵ yielding a final voting in Congress in which the topic was not even debated any more.²⁰⁶ The law thus came into existence in terms favorable to the PSOE government. The literature on the law agrees that its character was restrictive and “in many respects fell short of what a comprehensive immigration regulation should

connected theme of ethnic affinity, a concept brought forward by Joppke, 2005, see Cook-Martín/Viladrich, 2009).

¹⁹⁷ The decisive factor in labeling an enunciation “memory” is, as explained in the theoretical chapter, how the matter is perceived to be qualified temporally (past/present) and how the enunciation is used in the overall argument (as an example/metaphor/allusion). In this case, the past emigration itself plays only an indirect role for the argumentation of the speaker and the focus lies less on the past aspect of the migration, but rather on the Spanish communities existing abroad at present.

¹⁹⁸ This topic will be treated in Chapter 6 in a more comprehensive manner. Here, however, the manner in which the Sephardíes are included perfectly exemplifies the spirit of the debate, and is therefore described.

¹⁹⁹ See draft of the law: BOCG, 2. Leg., Serie A, Núm. 132-1, 28.01.1985, Art. 15, 1302.

²⁰⁰ See *ibid.*, Art. 18, 1303.

²⁰¹ Emilio Durán Corsanego, DSC, 2. Leg., Comisiones, Núm. 292, 10.04.1985, 9077. The workgroups issue no protocols or proceedings, thus, there is no possibility to access the discussion held in the workgroup prior to the commissions meeting.

²⁰² See Luis Planas Puchades, DSC, 2. Leg., Comisiones, Núm. 292, 10.04.1985, 9078.

²⁰³ For the prior development on the legislative inclusion process, see Chapter 6.

²⁰⁴ See DSC, 2. Leg., Pleno, Núm. 200, 23.04.1985.

²⁰⁵ See DSS, 2. Leg., Pleno, Núm. 123, 27.05.1987.

²⁰⁶ See DSC, 2. Leg., Pleno, Núm. 215, 11.06.1985.

be.”²⁰⁷ This falls in line with the criticism leveled against the law by contemporaries, as shown below.²⁰⁸

How to explain the almost complete absence of emigration memory, even of allusions to past colonial migrations, in the parliamentary discussion of the law as opposed to the Asylum Law? The lack of parliamentary discussion on the spirit and content of the law and the resulting technical character of the parliamentary debate did simply not leave space or required arguments that would employ emigration memory. The MPs were dealing with a matter that appeared detached from the current situation, a question of mere legislative technique. In the case of the Asylum Law the situation was contrary: there, the issues touched upon were issues that they could identify with. In the case of the Foreigners Law, maybe also due to the fact that (in contrast to later legislative processes) civil society actors were not partaking in the discussion, empathy with emigrants did not figure as a *topos* in the parliamentary debate. Emigration memory simply was not needed yet in the discursive context of legislating.

3.3.5. Criticism of the new law

Criticism of the content and effect of the law from the realm of civil society was virtually absent during the legislative process itself,²⁰⁹ but became a prevalent motive for NGOs, trade unions and other societal organizations *after* its enactment.²¹⁰ An exception to this was the Catholic Church, who, with the Episcopal Commission for Migrations, had the means to follow the legislative debate and interfere with it. The criticism that it expressed after the enactment of the law was practical, directed towards the application of the norm, whereas during the legislative process itself, the Church tried to actively engage with the process of law-making.

In this first period, the Commission issued a communication titled “For a just foreigners law”.²¹¹ The text called for the law to be designed with respect towards immigrants, for the politicians to be wise in developing the norm and for Spanish society to welcome immigrants, even though times might be tough due to the economic crisis. The communication opened with a sentence describing the relation of emigration memories and immigration reality:

“Our country possesses a long tradition of emigration. In the course of the past centuries, many Spaniards saw themselves obliged to abandon our country, searching for new possibilities of sustenance. But at present, just when the migratory flow of citizens of our country to other European countries is extinguishing, Spain, paradoxically, is converting to a country of reception.”²¹²

²⁰⁷ Moreno Fuentes, 2005, 125.

²⁰⁸ Notwithstanding, also positive accounts of the law were given, e.g. *De Los Extranjeros En España*, ABC, National, 1.9.1985.

²⁰⁹ López Sala argues that this lack of criticism, conditioned by the absence of social actors in the elaboration of the law, was due to the fact that the topic was unimportant in public discourse: “[...] hardly did in Spanish society a perception exist that this matter needed governmental intervention.” (López Sala, 2007, 26, my translation). Under the light of the findings on the perception of immigration as being worthy exactly this intervention, the explanation for the absence of civil society actors should to be rethought, though.

²¹⁰ See e.g. *El Gobierno, dispuesto a aplicar la nueva ley de extranjeros a los presuntos delincuentes*, El País, 9.9.1985.

²¹¹ Comisión Episcopal de Migraciones: *Por una justa ley de extranjería*, 19.4.1985.

²¹² *Ibid.*, 1.

This assessment, that Spain had changed from being emigrant to being immigrant in character,²¹³ and that migration was thus a genuine Spanish experience, gave way to the policy advices listed in the rest of the communication: the Commission argued against the high measure of discretion the draft norm wanted to leave in the hands of the administration, and in favor of disentangling immigrants' rights from the situation of the national labor market. Thus, emigration memory here served to fulfill the policy claims of a certain social actor. This direct influence of emigration memory on policy claims in the Church's discourse became even clearer in the report on a press conference given by the Bishop of Urgell on the occasion of the official publication of the communication:

"They [the bishops] remind [us of the fact that] during many years Spaniards were obliged to abandon our country searching for new possibilities of living and that now, in exchange, it is our country that receives many foreigners 'obliged to abandon their countries because of political, religious or racial persecution' and, above all, because of the 'endemic poverty of their countries'. They comment then on the harsh conditions in which foreigners in Spain live and ask that 'our legislators are aware of each and every single of the principles and fundamental rights that have to do with the respect of the dignity of the human person, many of which are contemplated in the Spanish constitution and the international treaties signed by Spain'." ²¹⁴

The argumentation here is: Spaniards knew what it meant to be a migrant, now migrants are in a dire situation in Spain, thus, the policies enacted should follow the suggestions made by the Church. The article also mentioned that the bishops intended to send a document to the Senate (who at this point still had to debate the law) with 16 suggested amendments to the draft law.²¹⁵ The intention of changing the norm to be enacted is thus clear. Emigration memory was part of a discursive strategy of the Church to achieve this goal.

That emigration memory was used in other discursive contexts and to more practical ends is shown by an incidence that took place almost a year after the enactment of the new Foreigners Law. In Boadilla del Monte, a small town next to Madrid, in May 1986 the Diocesan Delegation for Foreign Immigrants accused the local mayor, Matilde Múgica, of having mistreated the 17 Moroccans living in the locality by tearing down the hut in which they were living, leaving them without a place to stay.²¹⁶ The criticism levelled against this behavior was grounded in constitutionality and lawfulness, but legitimized by reference to emigration memory:

"According to the Diocesan Delegation, "the emigrant not only needs papers; the constitutions and the Foreigners Law concede to him the same social rights as they concede to the Spaniards. The municipal authority cannot come out stating, after having deprived them of their houses and left them out in the open, that it has given notice about these things to the Moroccan embassy, because it is the duty of the Spanish state [to host immigrants], as it was the duty of other countries to host and provide housing to

²¹³ The sub-chapter the quoted sentence is taken from is titled "We are already an immigration country" (ibid.,1), which probably constitutes one of the first assertions of this condition in Spanish public discourse (cf. Chapter 3).

²¹⁴ *Los obispos critican la ley de Extranjería*, ABC, National, 1.5.1985, 37.

²¹⁵ Even after intensive research, the document could not be found. It is unclear if the document was really sent to the senate and what it contained.

²¹⁶ See *La alcaldesa de Boadilla, acusada de racismo por derribar una caseta ocupada por árabes*, El País, 15.5.1986. The confrontation between the Moroccan minority settled in unofficial housing and the administration of the town seems to have been a general and ongoing one, as similar incidents are reported in 1998, see *Un poblado arrollado por la M-50*, El País, 9.12.1998.

the Spanish emigrants.” [...] The mayor should have thought of a solution before cracking down the hut, but the problem is another one: to her these men are foreigners and not right-bearing subjects.”²¹⁷

In this case, a very general memory of emigration (“other countries hosted Spaniards”) was employed to emphasize a very specific claim (“the Spanish state and its subordinate authorities are obliged to see foreigners as rights-bearing subjects and act accordingly”).

Another sphere of society that levelled heavy criticism against the new law was the sector of jurisprudence. After the promulgation of the law, judges became aware of the devastating conditions in which foreigners were held in detention prior to their expulsion.²¹⁸ This led to judges blocking expulsions and, in some cases, even going so far as to openly quit the collaboration with the Ministry of the Interior. The argument of the judges was twofold: on the one hand, foreigners detained in criminal detention centers would be deprived of their basic liberties, and, on the other hand, the spatial and hygienic conditions of the detention centers were not at all suitable.²¹⁹ The debate that this mode of denial of the judges all around the country generated, however, did not incorporate memories of emigration. No parallels were drawn with the legal situation/legal security of Spanish emigrants in the past. A similar point of critique was issued also by the national Ombudsman (*Defensor del Pueblo*). Even before the first problems with the law became apparent, in October 1985 he initiated an appeal of unconstitutionality against four of the articles of the new norm.²²⁰ Later, he argued in favor a profound reform of the law.²²¹ Also, in his statements and the press reports on the appeal, no reference to emigration memory was made.

One could argue that when looking at the criticism of the Catholic Church as a representative of civil society and at the judges and the Ombudsman as representatives of entities with closer bonds to the state, emigration memory was used in the realm of civil society as an argument to defy an inconvenient piece of legislation. The bodies close to the state, on the other hand, although likewise harshly criticizing the outcome of the norm, could not employ emigration memory. If employed, it would have displayed a complete contesting of the law in itself – which, of course, was not the intention of these bodies.

3.3.6. Enacting the new Foreigners Law: the case of Melilla

The situation of Melilla

Once drafted, discussed in and passed through the *Cortes*, the new law now faced its application. The debate that until then had been rather low profile, now gained intensity, as it faced severe problems with regards to its implementation, especially in the city of Melilla. Interestingly enough, in the

²¹⁷ Ibid. Interesting about this quote is also the use of “emigrant” in place of immigrant. This confusion of the immigrant with the emigrant can be found again and again in media coverage and political debates throughout the 1980s and 1990s and gives a clear sign of how interrelated the two topics were at the time. It also hints at a very implicit form of emigration memory: in talking about emigrants, while actually referring to immigrants, the latter are clothed in terms of the former with all the mnemonic connotations attached to it.

²¹⁸ See e.g. *18 extranjeros estaban hacinados en una celda de 24 metros cuadrados en la jefatura de Barcelona*, *El País*, 25.10.1985.

²¹⁹ See *Los jueces no aplicarán aún la ley de Extranjería*, *ABC*, National, 24.12.1985, 22.

²²⁰ See *El Defensor del Pueblo recurre la ley de extranjería*, *El País*, 5.10.1985.

²²¹ See *Ruiz-Giménez apoya una reforma profunda de la ley de extranjería*, *El País*, 13.2.1986.

discussion that followed the enactment of the law, emigration memory was almost absent. This might in a first impression be ascribed to the fact that the new law was already forged, but, actually had other reasons, as the following sub-sections will make clear.

The issue of how to treat the Muslim population of Melilla had been pondered by local and national policy-makers for quite some time already, as there existed, next to a number of Spanish Muslims and Moroccan Muslims with residence permits, also a noticeable group with irregular status.²²² In 1983 *El País*, on the occasion of the inauguration of the new governing delegate of Melilla, reported that the most pressing issues the delegate would have to face were the legalization of the Moroccans, the expulsion of those that would continue to stay in an irregular situation, securing the border and improving the hygienic and economic situation.²²³ A regularization process was, however, never pursued. Rather, shortly afterwards, the authorities decided to take a more restrictive stance and announced a plan to curb the immigration of non-Spanish Muslims.²²⁴ The issue was, thus, open to debate, but policy makers failed to make any progress.

Accordingly, in May 1985, with the Foreigners Law about to be approved, Aomar Duddu,²²⁵ a naturalized Spanish Muslim of Moroccan origin and member of the local PSOE chapter, felt compelled to publish an essay in *El País*, in which he described the situation in Melilla as being one of segregation along ethnic lines. The Spanish population would not live with or even be in contact with the Muslim population, which, apart from lower socioeconomic status, also suffered from bad housing and insufficient hygienic conditions. Duddu proposed several steps for solving this untenable situation of segregation and for integrating the society of the Spanish enclave. Most urgent to him was the need to actually legalize the Muslim population not possessing Spanish nationality.²²⁶ How delicate this issue was perceived to be in Melilla at the time, especially by the representatives of the Spanish majority in the city, can be assessed by the fact that as a consequence of this essay, Duddu was deprived of his membership in the Socialist party.²²⁷

When the law was finally passed in June 1985, the question quickly arose how Melilla would deal with its stipulations. The problem was that the Muslims living in the city were not all in possession of Spanish nationality, a fact that would have automatically made them foreigners in the eyes of the new norm. The prior lack of coherent legislation had created a situation in which some 6000 or

²²² Which included at the time both the Moroccans without any papers and those who owned a so-called statistical card (*tarjeta de estadística*), a document merely designed for statistical purposes but without any legal rights or entitlements (e.g. vote, travel, etc.) attached to it (see *Más de 6.000 musulmanes de Melilla se verán afectados por la ley de extranjería*, *El País*, 23.10.1985).

²²³ See *El Gobierno español obligará a regularizar su situación a los marroquíes que viven en Ceuta y Melilla*, *El País*, 11.3.1983.

²²⁴ See *Las autoridades de Melilla intentarán frenar el aumento de la comunidad musulmana no española*, *El País*, 1.2.1984.

²²⁵ Duddu's name is, due to the unclear rules of transcription of Arabic to Spanish, spelled divergently as Aomar Duddu, Mohamed Dudu, Mohammedi Duddu, Oamar Duddu, Ahomar Mohamed Dudú, Aomar Mohamedi Dudduh, Aomar Mohameddi Dudu. This inconsistency, though seemingly unimportant, can also be interpreted as giving the Other, in this case personified by the leader of the Muslim group in Melilla, not even the right to a consistent spelling of his name, thus unconsciously debating the identity of this group as equally coherent to that of the Spaniards ("millenses").

²²⁶ See *Legalizar Melilla*, *El País*, 11.5.1985.

²²⁷ See *Tensión en Melilla en las vísperas de una manifestación contra la ley de Extranjería*, *ABC*, Andalucía, 20.11.1985.

more²²⁸ Muslims were residing irregularly within the North African city, some of them for generations – and were now threatened by expulsion, as they lacked the necessary documentation. This situation, first noticed by the media,²²⁹ quickly caused alarm within the Muslim collective,²³⁰ which came to be led by former PSOE member Duddu.

The argument put forward by him and his fellow campaigners was that a collective that was firmly rooted in the city and felt to be Spanish could not be expelled. The strategy of action opted for by the group first aimed at preventing the law from being enacted in Melilla,²³¹ but then slowly turned to exceeding a regularization and Spanish nationality for all Muslims living in the city.²³² The Muslims saw themselves as being Spanish citizens *de facto*, a status that should logically be granted to them also *de iure*.

The Spanish residents and politicians of Melilla held a quite different opinion: to them, the application of the law would be a necessary consequence of the rule of law in a democratic state. The Muslims, in their eyes, were sparking social unrest and disturbing the peace in the city.²³³ Whereas the Muslims had organized a demonstration against the Foreigners Law in November 1985,²³⁴ in early December the Spanish political establishment of Melilla called for a demonstration in favor of the law and, along with it, in favor of the Spanishness of Melilla. Almost all parties, trade unions and social organizations present in the enclave attended the rally.²³⁵

The debate carried on into the next legislative period. Within the city the tensions between the two groups rose constantly, even yielding violence on one occasion.²³⁶ On a national level, the topic was debated intensively, too. However, national policy-makers oscillated between the positions taken by the two groups. Interior Minister José Barrionuevo (PSOE), for example, in the beginning of the crisis announced that the “full integration of the Muslim community”²³⁷ would be the prime goal of the national government. He then later urged the government delegate in Melilla to implement the new law “firmly”,²³⁸ just to, a few months afterwards, turn around again and to soothe the Muslim

²²⁸ Numbers vary due to the undocumented nature of the phenomenon (See e.g. *Más de 6.000 musulmanes de Melilla se verán afectados por la ley de extranjería*, El País, 23.10.1985, and *Parte de los veinte mil musulmanes de Melilla podrían ser expulsados*, ABC, Andalucía, 27.10.1985, 38).

²²⁹ First, ABC reported on the issue in a rather abstract way, not documenting in any way the reaction of the Muslims themselves (see *Parte de los veinte mil musulmanes de Melilla podrían ser expulsados*, ABC, Andalucía, 27.10.1985, 38). El País, picking up the issue a bit earlier, also first took this rather neutral stance (see *Más de 6.000 musulmanes de Melilla se verán afectados por la ley de extranjería*, El País, 23.10.1985).

²³⁰ It is important to notice that during this phase, both Melilla and the other North African Spanish enclave, Ceuta, were understood as problematic. In Ceuta, however, the Muslim population residing in an irregular situation was less. The protests that followed in Melilla sparked also in Ceuta, but, however, did not turn out as massive as in Melilla and never escalated as they did in Melilla. The journalistic focus, thus, during the entire period stays on Melilla.

²³¹ See e.g. *Miles de musulmanes se manifiestan en Melilla contra la ley de Extranjería*, El País, 24.11.1985.

²³² See e.g. *El Gobierno tiene un plan reservado para conceder la nacionalidad española a un mayor número de musulmanes*, El País, 1.12.1985.

²³³ See *Tensión en Melilla en las vísperas de una manifestación contra la ley de Extranjería*, El País, 20.11.1985.

²³⁴ See *Miles de musulmanes se manifiestan en Melilla contra la ley de Extranjería*, El País, 24.11.1985.

²³⁵ See *La manifestación en Melilla a favor de la ley de Extranjería fue un acto de afirmación española*, ABC, National, 7.12.1985.

²³⁶ See e.g. *La ley de Extranjería, motivo de una profunda discrepancia*, ABC, National, 29.1.1986, 20.

²³⁷ *El Gobierno asegura que facilitará la plena integración de los musulmanes de Ceuta y Melilla*, El País, 30.11.1985.

²³⁸ *Barrionuevo pide al delegado del Gobierno en Melilla firmeza con la ley de Extranjería*, ABC, National, 30.11.1985, 22.

population by affirming that no Muslim would be expelled.²³⁹ A similar *mêlée* was displayed by the national Ombudsman, who at the height of the dispute, started to investigate the situation in Melilla.²⁴⁰ His initial reaction was that the majority of the Muslims had a right to Spanish nationality and that policy-makers should rethink the application of the law in Melilla.²⁴¹ A few weeks later, however, after having received lobbying-visit by dignitaries from Melilla, he contended that the law should be applied “as any other law”.²⁴²

Eventually, a commission was established in which the leaders of the Muslim community and government and administration officials discussed the issue and defined who would be eligible for Spanish nationality.²⁴³ This agreement helped calm down the situation at least for some time.²⁴⁴

Scattered memories in the Melilla debate

In the debate on Melilla, some allusions to emigration memory were made. However, no allusion to the fate of Spanish emigrants or exiles is made – rather, the memory of expulsion of the Sephardic Jews (in 1492) and Moriscos (Muslims, who converted to Christianity after the *reconquista* but were expelled in 1607) was called upon. For example, only a day after the tensions in Melilla had grown so high that Duddu was fired from his job at the municipality,²⁴⁵ *El País* published a long editorial on the matter. Taking the actions of the Ombudsman in favor of the Muslims of Melilla as a point of departure to reflect upon the general problem that lay at the bottom of the debate, the author pointed out that the problem was not whether or not a law should be applied, but rather that heavy racism in Spanish politics led to a Foreigners Law that would remind people of old ideas of purity of blood (*limpieza de sangre*) and would thus be un-democratic, a hindrance to Spain’s democratic development.²⁴⁶ He thereby compared the possible expulsion of the Muslims of Melilla to the expulsion experienced by the Sephardic Jews and the Moriscos:

“[...] And going back even further in search of historical nightmares, the expulsion of the Spanish Jews under the Catholic Kings and the expulsion of the Moriscos under the Austrian Empire, might turn into the humble comparative reference of this still enacted policy of *limpieza de sangre* and *cristianismo viejo* that the Spanish government seems to be willing to apply in Melilla.”²⁴⁷

²³⁹ See *La ley de extranjería no supondrá expulsión de musulmanes, según Barrionuevo*, *El País*, 3.4.1986.

²⁴⁰ See *Dos asesores del Defensor del Pueblo investigan en Melilla la situación de los musulmanes*, *El País*, 28.11.1985.

²⁴¹ See *Todos los musulmanes de Ceuta y Melilla podrían nacionalizarse*, *ABC, National*, 18.12.1985, 29.

²⁴² *La ley de Extranjería, motivo de una profunda discrepancia*, *ABC, National*, 29.1.1986.

²⁴³ See *Interior llega a un acuerdo con los líderes de los musulmanes de Ceuta y Melilla sobre la ley de extranjería*, *El País*, 11.2.1986.

²⁴⁴ When it became clear that the nationality requests were not processed quickly enough, the protests lit up again. See *Los musulmanes de Melilla optaron en asamblea por la "ruptura condicionada" con Madrid*, *El País*, 16.6.1986. Ultimately, however, the problem was never solved to the full content of the Muslim population, as even in the late 1990s, when a reform of the Foreigners Law was discussed, the issue came to the surface again and similar arguments were brought forwards by the Muslim community. See *Los musulmanes denuncian trato discriminatorio para residir en Melilla*, *El País*, 23.11.1998.

²⁴⁵ See *Dirigente musulmán, despedido por el alcalde de Melilla*, *ABC, National*, 16.12.1985, 26.

²⁴⁶ See *Moros y cristianos*, *El País*, 17.12.1985.

²⁴⁷ *Ibid.*

As mentioned, the memories evoked here are not those of Spanish emigrants of the nineteenth and twentieth centuries. However, in the way they are framed, they are not alien to the Spanish archive of emigration: the *sefardíes* are characterized as a group of Spaniards that were forced to leave the country (“Spanish Jews”) and the Moriscos are implicitly made part of this comparison. The “nightmare” then pertains to the general idea of expelling a group that was defined as genuinely part of Spanish society. The fact that this should never happen again was underpinned by linking this memory to the negatively connoted concepts of *limpieza de sangre* and *cristianismo viejo*, concepts describing early racist laws and practices in mediaeval Spain.

A similar approach was taken by another *El País* editorial a few weeks later. Under the caption of “The shame of Melilla”, the author departed from criticizing the forced dissolution of a demonstration of Muslims a day earlier. In the course of the article he labeled the new law as being heavily racist and accused those in charge of closing their eyes to the social reality of the rootedness of the Muslim collective in Melilla. The use of memories that appeared towards the end of the article as a means to reinforce the argument, followed an identical structure as the previous one:

“From a political point of view, it remains inconceivable that the government not only does not accept as fortunate the will of the Muslims of Melilla to consider themselves Spaniards, but rather reproach this wish and send police forces to suppress those who express these claims in the streets. [...] From a moral point of view, it produces shame that in Spanish society the necessary sensitivity to protest against some shameful attitudes of religious intolerance and ethnic discrimination that recall some sad episodes of our very own past (prosecution and expulsion of the Jewish and Morisco minorities) does not exist [...]. And from whatever point of view, it is highly alarming to see the clumsiness with which such a difficult and sensitive topic of our politics is treated by the government of the nation.”²⁴⁸

The “Spanishness” of the emigration memory is not expounded as clearly as in the previous example, but the relationship established between the past expulsion as a loss and the current situation is precisely drawn and implicates a criticism of the current policy.

It is noteworthy that both examples quoted were drawn from the rather left-wing *El País*. The right-wing daily *ABC*, used in this thesis as a point of comparison, did report extensively on the Melilla issue but did not make use of any migration memory in any of its articles on the matter. Its discursive strategy was based upon alleged legalism. To give an example: As a reply to the above quotes essay in *El País*, *ABC* published an opinion piece a day later, letting it commence with the words “NOTHING shameful happened in Melilla.”²⁴⁹ Rather than being a shameful act of governmental mismanagement, as *El País* had put it, the application of a law and the dissolving of a non-authorized demonstration were felt to be completely legal. It was also made clear that the disorder, as it was called, in Melilla would have been the result of foreign intervention.

Explaining the (near) absence of memories in the Melilla debate

The debate on Melilla and the application of the Foreigners Law there is extremely interesting in terms of self-definition of Spanish society, as here a complete minority collective claims to be part of the majority, which in turn is forced to take a stance towards this claim. The overall reaction of

²⁴⁸ *La vergüenza de Melilla*, *El País*, 29.1.1985.

²⁴⁹ *Melilla*, *ABC*, National, 30.1.1985, 15.

politics was that of uncertainty or exclusion, but there are, however, some majority actors that took an inclusive stance (the essays in *El País*, e.g.). In their arguments, memories of emigration are defined as a genuine experience of Spanish history and used to discursively incorporate the minority.

Interestingly, the Muslims of Melilla themselves claiming Spanish citizenship did not use memories of emigration in their discursive strategy – an argument that would in this context have allowed to substantiate their claim towards the majority society (as in “You have had similar experiences of migration and know how it feels to be without rights – we thus deserve the same rights as you.”). This absence might be the result of the focus on aspects of legality in the discourse employed by the Muslim leaders, but more probably it pertained to a decision to not use this *topos*, as it would have discursively grouped the collective with migration, an aspect the Muslims of Melilla were exactly trying not to evoke. They had always been in the city, they were established there, they were Spaniards – claiming full Spanish citizenship was therefore merely an intent to eradicate the perceived mismatch between legal and actual reality. The use of Spanish emigration memory, opening possibilities to short term gains in the discourse, could have, on the long run enabled the opponents of integration to label the Muslim collective as immigrant, a qualification the leaders wanted to avoid at any price. If this decision, at the end, was a conscious one or not can, of course, not be judged. The case of the Melilla debate is thus an interesting example of a discourse on migration-related legislation in which emigration memories could have been employed, but where consciously avoided by most of the actors.

3.4. Conclusion - the role of emigration memory in the 1980s debates

In the debates on the two major legislative projects one can see a very different employment of emigration memory. Whereas in the case of the Asylum Law, references to emigration memory were abundant, the debates on the Foreigners Law saw very few such arguments. The initial impression derived from the numerical distribution holds only in parts: emigration memory was used among all parties in the debate on asylum, but disregarded likewise, by all parties in the debate on the Foreigners Law.

This discrepancy can be explained by the perceived different nature of the two debates: asylum appeared to be a category in which self-definition played an extensive role, especially because of the personal emigration experiences of the legislators involved. Thus, employing emigration memory as an argument was used as a vehicle to reach one’s political aims. The preferred argumentative strategies, in which emigration memory was employed, be it personal or collective, were thereby the “mind-game”, i.e. putting oneself in the place of the migrant, and the notion of “historical debt”.

Legislation on foreigners, on the other hand, in the 1980s still appeared to be a rather technical aspect, at a distance from the reality of policy makers. The debate thus did not require any reference to the past that would serve as basis to compel political opponents through empathy or identification. In those few cases in which emigration memory did appear, it foresaw the argumentative structure that references to Spain’s emigration past would take in the 1990s.

4. “Spain is an immigration country” – political turn and subsequent legislation in the 1990s

4.1. The 1990s

4.1.1. A decade of stability

The 1980s was a dynamic phase in Spanish politics and society in the aftermath of the *transición*. Spain in the 1990s, on the other hand, was a country that had reached a certain social and political normality. There was limited social unrest and the democratic system proved to be stable: when in the early 1990s the socialists first lost their municipal strongholds, then their majority in the European elections and, in 1996, had to give way to a conservative government under the People’s Party (PP), this was seen by most commentators as a sign of democratic stability rather than a sign of political turmoil.²⁵⁰ Spain’s integration into the European communities went ahead steadily after the country had joined the European Community in the late 1980s: Spain joined the Schengen Agreement in 1991, negotiated and signed the Maastricht Treaty in 1992 and became one of the founding members of the Eurozone. This ongoing integration went hand in hand with events that strengthened Spanish national identity: in 1992 the country celebrated the 500th anniversary of the “discovery” of the Americas. In the same year, the Olympic Games were held in Barcelona and Sevilla became the European Capital of Culture.²⁵¹ Furthermore, the political power of the autonomous regions was underpinned by the transferal of more autonomy, especially to the Basque Country and Catalonia.²⁵²

The Spanish economy, conversely, experienced a profound back-and-forth movement. After the decade seemed to start benevolently in economic terms,²⁵³ in 1992/1993 a severe recession in the context of the negative worldwide economic situation hit the country, causing the unemployment rate to rise to over 20% for the first time in 1994.²⁵⁴ In 1995 the economic indicators then turned around again and the Spanish economy grew by an average of 3.5% per annum. The unemployment rate dropped to 8%.²⁵⁵ This phase lasted until the onset of the Spanish crisis of 2007 and has been labeled by some as a “culture of economic stability”.²⁵⁶

²⁵⁰ See e.g. *Victoria de Aznar*, ABC, National, 1.3.1996, or *Aznar gana, pero necesita pactos para gobernar*, El País, 4.3.1996.

²⁵¹ An interesting contemporary commentary on the importance of this year for Spanish national identity can be found in Lisboa, 1993, 349.

²⁵² See Tusell, 2003, 338-347.

²⁵³ See Hernández Marco, 2006, 806.

²⁵⁴ See *ibid.*, 809-812 and García Delgado/Jiménez, 2003, 398-403.

²⁵⁵ See García Delgado/Jiménez, 2003, 403-411. Whereas most literature points towards the fact that this positive development was due to the international economic context and the effects of European integration, that were now felt in Spain eventually, there is also a strong argument to be made that the massive immigration from the early 1990s onwards has a most positive effect on the Spanish economy (see e.g. Watts, 1998, on the way already in the 1990s migration was perceived by employers and trade unions alike as having a positive impact).

²⁵⁶ García Delgado/Jiménez, 2003, 429, my translation.

4.1.2. Immigration and immigration policy in the 1990s

The ups-and-downs of Spain's economy did not have any influence on the growing number of immigrants coming to the country. The inflow of migrants that had started in the 1980s now gained momentum: by the end of the decade there were almost one million foreigners living in the kingdom.²⁵⁷

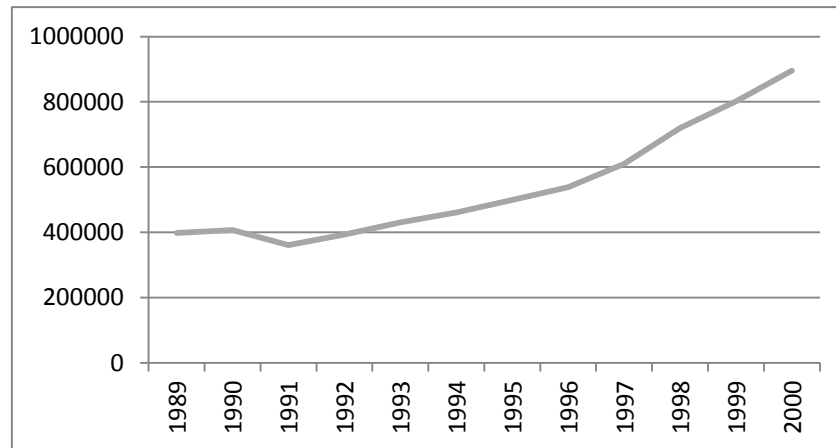


Table 4: Foreigners residing in Spain with residence permit (stock data), 1989-2000
(own elaboration on the basis of INE (1990, 1995, 2000) and Ministerio de Empleo y Seguridad Social (2009))

Thus, already at the beginning of the decade actors within the political discourse identified immigration as a key challenge for politics and legislation to deal with in the coming years. In a communication to the *Congress* in 1990 the socialist government made clear that Spain “will in the decade of the 1990s consolidate itself as an immigration country, which obliges us to devise a coherent and global foreigners policy”²⁵⁸ with the aim of the “full integration of the collective of foreigners that have chosen our country as an abode and place of work.”²⁵⁹

During the early 1990s, several initiatives were launched that aimed at developing a new form of immigration policy: in 1991 a second regularization process took place that allowed for 112,000 foreigners to legalize their situation;²⁶⁰ in 1993 a quota system for immigrants was introduced;²⁶¹ and

²⁵⁷ See e.g. Huesca Gonzales, 2010, 422. As touched upon in the introduction already briefly, there is a difficulty with respect to migration statistics in Spain. Not only is the phenomenon of irregular migration difficult to measure (as in any context and country), but Spain has also for a long time not measured flow data, but rather stock data, and this, further, on the basis of those foreigners holding residence permits in the country. This left out a broad part of the migrant population, e.g. those that had received Spanish nationality. Izquierdo Escribano, 2002, 247-264 explains this in more detail. Many publications also set the beginning of immigration to Spain in the 1990s, as for example Domingo i Valls/Recaño Valverde, 2010, 185.

²⁵⁸ Quoted in Cachón Rodríguez, 2009, 170, my translation. A different translation with slightly diverging emphasis given by Carrera, 2009, 243-244.

²⁵⁹ Ibid.

²⁶⁰ See BOE-A-1991-14599. Arango/Finotelli, 2011, who write about the general impact of regularization measures in Italy and Spain, do not pay much attention to the Spanish regularizations of the 1990s. González Enríquez, 2009, 141, on the other hand, argues that the regularization of 1991 was to become the model for all following regularization processes. Moreno Fuentes, 2004, 18-22 provides for a very good synopsis of the

in 1994 the first national integration plan (PISI – *Plan para la integración social de los inmigrantes*) was elaborated.²⁶² Civil society was slowly being integrated into the process of migration policy-making. In 1992, NGO representatives signed a document calling for a better societal integration of immigrants and demanding that their rights be safeguarded by a more just migration policy. The fifty recommendations became known as the Declaration of Girona and marked a major step forward in understanding migration and integration as phenomena that touched society at large and were not issues that could be regulated by governmental bureaucracy alone.²⁶³

Probably most important was that the issue was repeatedly discussed in parliament in this early phase. In 1990, for example, the United Left (IU) intervened in the *Congress* with an interpellation aiming to compel the government to act quicker in favor of immigrants.²⁶⁴ The government defended itself, but took the points of the IU seriously.²⁶⁵ A year later, the socialists introduced a text that would lay the basis for a political consensus in migration policy. The petition (*proposición no de ley*) called for an “active immigration policy”²⁶⁶ that was to enable Spain to cope with the phenomenon and was signed by almost all parties present in the *Congress*. This wide political consensus served as the fundamental point of departure for discussing and enacting any kind of migration-related regulations in the years to come.

Thus, in the 1990s there was not only an awareness that immigration was taking place and was increasing, but Spain throughout the decade engaged in a process of auto-defining itself as a country of immigration and to align its policy accordingly. Although disliked by some actors in Spanish society, this definition became a hard fact in the course of the years that had to be accepted by all – to the extent that at the end of the decade an author in *El País* stated: “The time of the exotic and the novel is over, the migratory question is routine and structural.”²⁶⁷

regularization processes until 2002. He also argues that the 1991 process was exemplary as it set the institutional stage for those to come.

²⁶¹ See Kreienbrink, 2004, 189.

²⁶² See Carrera, 2009, 245.

²⁶³ The text of the document in Bardera, 2002 [1992]. An analysis of the Girona Declaration in Bruquetas-Callejo et al., 2011, 309. In the context of this thesis it is noteworthy that the lengthy declaration did not contain a single reference to emigration memory. This was different in the contributions of another part of civil society: the Catholic Church. In a document published in 1995 entitled “Immigration in Spain: Challenge to Spanish Society and Church”, the church argues that Spain has always been an emigration country and out of respect for this history needs to be benevolent to those coming to Spain now (See Comisión Episcopal de Migraciones (1995): *La inmigración en España: desafío a la sociedad y a la iglesia españolas*). On the role of Civil Society in this early phase also see Kreienbrink, 2004, 181.

²⁶⁴ See DSC, 4. Leg., Pleno, Núm. 44, 13.6.1990, 2111-2120.

²⁶⁵ See José Luis Corcuera Cuesta, DSC, 4. Leg., Pleno, Núm. 44, 13.6.1990, 2113-2115.

²⁶⁶ BOCG, 2. Leg., Serie A, Núm. 32-I, 7.6.1983, 2.

²⁶⁷ *Una gran oportunidad*, *El País*, 14.2.2000, my translation.

Focus: the sixth legislation (1996-2000)

The focus of this chapter will lie on the sixth legislative period, reaching from the general elections of March 1996 to those of March 2000.²⁶⁸ In contrast to the legislative period analyzed closely in the last chapter, in this period the conservative People’s Party was in power. Prime Minister José María Aznar could not rely on an absolute majority, but had voting agreements with the Catalan Party (Convergence and Union, CiU), the Basque Nationalist Party (PNV) and the Canarian Coalition (CC). During the legislative period, several legislative projects on the rights of immigrants and foreigners were discussed: in 1996 and again in 1999 there were legislative initiatives to reform the nationality law and allow for immigrants to gain Spanish nationality more easily. In 1999 there was intent desire to discuss a law that would integrate immigrants into the national health care system, and in 1999 there was a complete reform of the Foreigners Law. Further, at the beginning of the legislative period a commission on emigration, immigration and xenophobia was installed in the Congress, which discussed the situation of immigrants in Spain and made policy recommendations.

These legislative events created quite some debate – within which we find considerably more references to past emigration than in the 1980s. For the quantitative analysis 45 parliamentary and legal sources were taken into account. In total, these sources reveal 47 passages that refer to past emigration.²⁶⁹ In the political arena, we perceive a clear tendency towards enunciations on the left side of the political spectrum, as the following chart shows:

Political inclination	Left	Center	Right	Other/unknown ²⁷⁰
Number of passages referring to emigration memory	30	6	8	3

The fact that the socialist and other leftist opposition made more use of emigration memory in their argumentation than they did in the previous decade, whereas the parties of the center and the right, who were in government or supporting it, points towards the fact that emigration memory in the 1990s was mainly used as a contesting argument by oppositional forces. Whether this was really the case, however, will be scrutinized in the following qualitative analysis.

²⁶⁸ For a description of the political landscape of the sixth legislative period, see Tusell, 2003, 297-373.

²⁶⁹ A passage is here defined as a coherent piece of text (one or several sentences, a paragraph) in which the enunciator issues one strain of thought. If this thought is cut off and at a different point in the text, the reference to emigration memory is picked up again, these statements are counted as two separate passages.

²⁷⁰ Passages are categorized as “other” or “unknown”, if the political conviction of the enunciator is known, but does not fit within the spectrum given here or is not known at all.

Overview: the sixth legislative period

General elections	3.3.1996
End of legislation	12.3.2000
Strongest party	PP (38,79%)
President	José María Aznar (PP)

Congress				
Party ²⁷¹	Abrev .	Votes	%	Seats
Partido Popular	PP	9.716.006	38,79	156
Partido Socialista Obrero Español	PSOE	9.425.678	37,63	141
Izquierda Unida	IU	2.639.774	10,54	21
Convergència i Unió	CiU	1.151.633	4,60	16
Partido Nacionalista Vasco	PNV	318.951	1,27	5
Coalición Canaria	CC	220.418	0,88	4
Bloque Nacionalista Galego	BNG	220.147	0,88	2
Herri Batasuna	HB	181.304	0,72	2
Esquerra Republicana de Catalunya	ERC	167.641	0,67	1
Eusko Alkartasuna	EA	115.861	0,46	1
Unió Valenciana	UV	91.465	0,37	1

Senate	
Party	Seats
Partido Popular (PP)	112
Partido Socialista Obrero Español (PSOE)	81
Convergència i Unió (CiU)	8
Partido Nacionalista Vasco (EAJ-PNV)	4
Coalición Canaria (CC)	1
Partido Independiente de Lanzarote (PIL)	1
Agrupación de Electores de Ibiza y Formentera al Senado (EFS)	1

Own elaboration on basis of Ministerio del Interior (2013): Las elecciones generales en España 1977-2011, Madrid: Ministerio del Interior.

²⁷¹ Note that the table displays the political parties in Congress, not the fractions (*grupos parlamentarios*) that these parties formed. Depending on the style of parliamentary records, the speakers are either referred to by party or by group affiliation.

4.2. The expulsion of the 103

In the realm of immigration policy, the People's Party's term of government started with an event in 1996 that demonstrated the first breaches in the political consensus governing immigration policy. That breach would be a point of reference in subsequent discussions of the Party's migration policy: the forceful expulsion of 103 immigrants from Spain. Although not strictly a change in policy, the impact this event had on the stance of the PP government justifies a brief summary of the circumstances surrounding the expulsion.

In early July 1996, not even four months after the PP had taken government, *El País* reported for the first time on the issue: 103 immigrants had been expelled from Spain in a manner that contravened the Foreigners Law. They had been drugged and flown out of the country to different locations in Africa, some to countries they had no personal ties to. The measure was directed by the Ministry of the Interior. Representatives of the United Left (IU), NGOs and trade unions were furious about the abuse of the fundamental rights of the immigrants affected and about the fact that money from the European funds was used to carry out the expulsions.²⁷² Leftist politicians, in particular, commented on the issue in the following weeks and used the topic to remark on the – in their eyes – restrictionist migration policy of the government, that saw migration as a problem to be stopped.

“Thus, to reduce emigration [immigration is meant, JT] to a problem of public order is a most dangerous stupidity. Our own experience should vaccinate us against this type of simplifications. I do not know where those, who now are trying to downplay the issue, were when Spain was a country of massive emigration, but – was there anything more pitiful than to see our peoples having to go and look outside for employment and sustenance, which was denied them here? Is there anything more discouraging than to feel treated as a second- or third-class citizen in countries being more developed than yours? Nowadays the Spanish workers do not emigrate anymore. But, precisely because this has been our history, we are obliged to understand and share the drama of those who arrive to our country because they see themselves obliged to emigrate from their own one.”²⁷³

As can be seen, Spanish emigration memory thereby served as an argument to criticize what had happened and to attack those who ordered the measure, as realized here by Jordi Solé Tura, member of the PSOE and a former Minister of Culture.

Much of what had actually happened stayed unclear for weeks, so that the Minister of the Interior, Jaime Mayor Oreja, was summoned before the Parliamentary Commission of Justice to respond to the questions of the opposition on 29 July 1996. He defended the actions taken, proved that they were in line with current legislation and accused the Socialist Party (PSOE) of having acted in a similar way when in government.²⁷⁴ Spokesmen and -women of those center-right parties supporting the government (CiU, CC, PNV) affirmed their support for the PP, but also criticized that immigration was treated as a problem of public order. The leftist opposition, on the other hand, heavily attacked the Minister and his party for acting against the law, accused them of putting the political consensus on immigration policy at risk and warned that they were creating an atmosphere of intolerance and

²⁷² See *IU califica de "terrorismo de Estado" la expulsión de 119 inmigrantes*, *El País*, 6.7.1996. The article still gives the number of 119 immigrants as in this early phase of coverage two different expulsions were confused. This was corrected in later *El País* articles.

²⁷³ *El problema y la solución*, *El País*, 29.7.1996.

²⁷⁴ See Jaime Mayor Oreja, DSC, 6. Leg., Comisiones, Núm. 44, 29.7.1996, 848-852.

racism.²⁷⁵ The deputy of the Basque Solidarity Party (Eusko Alkartasuna) even went further than this and heavily attacked the minister, stating that the expulsion was unlawful due to the fact that it was a collective expulsion and that the right of asking for asylum was negated. She also brought evidence to the forefront that drugs were used to sedate the immigrants, a fact that had only been known by rumor in the weeks before the commission's meeting.²⁷⁶

The harshest critique came from IU spokesman Willy Meyer Pleite, who demanded that there be consequences to this affair. At the heart of his argumentation was the fact that Spain, because of its emigration history, should develop an understanding for illegal immigrants in its territory and therefore never again treat them the way the 103 were treated:

"Mister Minister, Spain, for its recent history of massive emigration and forces exiles, is obliged to share this drama by giving solutions to these citizens, understanding that they are not citizens of second or third class, but citizens with full rights: the rights that are gathered in our legislation and in international law and not to never fall into the double morals, into the hypocrisy of, depending on when it is of interest, immigration is a problem of public order or not."²⁷⁷

Following this hearing the expulsion came up in a number of parliamentary interrogations and debates,²⁷⁸ and even elicited a reaction from the UN High Commissioner for Human Rights.²⁷⁹ But it is almost more interesting to see how the issue was taken up in public discourse. Two letters to the editor stood out as examples of the different ways in which the events and the government's reaction to them were considered. Interestingly, both used emigration memory to mark their point. The first of the two was published a few days after the commission's session. The reader contrasts what Spain was with what it had become in his eyes:

"We have forgotten fast that Spain has been a country of emigrants or that the present society is a result of the internal emigrations. [...] Has Spain turned into the police dog of the EU?"²⁸⁰

To him, Spanish society was now at a crossroads and had to decide how to deal with the foreigners present in the kingdom:

"Either we start treating the poor foreigners with more respect or we will start to feel more ashamed each time for this country that calls itself democratic, but that uses racist methods on those who have a lot of color but little money."²⁸¹

The second letter was a direct response to the first one. The reader argued that the case of Spanish emigration was completely different from that of present day immigration. While concurring with his counterpart that the memory of past emigration was important to be upheld, this memory had a completely different quality to him:

²⁷⁵ See DSC, 6. Leg., Comisiones, Núm. 44, 29.7.1996, 852-867.

²⁷⁶ See Begoña Lasagabaster Olazábal, DSC, 6. Leg., Comisiones, Núm. 44, 29.7.1996, 859-861.

²⁷⁷ Willy Meyer Pleite, DSC, 6. Leg., Comisiones, Núm. 44, 29.7.1996, 858.

²⁷⁸ See e.g. *El PSOE acusa a Mayor de mentir sobre la expulsión de 103 africanos*, El País, 31.10.1996, further BOCG, 6. Leg., Serie D, Núm. 24, 24.9.1996, or DSC, 6. Leg., Comisiones, Núm. 124, 12.12.1996.

²⁷⁹ See *Exteriores asegura que la mayoría de los inmigrantes deportados quedaron libres al llegar a Lagos*, ABC, National, 17.8.1996.

²⁸⁰ *Inmigrantes expulsados*, El País, 4.8.1996.

²⁸¹ Ibid.

“In the article [...] he feels embarrassed of our country for these actions and reminds us that we, too, have been immigrants, with which I am fine; but my disagreement lies in the fact that very few Spanish families did this illegally. My family, for example, emigrated to Germany in 1965. First we were there as tourists and little later, through employment contracts, we lived in Stuttgart for six years – with the aim of saving and returning to our country, without trying to gain German nationality at all costs and in most cases accepting tough and badly-paid jobs the native population would reject. With this I want to say that the comparison is not adequate and that, of course, we have not forgotten that we have been immigrants. How to forget six years of hard work in an awkward country without knowing the language?”²⁸²

The 103 immigrants that were expelled were qualified as illegal – a status Spanish emigrants supposedly never had. The experience of the hard working Spanish families in an “awkward country” was qualified as incomparable to the parasitic behavior of those immigrants coming to Spain at present to just acquire citizenship and without accepting to work hard.

The two letters read together are interesting, as we can closely observe two mechanisms at work in the employment of emigration memory, that we will encounter all through the 1990s: identification and dissociation, which we already had seen briefly in the rhetoric of 1980s conservative politicians.

The expulsion of the 103 again and again was brought up in parliamentary debates on immigration policy,²⁸³ offering an easy point of attack for the opposition.²⁸⁴ In a way the measures taken by the PP in its first weeks in office were a negative legacy that constricted the space in which the government could maneuver its migration policy in subsequent years.²⁸⁵

4.3. The sub-commission on emigration, immigration and xenophobia

Before the revelation of the events surrounding the expulsion of the 103 immigrants and the hearing of the Minister of the Interior, there had already been a parliamentary initiative on migration. In early June 1996 the Congress decided to form a sub-commission of the Commission for Social Policy and Employment that would work on several issues connected to migration: firstly, emigration and the situation of Spanish communities abroad, secondly, immigration and the situation of the immigrants in Spain, and, thirdly, the attitudes of the Spanish society towards the new residents.²⁸⁶

²⁸² *Inmigrantes*, El País, 1.9.1996.

²⁸³ See e.g. DSCG, 6. Leg., Comisiones Mixtas, Núm. 65, 16.09.1997

²⁸⁴ However, the consensus on migration policy was not yet broken. It was slightly tarnished, as the debate about a motion introduced by the PSOE shows: all parties (but the United Left) agree on the text that calls for a clear policy on migration and humane treatment of foreigners and point out the importance of a common understanding in this point. See DSC, 6. Leg., Pleno, Núm. 26, 24.09.1996.

²⁸⁵ As can be seen, for example, by the constant ironic quoting of the sentence Prime Minister Aznar used in order to suppress the debate: “There was a problem and it was solved!”. This exclamation did not only become a recurring part of the left’s argument against the government’s policy, but was also quickly picked up by activist academics aiming at dismantling the power structures behind the government’s discourse. See Martín Rojo/van Dijk, 1997.

²⁸⁶ See BOCG, 6. Leg., Serie D, Núm. 21, 10.06.1996.

The initiative for its formation thereby came from the PSOE. Current literature does not provide an explanation for why the PSOE introduced this new initiative at this point in time.²⁸⁷ It could be argued, however, that the PSOE, although now in opposition wanted to remain at the helm of immigration policy formation and surprise the government with such an initiative, before it was able to develop or present such an extensive migration policy. This hypothesis is supported by the fact that the proposal was brought into parliament by former PSOE-Minister of Social Affairs, Matilde Fernández Sanz, who had been in charge of migration policy from 1988 to 1993.

In her introductory intervention in the Congress she argued that the three groups, comprising emigrants, immigrants and asylum seekers, should be studied together, as there would be a lot of parallels between them, and the policies formulated for these collectives might be similar.

“Gentlemen, we have ceased to be a country of emigration to become a country that receives persons that come searching for employment or persons that hope that their human rights will be respected in a territory such as ours. There are still around 1.3 million Spaniards living outside of Spain, especially in Latin American countries. Other statistics speak of around 600 000 foreigners, of them citizens of the EU and third country nationals, that are living in Spain.[...] The policies these different groups reclaim have much in common and it seems worth the hassle to integrate their efforts to the maximum.”²⁸⁸

In her statement it became clear that the changes in policy that the sub-commission was supposed to suggest did not originate in the present situation of emigration and immigration alone, but that Spain’s past as a country of emigration and the subsequent reversal of the migratory flows were conducive to the need for this policy change. Emigration memory was here employed in a way that could be seen throughout the 1990s: as introductory statement, as a fact that set the stage for the subsequent debate, as an argument that was not negotiable any more but had become reality.

Diego Jordano Salinas, the spokesman of the governing PP, which had first introduced an amendment to the text calling to only study the situation of Spanish emigrants abroad, but then came to accept the PSOE’s suggestions with minor changes, employed emigration memory in a similar way:

“Spanish society has a favorable attitude towards the foreigner. I think this is a fact we all can agree upon; a favorable attitude that is bound to the fact that for many years this country has supplied migratory flows towards America, first, and then to Central Europe. I believe that we should all find a solution to the problems that we are right now encountering in order to avoid a rupture of the developed societies. [...] With respect to immigration, the overflow of the capacity to absorb reasonable immigrant flows leads to many immigrants falling victim to mafias of the informal sector or of criminal networks and generate, if the flow or the absorption has not been sufficiently gradual, the explosion of xenophobic tendencies, of which we already have [witnessed, JT] some examples in Spanish society, and whose repetition we should intend to evade.”²⁸⁹

Out of the memory of emigration, out of the experiences the country had made “during many years”, grew a favorable attitude towards foreigners. Jordano Salinas is more concrete in evoking emigration memories – specifically the labor migrations to the Americas and to Central Europe. What grew out of this “favorable attitude towards the foreigner” is however different than what Fernández Sanz

²⁸⁷ See e.g. Kreienbrink, 2004, 381-382.

²⁸⁸ Matilde Fernández Sanz, DSC, 6. Leg., Pleno, Núm. 16, 25.06.1996, 663-664.

²⁸⁹ Diego Jordano Salinas, DSC, 6. Leg., Pleno, Núm. 16, 25.06.1996, 663-664.

argued for: the favorable attitude could only be maintained, if the inflow of migrants was not too high. Emigration memory in this statement thus set the stage for curbing immigration.

The diverging points of view on how to treat immigration did, however, not impede the work of the sub-commission. In the two years of its existence, it displayed a high grade of activity and heard a broad variety of experts from academia and civil society as well as organized field trips to relevant sights (such as the migrant detention centers in Ceuta and Melilla).²⁹⁰ Its final report was published in February 1998, just before the parliamentary activity on a new Foreigners Law started. The brief report contained three sections on the three topics that were to be studied (emigration, immigration, xenophobia) as well as a section on refugees and asylum-seekers, that had come up as a topic in work of the sub-commission. Each part contained a summary by the members of the sub-commission and, further, policy recommendations.²⁹¹ The four parts, however, were not at all connected to each other, as had been the initial aim of the PSOE, neither by a concluding chapter nor by references in the text itself.²⁹²

The situation of immigrants in Spain was described in Chapter VII of the report, where after a brief description of the development of immigration to Spain and its European character, the policy initiatives until this point were enlisted. The focus was on the consensus in immigration policy and the positive effects of immigration. However, the text also made clear that Spanish society could only tolerate a certain number of immigrants. A second part was concerned with policy recommendations.²⁹³ As in the debate before, emigration memory figured in this section of the report as an introductory argument, as the factual point of departure for the elaboration to follow:

“Spain, which for centuries had nurtured the migratory flows towards America and Central Europe, has in the last years come to be a country receiving emigrants [immigrants are meant, JT] and, by virtue of its geographic situation, a transit road for the large migrant flows that wish to have their destination in other territories of the European Union.”²⁹⁴

The influence of the PP on the formulation of the report could be felt clearly here, as the wording was almost exactly that of the above discussed intervention by Jordano Salinas. New was the connection made not only between past emigration and current immigration but also between past emigration and Spain’s role as a place of passage.

In April 1998 then, the Commission for Social Policy and Employment debated the findings of the sub-commission. This happened already in the light of the debate of the new Foreigners Law, for which three drafts had been introduced to the chamber just a month before.²⁹⁵ Spokesmen and -women of all parties applauded the report and concluded that the recommendations had to be materialized. However, most parties also maintained amendments (the PSOE on integration projects, the PP on political influence of emigrant communities). When defending the PP’s amendment, Jordano Salinas repeated his conviction that Spain has turned from being a country of emigrants to being a country of immigration:

²⁹⁰ See BOCG, 6. Leg., Serie D, Núm. 248, 27.2.1998, 3-11.

²⁹¹ See BOCG, 6. Leg., Serie D, Núm. 248, 27.2.1998, 11-17.

²⁹² On this see Kreienbrink, 2004, 383.

²⁹³ See BOCG, 6. Leg., Serie D, Núm. 248, 27.2.1998, 14-16.

²⁹⁴ BOCG, 6. Leg., Serie D, Núm. 248, 27.2.1998, 14.

²⁹⁵ See Chapter 4.

“The report highlights in Spain in the last years a reversal has taken place. From nourishing migratory flows towards America and the center of Europe for decades, Spain has come to be a place of arrival, on the one side, to receive immigrants here, and also, by virtue of its geographical situation, as a transit lane for those immigrants that are heading towards other countries of the European Union.”²⁹⁶

This mantra-like repetition by a representative of the governing party of the fact that Spain had now turned into a country immigration, signaled the acceptance of the Spanish political class of this fact. Whereas in the early 1990s the awareness of this issue was rising,²⁹⁷ the debate on the report now marked the clear and conscious turning-point in political discourse. That emigration memory was brought up in these repetitive statements in a legitimizing way underscores the crucial role it had in this turn of consciousness.

On 15 July 1998 the report was then adopted by the Plenum of the Congress.²⁹⁸ Substantial changes were not brought in; however, the impact on Spain’s integration into the European Union on immigration flows was highlighted. The mantra of past emigration now having given way to immigration appeared in the very same way Jordano Salinas had repeated it again and again. The Congress had thus unanimously embraced the notion of emigration memory being important in auto-defining Spain as a country of immigration.

4.4. Integration of migrants into the welfare system

The question of whether or not immigrants should be integrated into the public health system, regardless of their legal status, had been raised again and again in the course of the early 1990s. Civil society actors were most active in highlighting the fact that irregular immigrants were highly at risk, as they were not covered by any form of medical insurance, and demanding that they be included into the existing system in order to give them at least the most basic medical attention. In October 1998, for example, Doctors of the World (*Médicos del Mundo*), publically urged the government to integrate immigrants, as “there are more and more of them and it is absurd not to treat them”.²⁹⁹ Similar calls came from SOS Racism (*SOS Racismo*), which even took the issue to court,³⁰⁰ and by the medical profession.³⁰¹

This demand by Civil Society was picked up by regional politics first: the PSOE of Andalusia in November 1998 proposed a draft to the regional parliament that would initiate a program to integrate immigrants better into society by giving them access to schooling and medical care – expressively without taking into account their legal status. The reasoning behind this initiative was given by a spokesman of the Andalusian PSOE in an article in *El País*:

²⁹⁶ Diego Jordano Salinas, DSC, 6. Leg. Comisiones, Núm. 438, 28.4.1998, 12674-12675.

²⁹⁷ See Chapter 4.1.

²⁹⁸ See BOCG, 6. Leg., Serie D, Núm. 308, 15.7.1998.

²⁹⁹ *Médicos del Mundo reclama asistencia sanitaria gratuita para los inmigrantes*, *El País*, 1.10.1998, my translation.

³⁰⁰ See *Sanidad sostiene que es ilegal dar tarjetas sanitarias a indocumentados*, *El País*, 23.10.1998.

³⁰¹ See *Los médicos de familia piden poder atender a los inmigrantes*, *El País*, 16.11.1998.

“What has to be done is to overcome this hypocrisy with some citizens of which we know that they are there, who work for us but of which we do not want to know anything. We Andalusians should not forget how it annoyed us, when we were treated as third category citizens when we were emigrants in France or Germany’, underlines Caballos. The socialist speaker stresses that the PSOE is planning to modify the Foreigners Law in the Congress, so the ‘rights and liberties’ of the immigrants are recognized before their papers are viewed.”³⁰²

José Caballos here drew a very clear line from emigration memory to the measures the PSOE wished to enact: because the Andalusians had experienced what it meant to be treated as a third class citizen during emigration in the 1960s and 1970s, they should not treat present immigrants in the same way. However, this use of emigration memory went further than drawing a parallel between the experiences of “Us” and “Them”, it played with the memorized emotions of the Andalusians: Caballos reminded them of the feeling of being annoyed (“fastidiar” in Spanish carries a stronger emphasis than the English “annoy” in the translation) by the way they were treated in Germany and France. This feeling was not something they should evoke in others. By appealing to feelings connected to emigration memories, he achieved not only empathy, but a form of inner identification of his readers with the population in question – “we are them” – a powerful discursive argument.

Local initiatives,³⁰³ such as the one mentioned above, did not yet move the government to change its policy on migrant health care altogether. It was only after massive pressure by civil society and an extensive reporting in the press,³⁰⁴ combined with legal initiatives by leftist opposition parties,³⁰⁵ that the government gave in and announced that it would change regulations in this field.³⁰⁶ It then distributed health care cards for a part of the immigrant population who had irregular status, first to children, and then to adults. This was seen by most leftist commentators at the time as more of a cosmetic measure rather than effective help for those in need.³⁰⁷ By rather right-wing media, this practice was welcomed in general, as it seemed to help deal with a problem that existed in practice. However, conservative commentators argued that it would be difficult to give an official documentation to undocumented foreigners, going so far as to fear repercussions for the sovereignty of the state itself.³⁰⁸

It was the PSOE and United Left (IU) that at the end introduced two draft bills in the Congress that allowed for immigrants to gain access to health care services.³⁰⁹ The two outlines differed in how they wanted to achieve this common goal: whereas the PSOE devised a new law that would explicitly define the group as irregular immigrants and give them the right to access health care, the IU aimed

³⁰² *El PSOE propone un plan integral para dar escuela y médico a los inmigrantes legales e ilegales de Almería*, El País, 24.11.1998.

³⁰³ See *El Gobierno anuncia que también entregará tarjeta sanitaria a todos los adultos "sin papeles"*, El País, 4.2.1999.

³⁰⁴ See e.g. *Varias ONG piden a Sanidad que asista a extranjeros sin papeles*, El País, 20.1.1999, *La batalla de la asistencia sanitaria*, El País, 21.1.1999, or *Comprometidos a pagar*, El País, 30.1.1999.

³⁰⁵ *Nueva Izquierda reclama la tarjeta sanitaria para los niños inmigrantes*, El País, 28.1.1999.

³⁰⁶ See e.g. *El Gobierno anuncia que también entregará tarjeta sanitaria a todos los adultos "sin papeles"*, El País, 4.2.1999.

³⁰⁷ See *IU cuestiona la eficacia de las tarjetas*, El País, 5.2.1999, and *El Gobierno anuncia que también entregará tarjeta sanitaria a todos los adultos "sin papeles"*, El País, 4.2.1999. On the effectiveness of the measure see *El Insalud ha repartido más de 6.200 tarjetas sanitarias entre los hijos de inmigrantes indocumentados*, El País, 20.9.1999.

³⁰⁸ See *Humanitarismo y ley*, ABC, National, 4.2.1999.

³⁰⁹ PSOE proposal: BOCG, 6. Leg., Serie B, Núm. 275-1, 15.2.1999, IU proposal: BOCG, 6. Leg., Serie B, Núm. 274-1, 15.2.1999.

at changing the General Sanitation Law of 1986 to make it applicable to all people living in Spain, regardless of their legal situation. In the text of the IU-draft emigration memory was used to convince the reader of the necessity to show solidarity and extend health care to all:

“In big parts this is a novel phenomenon to us, as in the last century Spain has been a country that, for economic or social reasons, many more people had left than it had received. [...] In the sixties and seventies an elevated number of Spanish citizens felt obliged to emigrate searching employment. All this should shape an open and solidary mentality on the side of our population and, especially, on the side of our authorities.”³¹⁰

What we see here is not quite the identificational argument, the PSOE of Andalusia used when arguing for the same cause. Rather, the IU brought in another step: the memory of emigration should lead to policymakers to being open-minded and to them showing solidarity with migrants, which then should lead to them to including migrants into the health care system. Thus, the IU here used emigration memory to indirectly argue for its policy.

Taking exceptionally long in being processed through parliament, the two initiatives were only treated in Congress in September 1999. In the discussion of proposals (*toma en consideración*), both the PSOE and the IU underpinned the necessity to give medical assistance equally to all those residing within the country. Also, not attending the irregular immigrants would have effects on the majority population, as untreated diseases would spread faster. Other groups signaled their support for the initiatives, but called attention to the fact that due to the time constraints (the legislative period was to end in March 1999), the proposals would probably not turn into law. As the Foreigners Law was being developed at this point of time already (and a section on the inclusion of immigrants into the healthcare system was planned) they still gave their symbolic vote in favor of the measure. The only party that argued against both proposals and also amended the texts heavily was the governing PP.³¹¹

In this debate again, it was a speaker of the IU who incorporated emigration memory in her argument. Closing her statement in defense of the party's proposal, Ángeles Maestro Martín drew a very clear connection between emigration memory, international treaties and the ethical imperative to help immigrants, directly aimed at gaining support for the legislative measure suggested by her party:

“For all of this, I request your vote both for the proposed law of the Parliamentary Group of United left and that of the Socialist Group, understanding that what we have touched upon this afternoon here, is not an issue of legislative technique, but that we with delay, with a lot of delay, are dealing with the restitution of a right that is recognized in all international conventions of rights and that our country, being a country of emigrants, a country that has suffered the terrible cancer of the necessity to emigrate in order to search for sustenance, should not negate to the collective of persons that are living in our country, without doubt, in worse conditions of health and life.”³¹²

The legitimizing link between emigration memory and the proposed law was obvious here: because Spain had suffered from emigration, one cannot negate the right to health to the immigrant

³¹⁰ BOCG, 6. Leg., Serie B, Núm. 274-1, 15.2.1999, 2.

³¹¹ See DSC, 6. Leg., Pleno, Núm. 258, 21.9.1999, 13673- 13680. Also, as summary, see *El Congreso aprueba por unanimidad la asistencia sanitaria a todos los inmigrantes*, El País, 22.9.1999 and *Los inmigrantes tendrán acceso a la asistencia sanitaria gratuita*, ABC, National, 22.9.1999.

³¹² Ángeles Maestro Martín, DSC, 6. Leg., Pleno, Núm. 258, 21.9.1999, 13676.

population. What was especially interesting was the combination of disease and emigration in this context, which might have to do with the general debate (being one of immigration specialists and medical specialists alike) or with the speaker's profession (surgeon). This negative image given to emigration memory, however, is unique in the context of the debates – normally speakers at least tried to underline the positive contributions of Spaniards abroad or their achievements.

4.5. Reform of the Foreigners Law 1999/2000

From all legislative measures conducted in the sixth legislative period, the reform of the Foreigners Law was the most controversial. It not only generated heated discussion in parliament, and broke the consensus on immigration matters that had been safeguarded throughout the early 1990s. It also brought the topic into Spanish public debate with an impact that was unseen before. After the promulgation of the law, immigration legislation, hitherto a field of consensus and reasonable politics, came to be a political play-ball, a card played in electoral campaigns and a deep cleavage in Spanish society.

4.5.1. Early initiatives for reform

Similar to what was seen in the 1980s in the same situation, the legislative reform of the Foreigners Law that was started in 1998 and culminated in the adoption of the new law in December 1999, did not appear out of the blue or due to an external influence. The sub-commission had already formulated some suggestions for a policy-reform. But also, there was more and more societal debate on the existing Foreigners Law of 1985 and the difficulties it created. After the law had been criticized already in the debates on the expulsion of the 103 immigrants,³¹³ civil society and immigrant collectives themselves started to publically speak out against the norm and called for a change in legislation.³¹⁴

First protests and demonstrations organized by the Moroccan Emigrant Association (AEME) in May 1997,³¹⁵ quickly led to the United Left picking up the topic and bringing it into parliament. In September 1997 the IU initiated a plenary debate, officially on the “policy of the government to solve the problems of the immigrants that come to Spain”.³¹⁶ However, the leftist party did not confine

³¹³ See Chapter 4.2. Also, see the debate on the yearly report of the ombudsman on 16.9.1997 (DSCG, 6. Leg., Comisiones Mixtas, Núm. 65, 16.9.1997, *passim*).

³¹⁴ There had been quite some debate already in the last months of the PSOE government. The effect of this was not a complete reform of the law, but the redrafting of the Royal Decree in 1995/1996, which worked as the implementation rule of the law (see e.g. Bruquetas-Callejo et al., 2011, 297-298).

³¹⁵ See *Protesta marroquí contra las normas de extranjería*, El País, 24.5.1997.

³¹⁶ DSC, 6. Leg., Pleno, Núm. 103, 24.9.1997, 5200.

itself to criticism of the government's policy alone, but called for a completely new law.³¹⁷ The speaker of the IU thereby drew a direct connection between the experiences Spanish emigrants had made and the attitude the government should take towards immigration.

"We understand that one should not hold up much longer the enactment of legislative, administrative and social measures to resolve what never should be considered as a problem of police control: the situation of the immigrant from his arrival in Spain onwards. We believe, mister Minister, that the government cannot look the other way when confronted with this reality and, if doing so, they will be accomplices of this situation. Spain, further, as you very well know, as the chamber knows, is a state with two million emigrants that have fought for their own rights, often alone, other times with the help of the administration, but that thus is a country that perfectly knows of what we are talking; a society that has suffered in its flesh the reality of paving its own way in foreign countries."³¹⁸

Interesting in this quote was that it showed very clearly, more clearly than others, how the speaker used emigration memory on a collective scale: first the experience of emigration is shown as one that is solitary, the Spanish emigrant had to fight on his or her own to gain his life in the new society. Then, however, the experience was collectivized: although one could argue that Spanish society had suffered emigration, it had not suffered the difficulty of finding its path in other societies. By this rhetorical dodge, the listener directly identified the entirety of Spanish society with the experiences of those of the emigrant minority.

Whereas Meyer Pleite of the United Left used this method of identification in his statement, Javier Arenas Bocanegra, Minister of Labor and Social Affairs, used the same emigration memory to dissociate:

"As you know, Spain has in the past been a country that was characterized by the emigration of its workers. In these times, Spain is a receptor of immigrants and today we need to address, in my opinion, intensively – without forgetting about the policy of support towards the emigrants that want to behold their Spanish reference – the problem of immigration. Today, fortunately, Spanish companies are emigrating, and not Spaniards."³¹⁹

The motive of dissociation was described before, however, here it worked twofold: firstly, in temporal terms (between past and present) and, secondly, in qualitative terms (between immigrants and Spanish companies). The connotation of the two qualia, (the immigrants being connoted with the term "problem", whereas the companies are described by the term "fortunately") reinforced the dissociative mechanism still.

In the discussion of the motion, i.e. the text resulting from this debate, a few weeks later Arenas Bocanegra's party-colleague, Jordano Salinas, also argued in a dissociating way, but less clearly than the minister and also more or less in line with what he had presented before:

"If the Spanish society – by virtue of the migrations which it furnished for centuries – has a vision of the foreigner which is radically different from other societies in our neighborhood, it is the task of all groups

³¹⁷ See Willy Meyer Pleite, DSC, 6. Leg., Pleno, Núm. 103, 24.9.1997, 5200.

³¹⁸ Willy Meyer Pleite, DSC, 6. Leg., Pleno, Núm. 103, 24.9.1997, 5200.

³¹⁹ Javier Arenas Boca, DSC, 6. Leg., Pleno, Núm. 103, 24.9.1997, 5202.

– and also of the government – to maintain this favorable judgment, to maintain this positive differentiating element with respect to the rest of European societies.”³²⁰

Here again the formulation of the “vision that Spanish society has of foreigners”, he already had used in the sub-commission, was brought up again: the memory of the century-long emigration had made Spain look upon the “Other” benevolently. This favorable view, however, was at risk and had to be safeguarded through legislation – an allusion to the curbing of immigration Jordano Salinas had argued in favor of in the sub-commission. New in this quotation was yet another dissociative dimension: Spain was different from other countries in the way it saw foreigners.

The notions of dissociation, of being different, both Arenas Bocanegra and Jordano Salinas exposed, were diverging and in part contradict each other (past - present, immigrant problem - favorable companies, Spain’s favorable view of the foreigners - xenophobia in other countries), but they helped formulate and frame immigration as a binary issue, as one in which one could clearly distinguish and dissociate from each other two sides.

During the discussion of the motion of the United Left, speakers of all parties evoked the consensus in matters of immigration policy. Also, for the first time it was formulated clearly that a new legislative basis for immigration had to be found. However, all parties also agreed to wait for the report of the sub-commission for guidance on this, as the report at this point in time had not yet been published.³²¹

Regardless, the pressure put on the government by the opposition and civil society did not diminish. On the contrary, already two months later, in another hearing of the Minister of the Interior, this time before the Commission of Justice and Interior, Fernández Sanz (PSOE) heavily attacked the government for not having a coherent immigration policy.³²² Likewise the Minister of Labor and Social Affairs, Arenas Bocanegra, was aim of the PSOE’s charges in the Commission for Social Policy and Employment in early March 1998.³²³ Again and again NGOs joined in this criticism.³²⁴

But the call for a new regulation of the foreigners policy came from within the administration as well. In an interview with *El País* from February 1998, the Director General of Interior Policy, José Ramón Ónega, talked about the importance of immigration to Spain and the fact that there was a need of a pact of state (*pacto de estado*) in this realm. He argued that there should be a superior body coordinating migration policy altogether – a position contrary to that of the PP on this matter.³²⁵ In the interview one can see clearly, how emigration memory played a role in setting the stage for the calls for policy reform:

³²⁰ Diego Jordano Salinas, DSC, 6. Leg., Pleno, Núm. 105, 7.10.1997, 5345.

³²¹ See DSC, 6. Leg., Pleno, Núm. 105, 7.10.1997.

³²² See Matilde Fernández Sanz, DSC, 6. Leg., Comisiones, Núm. 363, 18.12.1997, 10719-10722.

³²³ See Matilde Fernández Sanz, DSC, 6. Leg., Comisiones, Núm. 400, 10.3.1998, 11790- 11792.

³²⁴ See e.g. *12.000 inmigrantes se quedan sin permiso laboral*, *El País*, 21.1.1998 or *El Gobierno aprueba un cupo de 28.000 inmigrantes, que las ONG ven "insuficiente"*, *El País*, 14.3.1998.

³²⁵ See DSC, 6. Leg., Comisiones, Núm. 363, 18.12.1997, *passim*. The PP held this position until the following May, when in the midst of the negotiations on the new Foreigners Law, it agreed with the other parties to create a secretary of state for immigration (see *Los partidos acuerdan la creación de una secretaría de Estado de inmigración*, *El País*, 4.5.1998).

“Q: Have we forgotten too fast that we Spaniards only a few years ago travelled to Europe with a cardboard suitcase bound together by a string? A: Yes, yes, yes. Spain has passed from being a country of emigrants to being a receptor of immigration.

Q: When did this rupture exactly happen? A: I believe from the 1980s onwards... Look, we calculate very precisely in this ministry. As there was no immigration, there existed no administrative mechanisms. First, a section was created, then a service, then a general directorate...

Q: Would then a Ministry of Emigration [migration is meant, JT] be necessary? Well... I would not dare to say as much. But, yes, a superior organ, yes.”³²⁶

Recalling past emigration led to reason about the change in migration patterns, leading in turn to calls for changes in migration policy making.

4.5.2. *Overture in consensus*

Those changes then did come faster than the government had thought. Just shortly after the sub-commissions report had been issued, but still before it was discussed and approved of in Congress, three parties brought in a draft for a new Foreigners Law. The bills were presented to the parliament by the United Left (IU),³²⁷ the Catalan Party (CiU),³²⁸ and the Mixed Group (GMx)³²⁹ in March and April of 1998 very much to the disapproval of the PSOE, which lamented that it had not had sufficient time to work on its own proposal.³³⁰ The PP did not introduce an own draft. Rather, as did the PSOE,³³¹ the government presented amendments to the texts thereby presenting its own view on the matter on the basis of the proposal made by the CiU, who at that time was supporting the government.³³² All suggestions had in common, that there was to be less focus on migration control and more emphasis on social integration and inclusion of foreigners.³³³

The CiU's text was then the only one of the three in which emigration memory was alluded to. In the statement of purpose of its text, the CiU takes up the argument that Spain, although having experienced emigration traditionally, now has turned into an immigrant receiving society.

“The Spanish state, traditionally a generator of emigration, has, during the last two decades, come to an immigration-receiving state, situating itself thereby in one line with the other member states of the European Union.”³³⁴

We have seen this argument before when looking at the position of the PP in the sub-commission: it was the manifestation, the self-assurance that Spain had changed in character, and that it was time

³²⁶ *Entrevista: "La inmigración ilegal no se arregla con alambradas"*, El País, 2.2.1998.

³²⁷ BOCG, 6. Leg., Serie B, Núm. 175-1, 18.3.1998.

³²⁸ BOCG, 6. Leg., Serie B, Núm. 179-1, 18.3.1998.

³²⁹ BOCG, 6. Leg., Serie B, Núm. 189-1, 2.4.1998.

³³⁰ See Kreienbrink, 2004, 385.

³³¹ See *El PSOE propugna el voto para los inmigrantes legales en las municipales*, El País, 24.9.1998 and BOCG, 6. Leg., Serie B, Núm. 179-10, 19.11.1998.

³³² There seems to be some confusion in the literature here. Kreienbrink, 2004, 386, is right in pointing out that there were amendments by *both* PSOE and PP, whereas Carrera, 2009, 248 is wrong in ascribing a merely passive role to the PP during the course of the negotiations in Congress. The corresponding document is BOCG, 6. Leg., Serie B, Núm. 179-10, 19.11.1998 (amendments of the PP on pp. 41-59).

³³³ A concise summary of the content of the different proposals can be found in Kreienbrink, 2004, 386-395.

³³⁴ BOCG, 6. Leg., Serie B, Núm. 179-1, 18.3.1998, 1.

to accept this. Emigration memory was the anchor point of argument we have seen being repeated mantra-like by representatives of the PP before. The PP then also took over this wording into its amendments.³³⁵ Thus, here for the first time, the conservative government in an official document argued that Spain had become an immigration country.

Although considered being quite innovative in terms of societal integration, the proposals were subject to public criticism, especially by migrant organizations, as the parties did not take the issue far enough in their eyes. More than the others, the CiU draft was criticized as being “insufficient”.³³⁶ The public discussions of the draft proposals did not, however, stop the parliament from working on them. In a plenary debate held on 16 June 1998 the three texts were officially taken into consideration, i.e. accepted for negotiation. In this debate, Carles Campuzano i Canadès reinforced the point the party had already made in the statement of purpose, though giving it a specific Catalan spin:

“The societies of all the world, and in our case, the Catalan society, have developed positively precisely because of the migratory phenomena.”³³⁷

It was not national emigration memory, but rather positively connoted Catalan migration memory here served to legitimize the CiU’s project. As in the case of the Andalusian memory used to argue for an integration of immigrants into the health care system, here we see how sub-national emigration memory was used to order for policy changes on a national level.

The PSOE’s amendment also took up the idea of past emigration being conducive to responsibility and solidarity:

“Our country, which is characterized by a recent migratory past, has in the last years come to be a country of immigration, which obliges us, for tradition and responsibility, to be solidary and welcome, at the measure at which the conditions for the social integration make it possible, nationals of less-developed countries that are looking for a common future amongst us.”³³⁸

The tradition growing out of the (recent) migration past led to an obligation to be solidary and take in immigrants. This three-fold step we have seen before, was rather ideological. To the PSOE the logical consequence of tradition was solidarity. That this three-fold structure could be used also without ideological motives involved, was demonstrated by Matilde Fernández Sanz in her statement while defending the socialist amendment:

“Let us address the improvement of the political participation of the immigrants in their own countries, removing the obstacles that are making their political participation in the elections of their countries more difficult (we are a country that has had many immigrants [emigrants are meant, JT] and we know how to one has to resolve these obstacles) and that are making their political participation in our country more difficult.”³³⁹

³³⁵ See BOCG, 6. Leg., Serie B, Núm. 179-10, 19.11.1998, 41.

³³⁶ *Papeles y ley de extranjería*, El País, 1.7.1998.

³³⁷ Carles Campuzano i Canadès, DSC, 6. Leg., Pleno, Núm. 169, 16.6.1998, 9046.

³³⁸ BOCG, 6. Leg., Serie B, Núm. 179-10, 19.11.1998, 84.

³³⁹ Matilde Fernández Sanz, DSC, 6. Leg., Pleno, Núm. 202, 10.12.1998, 10914.

Here emigration memory was used in utilitarian terms: talking about the political participation of migrants,³⁴⁰ Fernández Sanz argued that the country's emigration memory would give blueprints to deal with certain aspects of the difficulties that arose with the new legislation (electoral modalities). In looking at how Spanish emigrants worked their way into political participation, Spanish politicians now had a guideline at hand to decide what kind of legislation should be made.³⁴¹

For the next year, a working group comprised of members of all parties worked on finding a compromise and on unifying the three texts and numerous amendments.³⁴² In this time, the debate on immigration matters was only brought up once.

Although knowing that the working-group was drafting still, the PSOE presented an interpellation that confronted the government with the question of whether or not it possessed a coherent immigration policy.³⁴³ What the PSOE might have seen as an instrument to put pressure on the working-group,³⁴⁴ at the end worked against the party itself, as almost all other groups criticized the PSOE's move not to wait for results of the working-group.³⁴⁵ Only the United Left spoke rather benevolently of the PSOE initiative and agreed that there were quite some problems with the governments immigration policy that would materialize especially in the immigrant reception camps in Ceuta and Melilla. Also, growing racism would be caused by the undefined policy of the PP towards immigration. The problem was at this point in time, however, not yet fully visible – and this was the case, according to Willy Meyer Pleite, because of Spain's emigration past and its memory of this:

“Fortunately, the Spanish society is tolerant, precisely, because it has suffered emigration, but this is a problem one has to keep an eye on.”³⁴⁶

Spanish emigration experience (Spain's suffering, in the highly negative terms Meyer Pleite used frequently to connote the emigration experience) made Spain a tolerant society and, thus, has prevented from more happening. Emigration memory is here used once again to describe the

³⁴⁰ Fernández Sanz here confuses emigrants and immigrants. This happens quite regularly in this phase (See as another example Pablo Castellano Cardalliaguet, DSC, 6. Leg., Pleno, Núm. 277, 2.11.1999, 14953).

³⁴¹ Fernández Sanz was not along with this idea of using emigration memory as a blueprint for policy guidance – it was in this phase also adverted by government officials. In a newspaper article discussing the plan of the Ministry of Labor to hand out short term contracts for seasonal workers, the migration memory labor emigration is taken as a point of comparison: “El objetivo es agilizar la concesión de permisos de trabajo mediante acuerdos, sobre todo con los países vecinos, con una fórmula similar a la que en los años cuarenta facilitó la salida de trabajadores españoles hacia Alemania o, más recientemente, para la vendimia en Francia.” “The aim is to make the concession of permits more fluid through agreements, especially with the neighboring countries by a formula similar to the one that facilitated the departure of Spanish workers to Germany in the 1940s or, more recently, to the grape harvest to France.” (*El Gobierno estudia implantar contratos para emigrantes*, El País, 6.5.1999) Emigration memory, thus, here functions as a mine of experiences that can be recycled.

³⁴² See Kreienbrink, 2004, 395.

³⁴³ See BOCG, 6. Leg., Serie D, Núm. 405, 5.4.1999.

³⁴⁴ No explanation is given for the PSOE's intervention in current literature (see e.g. Kreienbrink, 2004, 395, who maintains that this was “Tagespolitik” and not to be seen in the wider context of the reform of the law). The fact that the PSOE introduced the interpellation before waiting for results from the working-group, which would have been the appropriate approach, however, points towards some intention in using the plenary as a leverage for the drafting process.

³⁴⁵ See DSC, 6. Leg., Pleno, Núm. 225, 24.3.1999, *passim*.

³⁴⁶ Willy Meyer Pleite, DSC, 6. Leg., Pleno, Núm. 225, 24.3.1999, 12013.

essence of Spain. Because of its emigration memory, Spain is such-and-such – an essentializing argumentative strategy.

This little interlude, however, did not disturb the drafting process of the Foreigners Law and the working-group finally presented a consensual text in November 1999.³⁴⁷ The document marked a considerable change in hitherto policy, as immigrants were set on a stage with Spaniards in terms of rights and liberties. The only exception to this was suffrage and public employment. The right to family reunification was granted. Furthermore, free education and access to health care were given, also to those foreigners with an irregular status. But this group should also be eliminated as such, as the mechanism of individual regularization was introduced, allowing for each immigrant with irregular status to apply for a regularization of his or her status after two years of residence in Spain without having to wait for a new general regularization process.³⁴⁸

Whereas the discussions of the working-group had been rather technical, the debates held in the Constitutional Commission, which needed to discuss the draft, as it touched upon rights and liberties expressly enshrined by the constitution, were more fundamental. The more politicized atmosphere made the delegates refer to emigration memory here in quite some statements. The similar use of these all mirrored the consensus and the consensual atmosphere that was still prevalent among the parties at this time.

Pablo Castellano Cardalliaguet from United Left, in defending the amendment his party had introduced on equal treatment of foreigners in the realm of public administration, argued that Spaniards needed to treat immigrants as “They” were treated abroad:

“I would like to be able to examine a really recent history of our country to see how many of our citizens in unfortunately unwanted situations were able to encounter an equal treatment and provide a function to the states that had welcomed them without any reduction of their security.”³⁴⁹

Although phrased in an interesting way as a rhetorical question, his statement made clear that out of the experience Spaniards had made abroad in being able to work in public administration, there would be no other option than to give this opportunity to those coming to Spain. Margarita Uría Echevarría of the Basque Nationalist Party (EAJ-PNV) argued in a similar vein:

“[...] the progression of time has made evident that the situation of Spain has changes substantially from being a country that provided emigration to a country that receives immigrants. The recognition of this fact exceeds a modification of the norms and it is high time that this [modification, JT] took place.”³⁵⁰

Again, here the mantra of the change from emigration to immigration country was summoned. The most unlikely quote and, at the same time the most indicative for the atmosphere of aiming for the same goal is, however, that of PP spokesman Diego Jordano Salinas. In a general statement on the legislative process he made a “general reflection directed [...] to the Spanish society”,³⁵¹ in which he

³⁴⁷ This was the official presentation, see BOCG, 6. Leg., Serie B, Núm. 330-1, 4.11.1999. Newspapers had reported on the content of the working-group’s draft already before, see *Los derechos de los extranjeros*, El País, 4.10.1999. Kreienbrink here gives the wrong month (see Kreienbrink, 2004, 395).

³⁴⁸ For a concise summary of the text see Carrera, 2009, 248. Also see *Los derechos de los extranjeros*, El País, 4.10.1999.

³⁴⁹ Pablo Castellano Cardalliaguet, DSC, 6. Leg., Comisiones, Núm. 795, 10.11.1999, 23697.

³⁵⁰ Margarita Uría Echevarría, DSC, 6. Leg., Comisiones, Núm. 795, 10.11.1999, 23712.

³⁵¹ Diego Jordano Salinas, DSC, 6. Leg., Comisiones, Núm. 795, 10.11.1999, 23702.

explained that in the recent months in which he was active as a member of the working-group that drafted the proposal, he had received several anonymous letters that expound racist points of view. To counter the arguments he had encountered in these letters, he introduced emigration memory:

“[...] I cannot manage to understand how in the Spanish society a arrogant and discriminatory attitude towards the foreigner can come into existence, when for years he nourished migratory flows and when we still have 2.600.000 Spaniards distributed over the world as emigrants. This concept of us having 2.600.000 Spanish emigrants, when we are talking of three hundred and some thousand immigrants of non-European nationality in Spain, has to make us think about what the adequate attitude of Spanish society is and what efforts have to be carried out to eradicate any intent to maintain the Spanish race, a mixed race of different origins, which has evolved through the centuries, as a pure or privileged race, which has to stay above the others, *moros*, as they said in one of the anonymous [letters, JT], negroes, other inferior races, that do not have no right of access to the level of Spanish society.”³⁵²

Jordano Salinas' statement was surprising in two ways: firstly, he did not use emigration memory to dissociate, as he had done in quite some statements before. Secondly, the statement did not directly argue in favor or against the draft, as Jordano Salinas had done before. Rather, he used migration memory here in abstract terms to argue against racist and xenophobic attitudes in Spanish society. The listener only vaguely perceived what position he actually held.

Jordano Salinas' unexpected statement involving emigration memory was due to a change in the government's position with regards to the new law. The PP had just, briefly before the discussions of the paper announced, without drawing too much attention, that it could not accept the draft in its current form and that it was doubting the reform altogether.³⁵³ Jordano Salinas, as the party's official for immigration, was not willing to support his party's move – and broke little later with his party.³⁵⁴ Thus, it is easy to explain his rather vague comments.

4.5.3. *Finale in dissent*

This move “backwards” of the PP meant a clear breach of the consensus the parties had held throughout the 1990s. The reasons for the turnaround of the government stayed somewhat unclear and are debated until today. Whereas some authors insinuate that the PP had opposed the law ever since and only waited for an opportune moment to sabotage the entire project,³⁵⁵ others draw attention to internal dispute within the government and the party.³⁵⁶ The reasons put forward by the government officially were two-fold:

1. It argued that the draft would not be in line with the agreements reached on European level at the summit in Tampere, held on 15./16.10.1999. These stated that a space of “liberty, security and justice” should be created within the Schengen area, which obliged the frontier

³⁵² Ibid.

³⁵³ See *El PP paraliza la reforma*, El País, 22.10.1999.

³⁵⁴ See *El ponente del PP replica a Mayor que la ley no es "insensata"*, El País, 20.11.1999 and *Un senador y el ponente del PP debaten ante Aznar sobre el progresismo del texto*, El País, 21.12.1999.

³⁵⁵ See e.g. Carrera, 2009, 248.

³⁵⁶ See e.g. López Sala, 2007, 10. Indeed this point of view seems more convincing in sight of the sources (See *Cascos garantiza la aprobación de la Ley de Extranjería, pese a la oposición de Mayor*, El País, 18.11.1999 and *Aznar da la razón a Mayor frente a Cascos y ordena al PP que enmiende la Ley de Extranjería*, El País, 19.11.1999).

states of the EU to block their borders to irregular immigration. When the summit was held, the working-group had not yet issued the bill,³⁵⁷ and the PP had not yet lost an unfavorable word on the draft other than its wishes for amendment. Augur-like, on the day of the summit Miguel Pajares Alonso, a Catalan migration specialist, wrote in *El País* that the summit would be a touchstone for Spanish migration politics, as in Spain the *Cortes* would be elaborating a rather liberal law, whereas in the rest of Europe the contrary was happening.³⁵⁸ These prophecies did come true, with the PP's turnaround: after some internal discussion between different departments of the government,³⁵⁹ president Aznar publically announced the governments discontent with the elaborated text and argued that it would have to be changed substantially in order to align it with the Tampere agreements.

2. The PP also maintained that the draft law would have a "calling-effect" (*efecto llamada*). The liberal norms, the right to family reunification and the individual regularization process would attract more foreigners than Spain could integrate.³⁶⁰

It very quickly became clear that the PP would try to block the law in the Senate, as in the Congress it did not possess a majority.³⁶¹ There it had been ruling by the consent of the three smaller, center-right parties (CiU, CC and PNV). But as the Catalan Group, which, of course, defended its own proposal, was one of them, the government could no longer rely on the votes of these delegates. The parties that had been working on the draft side-by-side with the PP representative, were furious, as were the trade unions and NGOs that had been present in the process of elaboration of the law.³⁶²

The working-group's draft, however, had to pass Congress before going into the Senate. The debate there was fierce, as most parties used this forum to attack the government for breaking the consensus. Whereas the governments coalition partners, presented their criticism in a rather moderate way, the leftist opposition levelled harsh critique. Especially the PSOE and the United Left excoriated the ruling party, accusing it of opportunism.³⁶³ Pablo Castellano Cardalliaquet of United Left went furthest in his critique, as he accused the government of acting against human rights and being anti-democratic, by wanting to change the draft:

"Deputies, this is a law that comes precisely to put order into a chaos, a chaos born by the dynamics of the migratory movements themselves, and to forget the profound reason of this law is to betray the citizenship. The shameful thing is, that behind this polemic that has penetrated the public opinion suspicion and ignorance have appeared anew, mistrust has risen towards something so important to thousands of citizens as the right to life and to build their proper existence. Even if it only were for the memory of those who had to go through such situations, of those who were your compatriots, we

³⁵⁷ This only happened on 4.11.1999. The work of the group had been finished in early September, though (See BOCG, 6. Leg., Serie B, Núm. 330-1, 4.11.1999).

³⁵⁸ See *¿Ley de Extranjería de la UE?*, *El País*, 15.10.1999.

³⁵⁹ See *Aznar da la razón a Mayor frente a Cascos y ordena al PP que enmiende la Ley de Extranjería*, *El País*, 19.11.1999.

³⁶⁰ A concise summary of the party's argumentation can be found in Rubio Carbonaro, 2010, 19-20.

³⁶¹ See *El Gobierno bloqueará en el Senado la Ley de Extranjería con las enmiendas de Interior*, *El País*, 21.11.1999.

³⁶² On parties see *CiU se opone a rebajar "el espíritu progresista" del proyecto consensuado*, *El País*, 20.11.1999. On trade unions and NGOs see *Sindicatos y ONG critican al PP por el parón de la ley de extranjería*, *El País*, 23.10.1999 and *CCOO denuncia que el Gobierno presiona contra la Ley de Extranjería*, 6.11.1999.

³⁶³ See DSC, 6. Leg., Pleno, Núm. 277, 2.11.1999, 14951-14957, *passim*.

should be a little bit more cautious. Of course, I will tell you that United Left will not negotiate any human right under any pretext of reason of state, because the only reason of state that counts for United Left is the reason of a social and democratic state, ruled by law, which does not distinguish between colors of skin nor beliefs; it only distinguished, simply, between attitudes that are democratic and those that are antidemocratic.”³⁶⁴

In this highly polemic statement, Castellano Cardalliagué used emigration memory in a way seen already on other occasions (“because of our memories, we have to behave in a certain way”), but gave this argument a new twist: the memory of those who emigrated could legitimately be a sufficient reason to enact the draft (“Aunque sólo fuera por el recuerdo [...]”). In a way, the significance of emigration memory here is magnified to the extent that it becomes a legitimate argument by itself to fight the drawback of the PP.

The PP itself in the plenary debate defended that the law could not pass in its current drafting, but only gave vague descriptions of what it actually wanted to amend in the second chamber.³⁶⁵ At the end, the Congress approved of the law with the majority of all other parties and against the will of the government.³⁶⁶

In the two weeks between this debate in the Congress and the first debate held in the Senate, the PP tried intensively to convince its Catalan coalition partner to align itself with the government and vote in favor of the changes the government intended to introduce in the second chamber.³⁶⁷ This support was needed, as after the approbation by the Senate, the law would have to pass the Congress one last time and it became clear that the PP-amendments would not survive that round. When the draft was discussed in the Senate’s Constitutional Commission for the first time, it quickly showed that the CiU had left the camp of those defending the original working-group’s draft by introducing an amendment that tried to make justice to all sides. This tactic, however, only called for criticism of the other parties.³⁶⁸ Much of the debate was thus focused on allegations on both sides. There seemed to be little space for qualitative discussion of the topic.

One of the few qualitative statements was made by PSOE senator Joan Oliart i Pons. He was the only one in the debate of the Constitutional Commission to bring in emigration memory in his argument in favor of the original draft:

“The problem Spain had in the past was precisely emigration, not immigration, that is, those who really have a problem are the countries that see how their men and women leave the, not the countries that welcome them, because the societies that admit them grow economically and socially thanks to those contributions, making and constructing a much more plural society. Take an example in the United States.”³⁶⁹

The socialist speaker here used a mechanism that we have seen until now mostly in interventions of the right: he dissociated emigration memory from the present experience of immigrants. Spain had experienced problems in the field of migration, yes. But it had been emigration that meant a loss to

³⁶⁴ Pablo Castellano Cardalliagué, DSC, 6. Leg., Pleno, Núm. 277, 25.11.1999, 14953.

³⁶⁵ See *ibid.*, 14961-14963. Here, already, Diego Jordano Salinas is replaced as the party’s spokesman on migration issues.

³⁶⁶ See *Ley*, El País, 25.11.1999

³⁶⁷ See *CiU da marcha atrás y acuerda con el PP modificar la Ley de Extranjería*, El País, 27.11.1999.

³⁶⁸ See DSS, 6. Leg., Comisiones, Núm. 542, 10.12.1999, *passim*.

³⁶⁹ Joan Oliart i Pons, DSS, 6. Leg., Comisiones, Núm. 542, 10.12.1999, 15.

the country. In contrast to this, the immigration of today could only benefit the country. Dissociation, thus, here works as a mechanism to present immigration as a positive and contributing feature of the present. Joan Oliart i Pons here anticipates the figure of positive dissociation used in the 2000s (see Chapter 5).

The Constitutional Commission passed on the text now amended by the PP to incorporate a more restrictive approach to immigration policy to the plenary of the Senate. Before the discussions were held there, the PP also tried to convince the Canary Coalition (CC) to switch sides – however, the party, contrary to the CiU, felt uncomfortable about changing a law that it had helped elaborate and thus left the PP as well as the public in doubt about how it would behave.³⁷⁰ In the plenary debate of the Senate it then abstained, leaving all parties with uncertainty as to whether or not it would give its crucial votes to the PP/CiU-side or to the supporters of the original draft in the final approbation in Congress.³⁷¹

The discursive position the CC accordingly took in this senatorial debate was rather neutral. All other groups exercised themselves in polemics. The following abstract of the provocative intervention of PP-senator Jesús Merino Delgado exemplifies how heated the discussion actually was:

“You [the Socialist government, JT] put into concentration camps... (Heavy protests in the seats of the Socialist Parliamentarian Group. Several senators from the Socialist Parliamentarian Group: Fascists! Ms. Arnáiz de las Revillas García: Provoker! Mr. Rojo García: Excuse yourself, disgraceful!) You put into internment camps on Ceuta and Melilla thousands of sub-Saharanians sending even the chief of security of Moncloa [the seat of government, JT] to Melilla as representative of the government to Melilla to do so. (A senator of the Popular Parliamentary Group: Yes, sir! Heavy protests in the seats of the Socialist Parliamentarian Group. Applause in the seats of the Popular Parliamentary Group.) Do you remember the chief of security, Mr. González? (The audience present on the gallery stands up, turns its backs and raises its hands. Pause. Heavy applause in the seats of the Socialist Parliamentary Group, directs at the public gallery.) Gentlemen, also in special effects you are true artists. (Heavy protest in the seats of the Socialist Parliamentary Group. Laughs and applause in the seats of the Popular Parliamentary Group.) Mister senator, you have not entered into the depths of not a single precept of the law. (A senator from the seats of the Socialist Parliamentary Group: What a shame!) I suppose that afterwards maybe we will be so lucky as to you discussing one by one these articles, in line with how we have done, going into the concrete amendments and into the spirit, into the rights and liberties, and not into show, not into the scene you always grant us for free. (Heavy protests in the seats of the Socialist Parliamentary Group. Ms. Arnáiz de las Revillas García: Provoker! A senator from the Socialist Parliamentary Group: Demagogue!) I feel that I am making you nervous, gentlemen... (Heavy murmuring.)”³⁷²

The tense discussion was followed not only by the audience, that participated actively (and rather creatively), but by the entire country. The senators thus had to use their highest rhetorical skills. Following Joan Oliart i Pons’ intervention in the Constitutional Commission, delegates of all sides used emigration memory to convey their message clearly but emotionally. However, this time it was

³⁷⁰ See *Coalición Canaria se abstendrá en el Senado ante las 106 enmiendas a la Ley de Extranjería*, El País, 14.12.1999 and *Coalición Canaria negocia la retirada de enmiendas del PP a la Ley de Extranjería*, El País, 16.12.1999.

³⁷¹ See DSS, 6. Leg., Pleno, Núm. 156, 16.12.1999, 7611.

³⁷² Jesús Merino Delgado, DSS, 6. Leg., Pleno, Núm. 156, 16.12.1999, 7619-7620. The “concentration camps” the speaker was referring to were the reception centers for immigrants in Ceuta and Melilla, which were known (and still are known) for being notoriously overcrowded and underfinanced.

the PP who started with memory references. Senator Pedro Galván de Urzaiz defended the party's position the following way:

"[...] and amend it according to what we think [...] is positive for the entirety of Spain, [...] and, in any case, also for the entirety of these persons that – in their great majority – come in terrible conditions to our country and which we have to welcome and that can only develop a decent life when [...] our society has the capacity to give them work. Gentlemen, we are talking about a fundamental issue that is focused on a norm that will only be positive if, at the end, it reached an aim: that it is accepted by all. [...] Because it is also clear that this has been a country whose human entirety had to leave its frontiers to obtain a future for its children, for itself, and we know, thus, of what we are talking. Also, we Canarians know this, as a great part of our relatives had to look for their livelihood in what was considered the second part of Spain, already many years ago."³⁷³

The emigration memories evoked here are interesting, because they were not only slightly diverging from the dissociative character of other PP statements (the hard working Spanish emigrant was not presented as radically different from the present-day immigrant – it was only implicitly stated that the chances for both were somewhat different) but was rather used in the utilitarian, blue-print way we saw in prior interventions of the PSOE. They were also multi-dimensional emigration memories: those of the Spanish people as a whole, and those of the Canarians. This combination of multiple collective memories, of national and sub-national emigration memories, has to be read in the context of the strategy of convincing the CC to join sides with the PP and the CiU. By alluding to the specific emigration memory of the Canary Islanders, the CC, who saw itself as the major representative of the Canarian people, was put on the spot. We see emigration memory here for the first time working not only to the ends of supporting one's policy or argument, but rather to pressure a political group, as part as a political maneuver.

This highly appealing argument called for rebuttal from the side of the PSOE. Joan Oliart i Pons, who had already used emigration memory as part of his argument in the Constitutional Commission, decided to pull an even more personal trigger in this important dispute. He closed his intervention with a general reflection on the benefits immigration can have for a society and the moral attitude a society should display towards it. Again alluding to the USA, he cited the famous capture on the Statue of Liberty before giving his argument a concluding personal tone:

"Finally, I want to tell you that I know the shudder of the undocumented immigrant or of the undocumented exile when he sees the uniform of a policeman very well. It was felt by my mother when she was walking through the streets of France, holding me by my hand, she, too, was exiled and undocumented."³⁷⁴

This personal emigration memory Oliart i Pons introduced, did not fall in the categories of identification or dissociation, however. The senator did not insinuate that he is the same or similar to the immigrant of nowadays and also did not draw any distinctions between his experience and that of present day newcomers. It was rather a form of personal vouching at the end of his intervention: his personal experience guaranteed that he knew what he was talking about. It stressed that the argument made was not only valid in political terms, but that the listener could also trust the speaker, as he had shared his personal recollections with the audience.

³⁷³ Pedro Galván de Urzaiz, DSS, 6. Leg., Pleno, Núm. 156, 16.12.1999, 7626.

³⁷⁴ Joan Oliart i Pons, DSS, 6. Leg., Pleno, Núm. 156, 16.12.1999, 7617.

Oliart i Pons' memory is interesting also, because it showed how politicized the issue of emigration had become in the course of just a few weeks. Whereas in the debate about the asylum law, the personal memories of exile did play a role in defining the legislative norm, the entire topic of asylum never came to be a politicized topic in the true sense of the word. Here we now saw how immigration was connected to a much older, much more problematic debate: the Civil War and its aftermath. Emigration memory here fulfills the function of connecting the topic of immigration with a much more polemic debate that still divided Spanish society (and does until today). It functioned quasi a catalyst in the process of heating up the debate.

This step forwards in a more politicized direction was, of course, not left unanswered by the speaker of the PP. Jesús Merino Delgado, who as shown above, was a rather provocative figure in the debate, warded off the attack by pairing the emigration memory of Oliart i Pons with his own:

"I know your history – you have reminded me of it already on another occasion – as being the son of political exiles. I, too, am a son of internal emigration, and nevertheless I do not want to tell you here what happened, also not on the internal level, in those times, because I think this is not the moment to do so. This is the moment of dialogue, this is the moment to reach a consensus on a law that I consider to be highly positive for this country."³⁷⁵

Merino Delgado argued that that he had experienced migration as well, thus signaling to the listener that his argument would have the same personal guarantee as that of his PSOE-opponent. Exile and internal migration were equated here in order to then characterize Oliart i Pons' argument as null and void. The maneuver is interesting as it disregarded that both emigration memories are of different qualia and surely not comparable. On a theoretical level this means: it seems fully sufficient to point out that one is in possession of emigration memory, any migration memory really, as well, in order to render the personal emigration memory of one's opponent collective. By displaying his memory of internal migration, Merino Delgado put Oliart i Pons memory of exile into a collective context and deprived it of its sharpness. Another interpretation of Merino Delgado's use of his internal migration memory would be that he intentionally chose to devalue the memory of his opponent by equating it to other forms of migration memory – setting the memory of suffering in exile held up by the Spanish left as highly valuable, on a par with the mundane experience of moving inside of the country for better employment opportunities.

The Senate adopted the text as it had been changed by the government with the votes of the PP itself and those of the CiU. As described above, the CC had chosen to stay neutral and abstain from voting. In the aftermath of the Senate's vote, this led to an aggressive, almost thuggish campaign of the PP to bring the CC to join the government.³⁷⁶ Yet, the CC again decided to wait until the very last minute to announce its position for the final vote in Congress.³⁷⁷ Only on the day of the vote itself the media announced that Coalición Canaria would vote against the government and in favor of the original text. The reasons behind this remained somewhat in the shadows, but it is clear that the trade unions had a certain role in this process.³⁷⁸ This turn of the CC had an effect on the Catalan Party as well, who now feared losing its face standing on the side of the losers of the vote. During the

³⁷⁵ Jesús Merino Delgado, DSS, 6. Leg., Pleno, Núm. 156, 16.12.1999, 7634.

³⁷⁶ See e.g. *Coalición Canaria denuncia presiones del PP por la Ley de Extranjería*, El País, 18.12.1999.

³⁷⁷ See *CC decide apurar hasta última hora la negociación de la Ley de Extranjería*, El País, 21.12.1999.

³⁷⁸ See *Coalición Canaria anuncia que votará contra la Ley de Extranjería pactada por PP y CiU*, El País, 22.12.1999.

final debate in Congress, the CiU announced that it no longer felt bound to the agreements reached with the PP and voted in favor of the original text, too.³⁷⁹

When the debate itself started, it was thus already clear, that the law would not pass in the form the PP wanted it to, but that the Congress would adopt the original version that had been drafted by the working-group. In their explanations of vote, the parties brought forward different reasons for their “no”: the Initiative for Catalonia Greens (IpC-V), for example, took offence in the behavior of the PP and did not want to support such forms of policy making.³⁸⁰ The Basque Solidarity and Galician Nationalist Bloc argued that, as the spirit of the PP-amendments was directed towards control, they would substantially alter the intention of the reform.³⁸¹ The CC and Basque Nationalist Party took a similar stance arguing that the law had been changed beyond recognition. However, in the highly polemic statements of the New Left (NI), United Left and PSOE, the definite breach of the immigration consensus was felt most clearly: the PSOE characterized the parliamentarians of the People’s Party as “cynical” and disavowed that the government ever had had interest in a coherent immigration policy.³⁸² The NI, then, accused the government of “institutional racism”.³⁸³ The IU, finally, went even further, accusing the government of being unconstitutional and even tried to convince the PP-parliamentarians to vote against their own party.³⁸⁴

In their polemic statements, the speakers did not save with emigration memory. Given the situation, it was not surprising that all of the statements containing emigration memory (namely those of PSOE, CC, NI), made use of it by means of identification.

In the concluding remarks of her intervention, Matilde Fernández Sanz of the PSOE, pointed out that the government had survived the entire legislative period without possessing a coherent immigration policy and then went on to explain why the law had to be approved:

“This is a law that merits to be adopted and it merits to be adopted not only because of the immigrants that have come to this country, as citizens with rights, but also because of the Spaniards that with cardboard or canvas suitcases left towards Europe and constantly are telling us that they do not want that the immigrants that come to Spain receive the treatment that some of them received in countries, democratic and non-democratic alike. In honor of these Spaniards that had to emigrate, the law has to be adopted today in the form we had agreed upon unanimously in the Parliament.”³⁸⁵

In her argument, the memory of emigration, which she displayed very vividly, is equated with present-day immigration through the law. In categorizing the treatment Spanish emigrants had received and that immigrants were to receive as basically the same experience, Fernández Sanz conflated the two, making it easy for her listeners to identify with the situation of immigrants today.

Diego López Garrido of NI, argued in a similar vein. According to him, the government would have disdained the history of Spain, in amending the law the way it did:

³⁷⁹ See Carles Campuzano i Canadès, DSC, 6. Leg., Pleno, Núm. 283 , 22.12.1999, 15261- 15262.

³⁸⁰ See Mercè Rivadulla Gracia, DSC, 6. Leg., Pleno, Núm. 283 , 22.12.1999, 15255-15256.

³⁸¹ See Francisco Rodríguez Sánchez, DSC, 6. Leg., Pleno, Núm. 283 , 22.12.1999, 15256-15257.

³⁸² See Matilde Fernández Sanz, DSC, 6. Leg., Pleno, Núm. 283 , 22.12.1999, 15264- 15266.

³⁸³ See Diego López Garrido, DSC, 6. Leg., Pleno, Núm. 283 , 22.12.1999, 15257- 15270.

³⁸⁴ See Pablo Castellano Cardalliaguet, DSC, 6. Leg., Pleno, Núm. 283 , 22.12.1999, 15262- 15264.

³⁸⁵ Matilde Fernández Sanz, DSC, 6. Leg., Pleno, Núm. 283 , 22.12.1999, 15266.

“The government, with the invaluable help of *Convergència i Unió*, has scorned the Parliament, has scorned the immigrants, has scorned those social organizations and labor unions, has scorned Spain’s proper history, a country of emigrants. Last week, the president of the government, Mr. Aznar, received a letter of Spanish emigrants, between them prominent leaders of the People’s Party in Latin America, asking him, how it would be possible to understand that a country of emigrants, of people that experienced many difficulties when they emigrated, could, led by its government, make laws of this type, steps backwards of the type the amendments coming from the Senate mean.”³⁸⁶

López Garrido used emigration memory here in a two-fold way: first, when defining Spain as a country of emigrants. The betrayal the government wanted to commit was not only one against the immigrants, but also against Spain’s history. By formulating his list the way he does, the NI-speaker aligned immigrants with the memory of Spain’s past migration. Betraying one did not work without betraying the other.

Second, he employed emigration memory when taking up the example of the emigrants writing to Aznar. Whether this letter was actually written or not or by whom and from where could not be verified. Nevertheless, the mere statement of this happening already shows a facet of emigration memory that had not come up yet: emigrants that were still living abroad and that used their own emigration memory to partake in domestic discourses on immigration. The impact of their voice – be it true or not – was, of course, much higher than that of regular politicians just taking emigration memory as an example of Spanish collective memory or as a distant personal recollection. The immigrants who experienced difficulties were still living abroad and, thus, had more credibility when using their emigration memory.

Luis Mardones Sevilla of the Canarian Coalition was the third speaker to use emigration memory in this debate. He obviously felt the need to react to the argument made in the Senate, when the PP was still trying to convince the CC and had played the card of Canarian emigration memory:

“This is the satisfaction my group asks of the chamber, that we give it also to those who [...] come to us from one continent or another. We in the Canary Islands perfectly know the sensitivity of emigration, because, next to Galicia, the Basque Country, Andalusia and Extremadura we have been throughout history, unfortunately, or maybe fortunately for them, countries that have sent their emigrants there, and today we have to make this retrieval.”³⁸⁷

In a way, the retrieval Mardones Sevilla was talking about was not only a retrieval of the population losses, the Canary Islands and the other regions had suffered towards the countries accepting Spanish emigrants in the past. Here the retrieval could also be read as a reclamation of the memory that the PP had used. Being the major party representing the Canary Islands, it was the CC that “perfectly” knew about the sensitiveness of Canary emigration, not others.

With these powerfully eloquent statements presented and the vote already lost numerically, the PP speaker was left no chance than to blame the other parties for not collaborating.³⁸⁸ Subsequently, the law was voted for and adopted in its original version, as it had left the working-group.³⁸⁹ Contrary to what would be considered normal in Spanish legislation, the “Law on the Rights and Liberties of

³⁸⁶ Diego López Garrido, DSC, 6. Leg., Pleno, Núm. 283, 22.12.1999, 15257.

³⁸⁷ Luis Mardones Sevilla, DSC, 6. Leg., Pleno, Núm. 283, 22.12.1999, 15258.

³⁸⁸ See Luis de Grandes Pascual, DSC, 6. Leg., Pleno, Núm. 283, 22.12.1999, 15266- 15269.

³⁸⁹ See *Fracaso del Gobierno con la Ley de Extranjería*, El País, 23.12.1999.

Foreigners in Spain and their Social Integration”³⁹⁰ did not carry any statement of purpose.³⁹¹ This also meant that all reference to emigration memory (which had been part of the statement of purpose of the CiU proposal and also of the PSOE amendments) were erased from the text of the actual law.

On the day after the vote, the government made clear that it was not willing to accept the norm and so the PP announced that a “reform of the reform” would be a central part of its electoral campaign that was going to start soon (elections were scheduled for March 2000).³⁹² With this, immigration indeed became the electoral play-ball the Parliament had agreed upon in the early 1990s it should not become.³⁹³ When the PP won the elections three months later, this time with an absolute majority and not in need of support of the CiU and CC any more, it made its campaign pledge come true and enacted a new version of the law, which laid more emphasis on immigration control and curbing and was altogether more restrictive with regards to immigrant population already within the country.³⁹⁴

4.5.4. Snapshot: The public discourse surrounding the negotiations

Until now we have seen how the new Foreigners Law evolved in the political arena and how emigration memory played a role in this process. But, of course, there were other participants in the public discourse surrounding the genesis of the norm. This subchapter will briefly shed light on the positions of the NGOs and trade unions, the Catholic Church as well the general public, that participated in the debate through letters to the editor and opinion pieces.

NGOs and trade unions

As stated in the introduction to this chapter, the 1990s experienced the emergence of Civil Society as an actor on the stage of immigration policy making. This influence was institutionalized with the creation of the Forum for the Integration of Immigrants (*Foro Para la Integración de los Inmigrantes*) in 1995, as an arena in which unions, NGOs and government representatives could exchange views.³⁹⁵ Besides this official position of lobbying/advising, the NGOs and unions kept on intervening

³⁹⁰ In current English literature, the title of the law (*Ley Orgánica 4/2000 de Derechos y Libertades de los Extranjeros en España y su Integración Social*) is translated differently with “Immigrant” in place of “Foreigners” (see e.g. Carrera, 2009, 249). This, however, does not do justice to the content of the law and, further, brings with it the danger of misconceiving the notion of *extranjero* that encompasses different (also: different legal) notions.

³⁹¹ See BOE-A-2000-544. On this matter see Kreienbrink, 2004, 395.

³⁹² See *El PP promete reformar la nueva norma en su programa electoral*, El País, 23.12.1999.

³⁹³ See e.g. *Un Paraíso para los inmigrantes*, ABC, Sevilla, 31.12.1999.

³⁹⁴ On the “reform of the reform” see e.g. López Sala, 2007, 10 or Bruquetas-Callejo et al., 2011, 299-300 and Chapter 5.4.1.

³⁹⁵ The Forum had been created by effect of the first national strategy on integration formulated in 1994, see Watts, 1998, 672 and also Bruquetas-Callejo et al., 2011, 298.

in migration politics with well-known methods, such as press campaigns and demonstrations to put pressure on policy-makers and administration.³⁹⁶

The NGOs had, with the Declaration of Girona,³⁹⁷ powerfully stated their position on immigration matters and thus made themselves an indispensable element of this process as advocates.³⁹⁸ Migrant self-organizations also took on a similar role in the course of the 1990s.³⁹⁹ The trade unions, on the other hand, especially the two mayor ones (CCOO and UGT) had since the early 1990s also come to play quite a vital role as actors on the stage of migration policy-making through actively engaging in lobbying.⁴⁰⁰ Both unions thereby displayed a very favorable stance towards immigration. In the case of Spain, “labor leaders [were, JT] more likely to prefer moderately open immigration policies”,⁴⁰¹ as they would have realized early, that restrictions would not work, and they rather preferred “to integrate immigrant workers into the formal economy through policies such as amnesties, family reunification, and permanent residency.”⁴⁰²

Both, NGOs and unions, had been very active already at the very beginning of the legislative period in criticizing certain aspects of the governments migration policy.⁴⁰³ They voiced their criticism on the expulsion of the 103 immigrants to Africa,⁴⁰⁴ argued in favor of the inclusion of immigrants into the health care system,⁴⁰⁵ and they were actively involved with the sub-commission on immigration, emigration and racism.⁴⁰⁶ Also, from a very early point on, NGOs and trade unions argued that the existing Foreigners Law would have to be changed.⁴⁰⁷ In the first, consensual phase of the elaboration of the law, they collaborated intensively, bringing in own suggestions.⁴⁰⁸ However, when the PP turned its back on the consensus the Congress had agreed upon, the NGOs and unions were even quicker than the opposition parties to criticize the move.⁴⁰⁹ At first, protests were moderate, but they soon came to be aggressive in language.⁴¹⁰ The civil society actors also chose to show their protest in forms of demonstrations or by abandoning the Forum for the Integration of Immigrants.⁴¹¹ The most ostentatious steps were, however, the silent protest during the speech of Merino Delgado

³⁹⁶ See e.g. *CiU arranca al PP un preacuerdo sobre visados y periodo de empadronamiento*, ABC, National, 10.12.1999.

³⁹⁷ See Chapter 4.1.

³⁹⁸ In fact, their position in the 1990s was that prominent, that their role and function was scrutinized already by contemporary research. See e.g. Casey, 1995.

³⁹⁹ On the role of migrant self-organizations within Spain’s political landscape see Aparicio Gómez/Tornos Cubillo, 2010, 38-47.

⁴⁰⁰ See Watts, 1998, 672.

⁴⁰¹ Watts, 1998, 657.

⁴⁰² *Ibi.*, 674, cf. Cachón/Valles, 2003, 480-481.

⁴⁰³ See e.g. *Grupos humanitarios critican la supresión de Migraciones y Extranjería y Asilo*, El País, 15.5.1996.

⁴⁰⁴ See *IU califica de "terrorismo de Estado" la expulsión de 119 inmigrantes*, El País, 5.7.1996.

⁴⁰⁵ See *Las ONG piden que la red de salud local asista a inmigrantes*, El País, 10.4.1997.

⁴⁰⁶ See list of NGO speakers in the meetings of the sub-commission: BOCG, 6. Leg., Serie D, Núm. 248, 3-4.

⁴⁰⁷ See *La asociación SOS Racismo exige que la nueva Ley de Extranjería asegure los derechos básicos*, ABC, Sevilla, 6.8.1998, or *17.536 inmigrantes solicitan los 8.415 permisos laborales para extracomunitarios*, El País, 2.7.1998.

⁴⁰⁸ See e.g. *Las asociaciones civiles piden crear un ministerio de migraciones*, El País, 20.8.1998.

⁴⁰⁹ See *Sindicatos y ONG critican al PP por el parón de la ley de extranjería*, El País, 23.10.1999.

⁴¹⁰ See *Las asociaciones sociales inician hoy protestas en defensa de la ley*, El País, 25.11.1999.

⁴¹¹ See *Las organizaciones sociales dejan el consejo consultivo del Gobierno sobre la inmigración*, El País, 11.12.1999.

in the Senate,⁴¹² and an active interference with the PP's attempt to convince the CC and the CiU to align itself with the government.⁴¹³

Although the NGOs and unions displayed this high amount of activity in the process of negotiating the new Foreigners Law, in the sources consulted, their argumentation showed a conspicuous absence of emigration memory. Possible explanations for this could be the more practice-orientated approach of the organizations, or the fact that the policy recommendations they made, were not presented in an arena that needed sophisticated legitimizing elaboration, such as the parliament, but could be rather technical.

On a more general level, however, Cachón and Valles argue, that many senior members of unions had been trained in exile in the 1960s and 1970s. The authors see this as being conducive towards a pro-immigration stance, insinuating that their personal emigration memory influenced the immigration policy they lobbied for.⁴¹⁴ One could take a stance for this being a very indirect influence of emigration memory. However, as in the sources viewed for this legislation period, no evidence was found, it has to be concluded that emigration memory was absent at least in the discourse of NGOs and trade unions.

The Catholic Church

The Catholic Church, being a worldwide organization and feeling responsible for the big community of migrants from predominantly catholic Latin American countries in Spain, always had a special interest in migration matters and had always played an active role in legislative processes on the matter.⁴¹⁵ As already pointed out in the introduction to this chapter, the church had in 1995 published a document entitled "Immigration in Spain: Challenge to Spanish Society and Church", in which it argued that Spain had always been a country of emigration country and out of respect for this history needed to be benevolent to those coming to Spain now.⁴¹⁶ During the legislative period under scrutiny here, the Church repeatedly criticized the situation of foreigners and immigrants in Spain,⁴¹⁷ and actively called on government measures, such as further regularization processes, to mitigate the situation.⁴¹⁸

During the phase of the elaboration of the new Foreigners Law, on several occasions Bishops publically argue in favor of a norm that would be "open and welcoming"⁴¹⁹ towards foreigners.⁴²⁰ The argumentation on these occasions was mostly one of religious reasoning or just of general human

⁴¹² See above.

⁴¹³ See *Sindicatos y ONG piden a varios partidos que no voten a favor de la Ley de Extranjería*, El País, 15.12.1999.

⁴¹⁴ See Cachón/Valles, 2003, 474.

⁴¹⁵ On the Catholic Church's position in the discourse of the 1980s, see Chapter 3.3.5.

⁴¹⁶ See Comisión Episcopal de Migraciones (1995): *La inmigración en España: desafío a la sociedad y a la iglesia españolas*.

⁴¹⁷ See e.g. *El obispado de Cádiz cree que el control policial aumenta la inmigración ilegal*, El País, 3.1.1999.

⁴¹⁸ See e.g. *Organizaciones católicas reclaman la regularización de 50.000 "ilegales"*, El País, 14.1.1999 or *El obispo de Girona pide que la escuela integre a los inmigrantes*, El País, 15.4.1999.

⁴¹⁹ *El arzobispo de Tarragona pide una ley de acogida de los inmigrantes*, El País, 21.6.1999, my translation.

⁴²⁰ See *ibid.* and further: *El obispo de Cádiz denuncia a las "mafias inhumanas" de la inmigración*, El País, 27.9.1999.

solidarity. With the heating-up of the political tension towards the vote in the Senate and the Congress, the Bishops decided to issue a press release arguing in favor of a law that would have the aim of integrating foreigners.⁴²¹ This, in practice, meant a support of the original version of the draft – a delicate move, as the PP was traditionally closely related to the Church. In the press release, the Bishops used emigration memory to state their purpose. However, this happened much along the lines of the mantra-like repetition of Spain being a country of immigration now as compared to being a country of emigration before,⁴²² which we have seen on other occasions, and had little in common with emigration memory being a discursive anchor-point for the Church, as it had been in the 1980s.⁴²³

The “broader” public: letters to the editor and intervening intellectuals

The reform of the Foreigners Law elicited not only a fierce political debate – migration legislation for the first time was perceived to be a matter of broad public interest. Newspapers were full of letters to the editor commenting on the future norm, with many of these involving emigration memory as core element of their argumentation. The following quotes should just figure as examples of this phenomenon. As in the political debate itself, emigration memory was thereby not always employed in the same manner, or to the same ends.

In a first letter, dating from January 1999, for example, a reader complained about the position of the PSOE in the debate. Himself an immigrant, the author argued that the PSOE when in power cut down on immigrant rights and now acted hypocritical. This criticism he combined with a call to the PP government to foster the ties with the governments of the Latin American countries and a call towards the Spanish people:

“The other invocation I make is directed at the Spanish people, who I ask to have the highest possible understanding and empathy towards the immigration coming from Latin America, considering that in faraway times, countries such as Uruguay, Argentina, Chile, Mexico and Venezuela (among others) opened their doors and their hearts at many Spaniards that had left looking for better horizons and for a new life.”⁴²⁴

Although not directly a policy recommendation, the reader, in reminding the “Spanish people” of treating Latin American immigrants the way Spaniards were treated in their countries of origin, used emigration memory to emphasize the failure of the PSOE and to strengthen his argument towards the PP and its responsibility in elaborating a non-restrictive law. Most interesting about this reader’s contribution was that he himself was an immigrant. He was, thus, not the typical example of the domestic actor employing emigration memory we have seen so far, but an “alien” to this debate - he himself stressed this point.⁴²⁵ This quote thus also showed that emigration memory could be used by actors external to the population to which the collective memory pertains. This, of course, happened

⁴²¹ See Comisión Permanente de la Conferencia Episcopal Española (2000): Nota de prensa sobre la Ley de Extranjería.

⁴²² See *ibid.*, 1.

⁴²³ See Chapter 3.3.5.

⁴²⁴ *Ley de Extranjería*, El País, 13.1.1999.

⁴²⁵ See *ibid.*

only seldom⁴²⁶ – also because the effects of the argument on the side of those to be convinced were unclear: would they accept that somebody from “the outside” used their memory to tell them how to behave?

The more typical case of a Spanish reader using Spanish emigration memory was exemplified in the following letter to the editor:

“I am ashamed of the treatment that my country gives to those that come searching for a job, as did my grandparents going to Germany or to America. And I am ashamed, even more, when I see that they only occupy those jobs that the Spaniards do not want, as for example on construction sites.”⁴²⁷

The reader here did not explicitly mention one party or another, but just described the general feeling of “shame” he had, when witnessing the way immigrants were treated. His identification of the immigrants with his grandparents had to be read in a generalizing way. The fact that in his narrative they migrated to “Germany or America”, indicated that the reader was not retelling the actual migration history of his family, but rather aiming at generalizing this experience and in this way making it possible for all Spanish readers to identify their family history with that of “those coming in search of work”. Thus, the mechanism of identification we have seen in the political discourse, was employed also in the public debate.

A similar emotional reaction was displayed in the letter of the following reader, writing on the height of the conflict on the reform:

“I could mention several reasons that the comments on the life of the immigrants [...] and the law that claims to regulate their labor and human situation in our country make me blush. Simply as a citizen of a nation that has traditionally been emigrating, I would have reasons enough to appeal to civic memory.”⁴²⁸

The embarrassment the young reader felt towards the political maneuvers around the reform resembled what was expressed in the prior letter. What was remarkable about this quote, however, was the fact that the author argued emigration memory on a meta-level: the “civic memory” of an emigrant society should be ashamed of what is happening, must be ashamed of what is happening. Emigration memory here was equated with the general civil memory of the nation. The quote is most probably what comes closest to what Olaf Kleist has defined as “civic memory”.⁴²⁹

Prominent Spanish intellectuals also participated in the public debate on immigration during the elaboration of the new law. Most of them, however, stayed rather vague and commented upon racism and the need for Spaniards to welcome foreigners – thus, assuming their role as moral compasses of the nation. Few directly pointed at the new Foreigners Law and even less did so arguing from the point of view of emigration memory. The following quote from Spanish author José Manuel Caballero Bonald, contained in an essay of July 1999, thus still during the consensual phase of elaboration of the new law, serves to illustrate this:

⁴²⁶ For another, more general example, see Peruvian Nobel laureate Mario Vargas Llosa, who does this with the emigration memory of several countries at a time in his essay *Los inmigrantes*, *El País*, 25.8.1996.

⁴²⁷ *Avergonzado*, *El País*, 21.9.1999.

⁴²⁸ *El extranjero soy yo*, *El País*, 2.12.1999.

⁴²⁹ See Chapter 2.2.6.

“It has always happened this way, from the battle of Covadonga until the last racist hostilities. Persecutions, humiliations, ferocities, repeat themselves in our particular history of disgrace. There is a dark repertoire of cases at the reach of any memory, including, of course, the Andalusian. Spain, country of emigrants, hardly tolerates the immigrants. [...] The present and mean Foreigners Law doubtlessly ignores such a notion of *convivencia*, by which it indirectly backs up so many irregular obstacles to immigration. Perhaps there are more and more patriots that long for that despicable rage of that ‘Santiago and close, Spain!’ [the alleged war cry of Iberian troops during the Reconquista, JT] What a danger!”⁴³⁰

In this essay emigration memory figured two-fold: first, as memory of the expulsions of the Moriscos and, second, as memory of modern Spanish emigration. Both were tied to the present law, which, in the mind of Caballero Bonald did not foster *convivencia*, but rather gave further support to those calling for a curb on immigration. In most of the quotes we have seen so far here, one type of emigration memory (e.g. labor emigration to Germany, exile in France, etc.) was set in connection to present day immigration. Caballero Bonald, however, weaved multiple layers of memory together, making the appeal for the Spanish reader much stronger.

A second example, this time by Spanish writer Juan José Millás, stems from February 2000, so from the time of disharmony. In his essay, in *El País*, he argued that the plight of the immigrants in gaining recognition and identity would be something normal and should be supported, as it would be a general human value, a general human necessity to have identity:

“Identity is a universal right, organic, as are the transaminases, whatever transaminases may be. It seems to be a lie that our dogs are full of identification, documentation, insurances, identity chips, and that they are called Roberto or Federico, when still in some radio talk shows it is affirmed small-mindedly that this Foreigners Law is too generous. Too generous with whom? With them or with us, who the day before yesterday were still looking for employment in Germany? Disgusting world.”⁴³¹

The attack levelled against those arguing in favor of a more restrictionist version of the law by calling the new law too generous, was wrapped by Millás in emigration memory – the identificational strategy he used here was put masterfully by the absolute conflation of emigration memory of “Us” searching for work in Germany with those, the PP wanted to be less generous with.

⁴³⁰ *Reconquistas*, El País, 20.7.1999.

⁴³¹ *Puerco mundo*, El País, 6.2.2000.

4.6. El Ejido – a touchstone for emigration memory?

A very similar strategy of identificational conflation was used by Alicantean writer Enrique Cerdán Tato:

“Years ago you already experienced your lot. Then, as today, they shook you and they insulted you, like a negligible kind. You also arrived from the South, with so many Spaniards without means, and the French or Swiss gendarmerie did with you as they pleased. And look at how, with the remittances they made on your backs, [...] the regime of the bludgeon built the fatherland. A fatherland that today prefers to ignore your memory. The sons of those that pushed you into foreign countries, are the same that today are humiliating those that are coming from the South, from that South. But you go on without papers, without home. You will always stay an immigrant, even in your own bench; of course, on the other side, they will never stop to be a gang of men dissipating the fascist breath of their lineage. Something very unlikely. That they don't trick themselves.”⁴³²

Cerdán Tato let his description of the Spanish emigrant's experience and that of the present day immigrants flow into each other. “Back then and now” the experience was not only the same, but identical. He further underlined the critical role of emigration memory by pointing out that the state ignored this memory. Thus, the author not only argued identificationally, but also, on a meta-level, reclaimed the importance of emigration memory in the debate on immigration.

However, Cerdán Tato was not writing in the context of the reform of the Foreigners Law. He was commenting on the incidents in El Ejido, a small town in the south of Spain, where in February 2000, not even two months after the new and progressive Foreigners Law had been adopted by the Congress, Spain experienced the most devastating xenophobic and racist riots of its younger history.

After three Spaniards had been killed, the Spanish population of the town, which had displayed extremely xenophobic attitudes towards the mostly Moroccan immigrants working in the agricultural industry of the town before,⁴³³ attacked the immigrants, assaulting their houses and organizing manhunts. The police stayed inactive for a long time.⁴³⁴ Politicians and NGOs on the national level reacted horrified and condemned the actions.⁴³⁵ The PP used the incidents to reiterate its calls for a more restrictive Foreigners Law – and was again attacked for this heavily by the opposition and civil society.⁴³⁶ As the events in El Ejido happened right after the adoption of the new law and directly before the national elections in March 2000, for which the PP had made a change of the new law part of its electoral manifesto, it is impossible to separate the discourse on migration policy-making from the public discourse surrounding the racial riots as one feeds into the other. Hence, the arguments made in public discourse on El Ejido are crucial for understanding the development of immigration policy, as well.

⁴³² *Inmigrante*, El País, 6.2.2000.

⁴³³ See e.g. a powerful essay by Juan Goytisolo on racism in El Ejido from February 1998, in which he compares the fate of Andalusian emigrants to that of present day immigrants: *¡Quién te ha visto y quién te ve!*, El País, 19.2.1998. For this article the author was heavily attacked by local politicians, who declared him a *persona non grata* in the county (See *De la irredención de la provincial*, El País, 19.6.1998).

⁴³⁴ See e.g. *Cientos de vecinos de El Ejido atacan a los inmigrantes y destrozan sus locales*, El País, 7.2.2000.

⁴³⁵ See e.g. *Sindicatos, organizaciones sociales y oposición acusan al Gobierno de la pasividad policial*, El País, 8.2.2000.

⁴³⁶ On the governments maneuver and the reactions of the other parties, see Kreienbrink, 2004, 424-425.

In many of the comments in the direct aftermath of the incidents, emigration memory was used. In most of the cases, the specific local emigration memory of El Ejido or Almería, the county in which El Ejido lies, was used, as the following two examples show:

“One also tends to forget that before becoming the promised land for thousands of immigrants, Almería was also a province condemned to look for sustenance outside of its borders. As María Enriqueta Cozar explains, the Almerian exile had as its first destination the French colony of Algeria, although ‘later, it went towards America, mostly Argentina, and finally orientated itself towards the most developed countries of Europe, as Germany, France or Switzerland.’ It is calculated that during the 20th century some 400.000 persons left Almería, which kept the population practically unvaried during those years. It was not until the second half of the 1980s that this tendency tuned around.”⁴³⁷

This description was very factual, quoting “facts” about the emigration history of Almería. The comparison and the consequences resulting from this were left to the reader to envision. A more directly identificational mode of employment, was used in an essay by journalist Joaquín Estefanía:

“Almería and El Ejido were in the past zones of emigration. Maybe the fathers of those crushing doors and windows of shops and huts, of those man-hunting immigrants from the Maghreb or hitting and trying to lynch the deputy representative of the government, felt fear in their spine in a German locality to which they came looking for work.; or maybe they were subdued to humiliations weakening proudness in Switzerland or France. History repeats itself with different protagonists.”⁴³⁸

Both quotes are highly interesting, as they demonstrated how regional emigration memory was used, when the problem was perceived to be regional. That the incidents in El Ejido were discussed on more general, sub-national levels was exemplified by the following quote from an interview with Manuel Chaves, the PSOE-President of the Council of Andalusia:

“Q: In these days we have seen that the majority of the immigrants is living in subhuman conditions. Is this the Europe of the Euro?A: No. It cannot and it should not. I recall that the first time I went to Liège, at the age of 20, many bars prohibited Spanish immigrants from entering. Now that Andalusia has come to be a land of immigration, I wish that we treat the immigrants the same we would have liked to be treated 30 years ago.”⁴³⁹

Here, the personal emigration memories of the speaker were used to convey a message that claims validity for Andalusia as a whole, not only for Almería. The use of a very personal memory thereby followed the pattern we have seen above in the debates of the Senate, giving the speaker credibility and expertise. In the debate, the problem was mostly perceived as an Andalusian problem. However, there were also comments that lifted the issue to the level of Spanish national migration politics as a whole. The PSOE-MEP Rosa Díez, for example, took the events as a point of departure to speak about the relativity of irregular immigration figures in Spain:

“‘We are speaking of hardly 30.000 persons’, says socialist MEP Rosa Díez. ‘And that in a place that until , as if it were, four days ago, exported emigrants. We are speaking of a percentage that is five times under the mean of the EU.’”⁴⁴⁰

⁴³⁷ *Huyendo del desierto*, El País, 20.2.2000.

⁴³⁸ *El racismo de las mil caras*, El País, 10.2.2000.

⁴³⁹ *"Hubo pasividad de la policía porque el alcalde impuso su criterio"*, El País, 13.2.2000.

⁴⁴⁰ *Una sociedad obligada a la solidaridad con los inmigrantes*, El País, 11.2.2000.

The interesting point here was the temporal proximity Rosa Díez established by qualifying Spanish emigration as having happened “until, as if it were, four days ago”. There was no identification here, but rather a form of connectedness between *recent* emigration memory and present-day immigration.

4.5. Conclusion – the role of emigration memory in the 1990s debates

The introduction to this chapter argued that, given the quantitative distribution of quotes employing emigration memory, the use of emigration memory would most probably be a contesting argument. And indeed, this tendency was perceivable, as in many of the instances scrutinized in the qualitative part of the analysis, emigration memory was employed as a strategy by the opposition. But the state of affairs is not that clear: in many debates, even in the consensual phase of the elaboration of the Foreigners Law, emigration memory played a role in testifying Spain’s status as an immigrant country, regardless of the political conviction.

When we take a look at the strategies by which emigration memory was used discursively, there is a clear distinction between political currents: the left was the predominant user of identification as a mechanism to convey its message, whereas on the right, we repeatedly saw the use of dissociative strategies. With small exceptions here and there, this observation points towards the fact that, other than in the 1980s, in which we saw emigration memory being used in rather similar ways on both sides of the political spectrum, in the 1990s emigration memory was employed differently by the different political sides. This might very well be explained by the fact that emigration memory had become an inherent part of the argumentative arsenal of politicians arguing on immigration. Migration memory was used in all debates connected to immigration – this also being a pronounced difference to the 1980s, where we saw the absence of emigration memory in some debates. This situation should experience a complete reversal in the 2000s again.

5. From consensus to electoral play-ball – legislation of the 2000s

5.1. The 2000s

5.1.1. “Dynamism of instability”?

Whereas the 1990s in Spain had been characterized by relative stability in political terms, the 2000s witnessed a high degree of polarization in the political sphere and, consequently, vast and intense political changes. After four more years of Aznar’s Popular government, in 2004 the Socialists under José Luis Rodríguez Zapatero took over. The landslide victory (42.6%) of the PSOE was ascribed by most observers to the bombings in Madrid just three days before the elections. Aznar had falsely blamed Basque separatist terrorists, although these themselves had quickly denied being involved and had pointed towards Islamist terrorists. Zapatero, on the other hand, had opted for an end of the Spanish military involvement in Iraq and could thus profit from the opinion of the public which was in shock and wished for peace. The change of government led to the Socialists turning back several measures that the PP had introduced in the years before – leading the PP to indiscriminately block all important government initiatives (the so called *crispación*). The result of this first term of government of the PSOE was a “political division and polarization [...] as had never before existed in the 30 years of Spanish democracy”,⁴⁴¹ yielding a general delegitimization of Spanish politics. In 2008 the Socialists gained power once more, but were now, as they held no absolute majority in the Congress, dependent upon other parties to push forward their projects.⁴⁴²

This political constellation proved especially difficult in facing the economic crisis that hit Spain heavily from 2008 onwards. In the first years of the 2000s, mostly due to the introduction of the Euro, the Spanish economy had performed an unprecedented growth – especially the construction sector experienced an intensive upsurge, letting Spain’s GDP climb faster than the European average.⁴⁴³ However, when in 2007 the US-American housing market collapsed leading to a world-wide recession, the Spanish economy started to feel the effects severely: unemployment, especially among youths, rose exorbitantly. This had severe repercussions on the migrant population in Spain.⁴⁴⁴

5.1.2. Immigration and immigration policy in the 2000s

Whereas immigration had become “routine and structural” in the 1990s, as we have seen in the previous chapter, the immigration to Spain gained even more pace and grew exponentially in the 2000s. In general, the literature agrees upon the year 2000 as being decisive in terms of this increase in immigration flows, as from then on the foreign population in Spain grew by an average of half a million each year.⁴⁴⁵ A development that lasted until about 2009/2010:

⁴⁴¹ Bernecker, 2012, 220, my translation.

⁴⁴² A general panorama of the political landscape of the 2000s is offered by Bernecker, 2012, 214-224.

⁴⁴³ See *ibid.*

⁴⁴⁴ See e.g. Garson/Dumont, 2010, 44-51.

⁴⁴⁵ See e.g. Huesca Gonzales, 2010, 422. There is, as mentioned in the introduction to the last chapter already, a difficulty with respect to migration statistics in Spain. Not only is the phenomenon of irregular migration

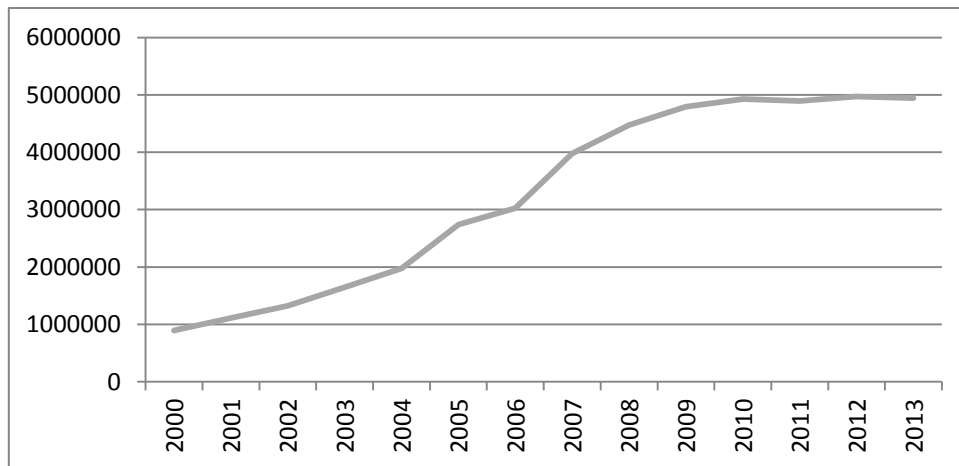


Table 5: Foreigners residing in Spain with residence permit (stock data), 2000-2013
(own elaboration on the basis of Ministerio de Empleo y Seguridad Social (2009, 2011, 2014))

Further, the composition of the foreign and immigrant population residing in Spain diversified in the decade with an increase of Latin American and Eastern European immigration.⁴⁴⁶ The number of irregular migrants rose despite of continuous efforts to regularize their status.⁴⁴⁷

The 2000s were also an interesting decade in terms of immigration policy, as this upsurge in immigration coincided with the breach of the general political consensus on immigration, that had characterized the 1990s.⁴⁴⁸ This “politicization” of immigration and the fierce competition between the PP and the PSOE, that resulted in four years of Popular and six years of Socialist government, led to quite some legislative activity in the field of immigration policy.⁴⁴⁹ The changes enacted were so intense, that some scholars even argue that legislation represented a “radical turn”:

“In what we have seen of the 21st century, there has been a radical turn in normative as well as sociological terms surrounding the phenomenon of immigration. These so intensive and drastic changes reveal a dynamism of instability in the immigration policy of Spain.”⁴⁵⁰

And indeed, the decade experienced five reforms of the Foreigners Law (two in 2000, two in 2003 and one in 2009), two general developing regulations of that law (in 2001 and 2004),⁴⁵¹ and two

difficult to measure (as in any context and country), but Spain has also for a long time not measured flow data, but rather stock data, and this, further, on the basis of those foreigners holding residence permits in the country. This left out a broad part of the migrant population, e.g. those that had received Spanish nationality. Izquierdo Escribano, 2002, 247-264 explains this in more detail. A slightly different view on the growth of immigration is offered by Conejero Paz, 2012, 12, who argues that from 2004 on there is a deceleration in the pace of immigration.

⁴⁴⁶ See e.g. Huesca Gonzales, 2010, 423. Some authors even speak of a “latinamericanization” of immigration (See Conejero Paz, 2012, 12).

⁴⁴⁷ Writing in 2012, Conejero Paz estimates 1.500.000 irregular migrants in Spain (See Conejero Paz, 2012, 12).

⁴⁴⁸ See Chapter 4.1.2.

⁴⁴⁹ On the issue of “politicization” in the 2000s see Marquez Lepe, 2006, 250 and Lario Bastida, 2012, 772 (mind that the latter confuses the VIII. and the IX. legislative periods here). For an in depth analysis of the developments from a contemporary academic point of view see the edited volume on “Spain: Consensus or Politicization” by Bernecker/Mailhold, 2007.

⁴⁵⁰ Conejero Paz, 2012, 23, my translation.

⁴⁵¹ See Soriano-Miras, 2011, 690.

extraordinary regularization processes (2001 and 2005)⁴⁵² – not to mention a plethora of minor legislative activities that had to do with immigration (e.g. in education, health care, etc.) or the fostering of emigration (e.g. the Voluntary Return Plan), and legislative measures that aimed at integration.⁴⁵³ This visibility of immigration in the legislative realm also had its administrative analogy: immigration for the first time became a topic of ministerial importance. In 2008 the portfolios of Labor and Immigration were merged into the new *Ministerio de Trabajo e Inmigración*.⁴⁵⁴

Focus: the ninth legislation (2008-2011)

The focus of this chapter will lie on the ninth legislative period from April 2008 to mid-December 2011. Like in the first focus period of this study (1982-1986) a Socialist government was in power. José Luis Rodríguez Zapatero was able to lead a PSOE government for a second term commencing in 2008. Taking the term of another Socialist government as a third focus period allows for a diachronic comparison: did the Socialists behave similar or different with regards to the use of emigration memory when in power 20 years later?

The second Zapatero government is also interesting from another comparative point of view: during the four years two major legislative projects were enacted: a reform of the Foreigners Law and one of the Asylum Law. As both these laws had been established in the first focus period and were scrutinized in Chapter III, a comparison between the debates back then and now surrounding both legislative initiatives can reveal in a very direct sense how the use of emigration memory changed.

Despite the appeal of these comparative aspects, one has to keep in mind that the PSOE in 2008 was facing a reality that was highly different from the one the government of Felipe González had to face in the 1980s. Not only had immigration risen, as pointed out above. Spain was now also firmly integrated into a common European economy with a common policy on immigration and, further, hit most heavily by the global economic crisis that made itself felt in the country from 2008 onwards. Many commentators thus judge the second term in government of the PSOE as a period of fundamental change in the Socialist's migration policy. Some even argue that the year 2008 was a decisive year in which the party turned towards positions on migration issues that had traditionally been conservative or in the hands of the right-wing parties.⁴⁵⁵ The question is, of course which effect this had on the use of emigration memory: did the Socialists in power use emigration memory differently than they did 20 years earlier due to this change in migration policy? And did the other parties involved in crafting migration-related policy employ emigration memory differently because of this change?

⁴⁵² See Arango/Finotelli, 2011, 503-504.

⁴⁵³ A rough overview of the latter is given by Carrera, 2009, 267-285.

⁴⁵⁴ See Carrera, 2009, 258.

⁴⁵⁵ See e.g. Torres, 2008, or Lario Bastida, 2008, 782-783, and especially 794-795.

Overview: the ninth legislative period

General elections	9.3.2008
End of legislation	13.12.2011
Strongest party	PSOE (43,87%)
President	José Luis Rodríguez Zapatero (PSOE)

Congress				
Party ⁴⁵⁶	Abrev .	Votes	%	Seats
Partido Socialista Obrero Español	PSOE	11.289.335	43,87	169
Partido Popular	PP	10.278.010	39,94	154
Izquierda Unida	IU	969.946	3,77	2
Convergència i Unió	CiU	779.425	3,03	10
Partido Nacionalista Vasco	EAJ/PNV	306.128	1,19	6
Unión Progreso y Democracia	UPyD	306.079	1,19	1
Esquerra Republicana de Catalunya	ERC	298.139	1,16	3
Bloque Nacionalista Galego	BNG	212.543	0,83	2
Coalición Canaria-Partido Nacionalista Canario	CC-PNC	174.629	0,68	2
Nafarroa Bai	Na-Bai	62.398	0,24	1

Senate	
Party	Seats
Partido Popular (PP)	101
Partido Socialista Obrero Español (PSOE)	88
Entesa Catalana de Progrés	12
Convergència i Unió (CiU)	4
Partido Nacionalista Vasco (EAJ-PNV)	2
Coalición Canaria (CC)	1

Own elaboration on basis of Ministerio del Interior (2013): Las elecciones generales en España 1977-2011, Madrid: Ministerio del Interior.

⁴⁵⁶ Note that the table displays the political parties in Congress, not the fractions (*grupos parlamentarios*) that these parties formed. Depending on the style of parliamentary records, the speakers are either referred to by party or by group affiliation.

The following analysis will focus on the two major legislative projects indicated above (the revisions of the Foreigners Law and the Asylum Law) and the Voluntary Return Plan (as a completely new instrument in Spanish immigration policy). Within these debates, 34 parliamentary and legal sources were studied. In total, these sources reveal 16 passages that refer to past emigration.⁴⁵⁷ The picture drawn is very clear: whereas the left (that is, Socialists and other leftist parties) used emigration memory often, the center did this only few times, and the right avoids such language altogether.

Political inclination	Left	Center	Right	Other/unknown ⁴⁵⁸
Number of passages referring to emigration memory	13	3	0	0

The fact that emigration memory played a role on the left, although the PSOE was in power and that it was completely absent in the discourse of the right, leads to hypothesize that emigration memory in the 2000s did not fulfill the role it had played in the 1990s as a contesting argument. The rather insignificant role of emigration memory indicates that it had lost its importance as a discursive argument when debating immigration. This hypothesis will be tested by examining in detail the debates around the three main legislative changes in the ninth legislative period.

5.2. The Voluntary Return Plan

One of the first measures carried out in the ninth legislative period was the Voluntary Return Plan (VRP, *Plan de retorno voluntario*), a plan designed to financially support immigrants that wanted to leave the country. The general idea of the plan was to pay out the lump sum of the applicant’s entitlements to social welfare in order to help with the process of abandoning Spain and re-establishing oneself in one’s original country of residence. In return for this financial support, the migrant had to agree not to return to Spain within a period of three years.⁴⁵⁹

The VRP was just one of several measures that had been carved out of the dispositions that the reform of the Foreigners Law in 2003 had introduced. These dispositions obliged the government to annually rethink the financing of programs of voluntary return, “of the persons that apply for this and who suggest projects to enable their resettlement in the society which they left and given that these [projects, JT] be of interest to that community.”⁴⁶⁰ Until 2008, however, only small-scale projects had

⁴⁵⁷ A passage is here defined as a coherent piece of text (one or several sentences, a paragraph) in which the enunciator issues one strain of thought. If this thought is cut off and at a different point in the text, the reference to emigration memory is picked up again, these statements are counted as two separate passages.

⁴⁵⁸ Passages are categorized as “other” or “unknown”, if the political conviction of the enunciator is known, but does not fit within the spectrum given here or is not known at all.

⁴⁵⁹ See BOE-A-2008-15278, for a short summary, see Ministerio de Trabajo e Inmigración, 2012, 241.

⁴⁶⁰ BOE-A-2003-21187, 41203.

been carried out to meet these legislative requirements.⁴⁶¹ It was only when the European Council and the European Parliament were working on a directive that called for the regulation of assisted return,⁴⁶² that the PSOE-government agreed upon a larger-scale plan that would implement the stipulations of the law a PP government had enacted.⁴⁶³

That the government was going to elaborate a large-scale plan, had been announced by Zapatero already in his inaugural speech to his second term in April 2008.⁴⁶⁴ However, it did take until September for the government to agree upon a text.⁴⁶⁵ As the measure was already foreseen in the Foreigners Law of 2003, the government opted for issuing a Royal Decree-law, rather than going through a lengthy process of drafting an original law. The text of the decree was relatively short, as all concrete financial and administrative stipulations were left to a developing regulation that was to follow later.⁴⁶⁶ In the document itself, no reference was made to emigration memory.

As the bill came in the form of a Royal Decree-law, it had to be passed through the Congress for acceptance. There, indeed, emigration memory was used when discussing the government's text. However, the emigration memory used was one that had not appeared in the debates analyzed so far: the memory of return migration. Although it seems logical that when talking about return migration of immigrants, reference was made to return migration of emigrants, the question is, whether these collective memories were utilized in the ways we have seen before or if they were employed differently.

In his statement before the Congress, the Minister of Labor and Immigration, Celestino Corbacho Chaves, explained why the measure was needed and what its content was. As part of his arguments in favor of the bill, he argued that precedents were not only to be found in other countries such as Germany of the 1980s, but also in Spanish legislation itself:

“But, without doubt, we are obliged to look at our own laws, starting with the article 42 of the Constitution, which exceeds the state to develop a policy that incentivizes the return to our country of those Spanish workers, that had to emigrate into foreign countries. [...] Because of that, gentlemen, it is evident that the new measure foreseen in the Royal Decree-law 4/2008 is a measure coherent with our hitherto legislation and with experiences of other countries, and in no case at all one can talk of an improvisational initiative.”⁴⁶⁷

⁴⁶¹ See Ministerio de Trabajo e Inmigración, 2012, 241. As an example, see *Los inmigrantes se resisten a volver*, ABC, National, 15.6.2008.

⁴⁶² The vote on the directive in the European parliament showed very clearly that in matters of immigration policy the Spanish socialists were drifting away from the rest of European Socialism, which voted against the directive (see Lario Bastida, 2008, 784).

⁴⁶³ See Directiva 2008/115/CE del Parlamento Europeo y del Consejo, de 16 de diciembre de 2008, relativa a normas y procedimientos comunes en los Estados miembros para el retorno de los nacionales de terceros países en situación irregular (DOUE-L-2008-82607).

⁴⁶⁴ See Lario Bastida, 2008, 782.

⁴⁶⁵ Discussions were held during the summer of 2008 and in July the content of the text was already known (see *Unos 100.000 inmigrantes podrían acogerse al plan de retorno voluntario en España*, ABC, 18.7.2008. For the text itself see BOE-A-2008-15278 (*Real Decreto-ley 4/2008, de 19 de septiembre, sobre abono acumulado y de forma anticipada de la prestación contributiva por desempleo a trabajadores extranjeros no comunitarios que retornen voluntariamente a sus países de origen*))

⁴⁶⁶ See DSC, 9. Leg., Pleno, Núm. 33, 2.10.2008, 5.

⁴⁶⁷ Celestino Corbacho Chaves, DSC, 9. Leg., Pleno, Núm. 33, 2.10.2008, 3.

The minister here argued that the cases of the Spanish returnees and of the soon-to-be returnee immigrants in Spain were similar and that the latter could, thus, be handled through a similar legislation. The Spanish returnees further served as an example to show that the government's action was not improvised, but well thought – a criticism the minister had to endure various times.⁴⁶⁸ When trying to legitimize the plan by pointing out that it would benefit the prospective returnees, the reference Corbacho Chaves made to (re-)emigration memory was even clearer:

“With this we offer the unemployed immigrant workers an opportunity that not only consists of a possibility to return to their home countries – as did not too long ago thousands of Spaniards displaced to countries such as Germany, Switzerland or France – but that also is an opportunity of returning to their homeland with good expectations of insertion into the labor market and in social terms thanks to the professional experience gained in our country and, especially, thanks to the economic stimulation that the capital they dispose of means.”⁴⁶⁹

Here the first part of the argument was that Spaniards, by returning from Western and Central Europe had made a similar experience, coming back to their “place of origin”. However, the second part of the argument, inserted as a difference (*sino*), insinuated that those Spaniards did not share the full experience: they did not have the same “good perspectives” as those future returnees were to have. Further they were displaced (*desplazados*), indicating the involuntary nature of the move as opposed to the immigrants, who disposed of opportunities and possibilities. Thus, by comparing the Spanish and the immigrant returnees, the minister employed a dissociative strategy, that used the Spanish (re-)emigration memory to set Spaniards apart from those leaving. However, Corbacho Chaves gave the dissociative mechanism an interesting spin: in order to legitimize his measure as benevolent towards the immigrant, which was doubted in the debate, the dissociation is not one that set the past Spanish experiences apart as something positive, as we have seen mostly in the discourse of the right before. Quite to the contrary: the experience of Spaniards abroad was drawn in negative colors in order to positively silhouette the immigrant's return against them. In a way, the Socialist minister here employed a new dissociative advice, *positive dissociation*.

Exactly this (re-)migration memory of Spaniards returning from “Europe” was used by Gaspar Llamazares Trigo of the United Left (IU) to point out why the VRP would not work. To him, it was precisely the memory of that past return which proved the failure of such measures:

“Gentlemen, the premiums of return directed towards the unemployed foreigners have historically failed in all parts of Europe. One cannot present a measure that failed in Europe more than a quarter of a century ago as new. Recall, mister minister, the Stoleru law in France which failed spectacularly in 1982 or the return of Spanish immigrants of which, of a million [having been estimated to return, JT], only some ten-thousands came back.”⁴⁷⁰

Llamazares Trigo used the same memory of migration Corbacho Chaves alluded to, however, pointing out that the measures in “Europe” did not have a perceptible effect on Spanish returnees: it made only a few Spaniards move, not the masses that were expected. This argument was central in the discourse the IU used to delegitimize the VRP and to justify its abstention in the vote on it.

In this hitherto non-existent field of return policies for immigrants, which discursively had to be constructed still, emigration memory thus played a role as a legitimizing and delegitimizing

⁴⁶⁸ See e.g. Gaspar Llamazares Trigo, DSC, 9. Leg., Pleno, Núm. 33, 2.10.2008, 7-8.

⁴⁶⁹ Celestino Corbacho Chaves, DSC, 9. Leg., Pleno, Núm. 33, 2.10.2008, 4.

⁴⁷⁰ Gaspar Llamazares Trigo, DSC, 9. Leg., Pleno, Núm. 33, 2.10.2008, 8.

argument, pretty much as we have seen in the decades before. However, the paradox of a Socialist government enacting a legislation that itself just a few years earlier would have identified as being anti-progressive, made for an innovative use of dissociative mechanisms.

In the end, the plan was adopted by all parties but the PP, who – as well as the IU – abstained from voting.⁴⁷¹ This was interpreted by the media as a first step of the PP towards the PSOE, as in the preceding legislative period, the People’s Party had systematically voted against the Socialist initiatives in matters of migration.⁴⁷² The VRP at the end did not prove as successful as the government had hoped.⁴⁷³ Out of the 100000 immigrants the authorities had foreseen to apply for the measure, in 2009 only 7048 made use of the plan.⁴⁷⁴ Nevertheless, in the three years of Socialist government that were to follow, further measures were enacted to foster the voluntary return of immigrants,⁴⁷⁵ and new schemes are still being developed today.⁴⁷⁶

5.3. The reform of the Asylum Law

5.3.1. Legislative predecessors and first calls

After the first Asylum Law had been enacted in 1984,⁴⁷⁷ only one reform had taken place in 1994, with the aim to bring the law in line with the Treaty of Maastricht.⁴⁷⁸ The stipulations aimed at instating a rather restrictive asylum regime, which was justified by the fact that the number of applications in Spain were relatively low and immigrants “hardly used asylum to enter Spain.”⁴⁷⁹ In fact, in 2008 only 4516 applications were registered and merely 151 were granted.⁴⁸⁰ This situation made civil society repeatedly call for a reform of the Foreigners Law. From an early point in the ninth legislative period onwards, NGOs demanded that Spain be more open towards those in need and accept more refugees in order to fulfill its “international responsibility”.⁴⁸¹

⁴⁷¹ See DSC, 9. Leg., Pleno, Núm. 33, 2.10.2008, 22-23.

⁴⁷² See *El Congreso avala el plan de retorno para extranjeros*, El País, 3.10.2008.

⁴⁷³ The criticism in the press was devastating. See e.g. *El fracaso del retorno voluntario de inmigrantes*, El País, 25.7.2009. A general evaluation from an academic point of view is given by Plewa, 2012. The authors article is highly interesting, as it actually compares the return programs of Central European countries in the 1970s and 1980s to Spain’s VRP.

⁴⁷⁴ See Ministerio de Trabajo e Inmigración, 2012, 244.

⁴⁷⁵ See e.g. BOE-A-2010-16420 (*Resolución de 21 de octubre de 2010, de la Dirección General de Integración de los Inmigrantes, por la que se convoca la concesión de subvenciones para el retorno voluntario de personas inmigrantes*).

⁴⁷⁶ See e.g. BOE-A-2014-5972.

⁴⁷⁷ See Chapter 3.2.

⁴⁷⁸ See Bruquetas-Callejo et al., 2011, 297.

⁴⁷⁹ Bruquetas-Callejo et al., 2011, 297.

⁴⁸⁰ See *La ONU critica la nueva Ley de Asilo*, El Mundo, 20.3.2009, also: Nuet i Pujals, DSS, 9. Leg., Pleno, Núm. 54, 7.10.2009, 2560.

⁴⁸¹ *Accem pide una nueva Ley de Asilo para los refugiados*, ABC, Toledo, 19.6.2008. Most current literature leaves out this observation and merely point towards the fact, that legislation would have had to be brought in line with European norm (see e.g. Bruquetas-Callejo et al., 2011, 300). This, however, brings with it the danger of unreflectedly repeating the arguments the government used to introduce the reform (see e.g. DSC, 9. Leg.,

5.3.2. The Asylum Law in Congress

When the law was introduced in Congress in December 2008, the situation of asylum seekers trying to enter Spain was, however, not mentioned with a word in the statement of purpose of the draft.⁴⁸² The motivation put forward by the government for introducing the draft was rather the harmonization with European norms. After the Treaty of Amsterdam (1997), which had set the stage for a common European policy on asylum, throughout the 2000s a row of agreements on the matter had been reached on the European level, which now had to be transposed into Spanish law.⁴⁸³ The draft unmistakably wore a leftist signature, as it incorporated sexual violence or persecution on grounds of sexual orientation as a reason for granting asylum.

Nevertheless, it was criticized from an early stage on by the NGOs that had called for the reform, as being a step backwards in comparison to the law of 1984. The main arguments of the Spanish Commission for the Help of the Refugee (*Comisión Española de Ayuda al Refugiado, CEAR*) were that (1) the category of secure third country was introduced, impeding a lot of well-grounded applications, (2) the role of the UNHCR was diminished, and (3) the possibility of applying for asylum in a Spanish embassy was dismissed.⁴⁸⁴ This criticism was announced in an interview with the president of CEAR, Javier de Lucas. He started his deliberations on the law by comparing the past and the present situation:

“Those who had to pay big-time for the German upsurge are those generations of Spaniards, Italians, Portuguese and Yugoslavians that contributed to this miracle and that, in exchange, did not receive the same as the German workers. We are repeating exactly this phenomenon. We are witnessing an unusual growth in our country and are on the verge of becoming the eighth economic power in the world and this is not a phenomenon that only we have made. We have achieved this mainly with a huge contribution by the emigration [read: immigration, JT].”⁴⁸⁵

The effect of this use of emigration memory was nothing else than “setting the stage” for the delegitimizing criticism of the stipulations of the government’s draft: the collective memory of having been used as migrant workers to help with the German *Wirtschaftswunder* was equated with the economic upsurge Spain had been experiencing in the years prior to the crisis. The feeling of responsibility or shame that was evoked by this statement cleared the ground for pointing at the deficiencies of the new law.

A similar criticism was articulated by the leftist parliamentary group of Esquerra Republicana-Izquierda Unida-Iniciativa per Catalunya Verds (ERC-IU-ICV)⁴⁸⁶ who proposed an alternative text to the Asylum Law altogether. In the first session of the Congress, in which the chamber had to decide

Pleno, Núm. 69, 18.3.2009, 48) and not seeing that the demand for a reform had developed also in other parts of society.

⁴⁸² See BOCG, 9. Leg., Serie A, Núm. A-13-1, 19.12.2008, 1-4.

⁴⁸³ See *ibid.*, especially 1-2.

⁴⁸⁴ See *Javier de Lucas: «Queríamos mano de obra, pero nos han llegado personas»*, ABC, 27.12.2008.

⁴⁸⁵ *Javier de Lucas: «Queríamos mano de obra, pero nos han llegado personas»*, ABC, 27.12.2008.

⁴⁸⁶ A parliamentary group that only existed in the ninth Congress. It was a strategic alliance between the Esquerra Republicana de Catalunya and the coalition of Izquierda Unida and Iniciativa per Catalunya Verds in order to gain the status of parliamentary group. The ideological affinities between both groups were close, they, however, in sessions defended the interests of both formations separately (see *BNG formará grupo parlamentario con ERC e IU-ICV*, El País, 3.4.2008)

whether to work on the text or not (*toma en consideración*), the speaker of the formation repeated the points of criticism already heard from CEAR and added that during the period of elaboration of the draft the NGOs working on migration and asylum would not have been heard by the government. The argument of having to align the Spanish law with European norms, that had been expounded by the Minister of the Interior, Alfredo Pérez Rubalcaba, when opening the session and introducing the project to the plenary, was countered by Joan Tardà i Coma of Esquerra Republicana by referring to the historical experience of exile that Spain had endured as a basis from which to defy the current European tendency to be more restrictive in asylum legislation:

“We are heading towards immigration policies that are restrictive – in a sense that is the imperative of our times – but it should be clear that with respect to the legislation that touches upon asylum, that is, upon the heart of the human rights of all those persons that had to flee their countries because, if they hadn’t they would have been eliminated – and of this the Spanish society knows a lot for the tradition of the anomaly of our history being the source of so many exiles – the Spanish state should be the counterpoint to other European legislations [...].”⁴⁸⁷

This criticism was echoed by all smaller parliamentary groups and, thus, taken seriously by the PSOE, which promised to involve the NGOs more in the further process and be open for substantial alterations of the text by means of parliamentary consensus. Consequently, at the end of the debate, the ERC-IU-ICV withdrew its alternative text and the draft entered the parliamentary negotiation procedures.⁴⁸⁸

The working-group in charge of improving the draft discussed the text intensively,⁴⁸⁹ but could, however, not fully integrate the criticism of the ERC-IU-ICV, who, in the corresponding commission argued that its delegates would still vote negatively on this draft. All other parties were of the conviction that in the working-group the text had improved substantially. Rosa María Díez González of Union, Progress and Democracy (UPD) pointed out in the session of the Commission of the Interior, *why* this was the case:

“I think we have done a good job in choosing the best from the [European, JT] directive and evading what would have meant a step back with respect to our own legislation. I believe that the objective of present-day Europe of restricting the right to asylum is incompatible with our own history, with the history of European democracy and with the history of Europe. If there were citizens in the world, that have needed to go into exile in the course of our history, it was precisely us, the Europeans, who in the course of our lives needed to leave and who have been exiles all around the worlds. Because of this it is somewhat contradictory that there is now a wind of closing borders, which almost entered that draft and which in a very good manner we have resolved in this text we are adopting.”⁴⁹⁰

The quote is interesting, as here the criticism ERC-IU-ICV had made was picked up and refuted with emigration memory as well, however, not with the Spanish one, but with a collective memory that goes further than the Spanish one, while at the same time incorporating it: the European memory of exile. This was a novel move, as here for the first time we observe the use of emigration memory not *to* Europe but *of* Europe as a whole. The level of collectiveness of the memory was shifted beyond the national (or sub-national) collective. In pointing out that the draft would already counter the “wind of closing borders” and at the same time be the legislative outflow of pan-European

⁴⁸⁷ Joan Tardà i Coma, DSC, 9. Leg., Pleno, Núm. 69, 18.3.2009, 50.

⁴⁸⁸ As if to nail the PSOE down to these promises, a phalanx of NGOs together with UNHCR right after the debate publically announced its criticism, pointing out that the text was “worrying” and, in any case, “improvable” (See *La ONU critica la nueva Ley de Asilo*, El Mundo, 20.3.2009).

⁴⁸⁹ See BOCG, 9. Leg., Serie A, Núm. A-13-10, 3.4.2009.

⁴⁹⁰ Rosa María Díez González, DSC, 9. Leg., Comisiones, Núm. 309, 17.6.2009, 2.

emigration memory, Díez González was able to delegitimize the argument of having to act against Europe exposed by ERC-IU-ICV.

This intervention did not help, however, to sooth the leftist delegates, who maintained their negative vote. Nevertheless, the text left the commission with two decisive changes: it allowed for applications to be made in Spanish embassies and strengthened the role of the UNHCR in the application process – two of the points that had been fundamental criticism of the NGOs.⁴⁹¹

When the draft finally reached the plenary of the Congress, there had been quite some public debate on the matter already.⁴⁹² In some of the letters to the editor written at the time, most of them in favor of a more welcoming Asylum Law, a direct connection was drawn between the collective memory of Spanish exile and the ongoing legislative process. In one, the reader directly reminded the politicians of Spain's emigration experience:

“[I would like to] remind the legislators of those hundreds of thousands of Spaniards that had to go into exile and found a solidary welcome in other countries.”⁴⁹³

That this reminder was taken seriously by the delegates is shown by the fact that in the plenary of the Congress (in which all parties but the ERC-IU-ICV vowed their support for the project and summoned the spirit of consensus with which the law had been elaborated so far) three of them in defending their positions made use of used exactly this argument.

The first to do so was Joan Tardà i Coma from Esquerra Republicana, who we have already heard before. Whereas his first statement had been a brief mentioning of emigration memory, the argument he brought up when commencing his statement equaled a lecture on Spanish emigration memory. It is rather long, but for the richness of the emigration memory alluded to, seems worth quoting at length:

“Gentlemen, in our understanding, the solidarity of those peoples of the world with the thousands and thousands of persons having fled the Spanish war will be betrayed. The thousands of republicans and anti-fascists, also of the Socialist Party, who called out for international solidarity and who were welcomed because of it, will be betrayed. What would have happened with those thousands of persons if France would have closed the borders? What would have happened if Mexico would not have taken them in? If the American republics altogether would have closed their doors [...]. And above all, today the intention is adopting a law that is even more restrictive y the most preoccupying is that it will be adopted without a scandal, which responds to and reveals the relativization of the democratic values in our society, which is absolutely ignorant of its past. Ignorance that has its causes and it has those responsible of it.

The principles cause is nothing else than the lack of collective memory of the past and of those responsible, the Spanish right and left, who have constructed and consolidated the Spanish model of impunity, burying the horrors of Francoism and creating a fiction of the past and of the present, sweetened for the new generations. They want to make forget that only a few years ago we had to search shelter in democratic societies because here one was incarcerated and assassinated. [...] The present shame and the shame of this law is rooted in the fact that [...] the Spanish state, one of the last dictatorships of the 20th century in the European Union, that is: one of the youngest democracies, is one

⁴⁹¹ See *PSOE, PP y CiU pactan una ampliación de la futura ley de asilo*, El País, 18.6.2009.

⁴⁹² As representative of this debate in the public sphere see *El derecho de asilo en tiempos difíciles*, El País, 20.6.2009.

⁴⁹³ *La ley de asilo*, El País, 21.3.2009.

of the first to ascribe to the European backlash. The last to arrive and the first to step back. This is the reality.”⁴⁹⁴

Whereas the first paragraph of Tardà i Coma’s opening statement read pretty much like the “mind-game” argument we have witnessed in the debate on the Asylum Law in the 1980s and merely served to delegitimize the draft as it stood, the second paragraph employed a yet more intriguing use of emigration memory, settled rather on a meta-level: *a condemnation of its absence*. In pointing out that the politicians in power openly chose to deny the collective memory of Spain’s emigration past, actively trying to hide the horrors of dictatorship and exile, he made them responsible of the ignorance and the relativization of democratic values. *Condemning the memory politics* of both the left and the right, Tardà i Coma argued two things: first, that emigration memory did possess a convincing power in these matters; second, that there existed a clear memory politics on the matter on all sides of the political spectrum.

The speakers of all other parties viewed the matter quite differently. To them the text had been improved essentially. For the speakers of CiU and PSOE, proof was also to be found in contrasting the possibilities of the new draft with what Spanish emigration memory had to offer. Mercè Pigem i Palmés of CiU for example argued that in Spain asylum would not be the only way to enter the country legally, as was the case in Northern European countries. To her, it was precisely the history of Spanish exile that led to a different culture of debate on this topic and, consequently, to a more benevolent legislation:

“Concerning this, we cannot forget that during a large part of our recent history Spain has been a country of exiles. Therefore, [...] the objective has to be that the right of asylum keeps on functioning and that it functions well, not only because of what Spain has gained from in the dark period of the dictatorship in the field of international protection, but in just correspondence with it.”⁴⁹⁵

Juan Moscoso del Prado Hernández of the PSOE, after pointing out the parliamentary work done until now and thanking for the collaboration of the other groups, argued in a similar manner:

“As we already know, the right of asylum has been subdued to international regulation from the Convention of Geneva onwards [...]. It is evident that we Spanish citizens were the more than others the object of such protection. Hundreds of thousands Spanish democrats were exiles ever since the Civil War, the exile and the Republic or those that fled the dictatorship of Franco, an authoritarian dictatorship. One had to wait until the Constitution of 1978 for Spain to incorporate itself into the democratic community of the free nations and for us to start being a country of refuge and not an emitter of refugees. This is on our mind, this is in our history, and therefore this country, and doubtlessly my party, will always work towards being a reference for Europe and the world in matters concerning asylum.”⁴⁹⁶

In both these statements the argumentation was very much alike the argument of “historical debt” that was observed in the asylum debates in the 1980s: because Spaniards having to leave the country into exile after the Civil War received benevolent treatment back then, now those coming in search for shelter had to be treated in the same way.

⁴⁹⁴ Joan Tardà i Coma, DSC, 9. Leg., Pleno, Núm. 95, 25.6.2009, 33.

⁴⁹⁵ Mercè Pigem i Palmés, DSC, 9. Leg., Pleno, Núm. 95, 25.6.2009, 35-36.

⁴⁹⁶ Juan Moscoso del Prado Hernández, DSC, 9. Leg., Pleno, Núm. 95, 25.6.2009, 38.

This argument did not stop civil society from maintaining its severe criticism, the focus of which now switched to the fact that the draft bill excluded European citizens from asylum in Spain and that the list of reasons to deny asylum had augmented.⁴⁹⁷

5.3.3. *The Asylum Law in the Senate*

This criticism influenced the position of the parties in the following weeks prior to the discussion of the draft in the Senate. Although, except for the ERC, IU and IC-V, all parties maintained a generally positive stance towards the project as a whole, the amount of amendments introduced in the Senate was extraordinarily high. Many points remained unclarified and without agreement.⁴⁹⁸ The atmosphere in the Commission of Interior of the Senate was thus rather negative, the PSOE-speaker even openly admitted “frustration”⁴⁹⁹ about not being able to reach consensus.

Accordingly, there was an intense debate in the plenary of the Senate. Finally, a last minute consensus could be reached on most issues.⁵⁰⁰ In the very heated atmosphere of the debate, emigration memory played the role that we know from the discussion of the law in the 1980s, but that had been absent so far in the 2009 debate: it was introduced as personal recollection of emigration. However, the argument did not only appear in the form of personal vouching for knowing the right approach to asylum legislation, underlining the “historical debt” argument, but also received a highly emotional appeal in the intervention of Miquel Bofill i Abelló from Esquerra Republicana, who experienced an emotional breakdown and started crying when talking about his childhood in Chilean exile:

“My parents, two very Young Catalan citizens, had to flee the occupation of Catalunya by the Franquist troops and Chile, where I was born, welcomed them without any reservations. There they spent a big part of their lives, and came to acquire all the rights, just as any other Chilean citizen... And today we, as a democratic country should be generous and solidary. This legislative project presented to us today, instead of advancing, restricts rights and for Esquerra Republicana is not acceptable. [...] Just this one time, I have allowed myself to augment my argument with a personal experience that has marked my existence as a Catalan born in exile. To finish, let me read, if it does not come me too much, a poem that makes reference to this experience and to the pain and the hope of those having to endure oppressive regimes.”⁵⁰¹

The emotional appeal of the emigration memory used by Bofill i Abelló was further augmented by him using Catalan, his native tongue, when relating his personal experiences.⁵⁰² That this had a direct effect on the parties that were supporting the law, was shown by the emotional response of Josep Maldonado i Gili of CiU, who directly addressed Miquel Bofill i Abelló, expressing his compassion, as he himself had experienced similar things:

⁴⁹⁷ See *Aprueban una nueva Ley de Asilo que protege a mujeres, niños y gays*, ABC, National, 25.6.2009 and *La nueva ley de asilo se aprueba con el apoyo de PP y CiU y el rechazo de la izquierda*, El País, 25.6.2009.

⁴⁹⁸ See BOCG, Senado, Núm. II-21-c, 22.9.2009.

⁴⁹⁹ María Escudero Sanchez, DSS, 9. Leg., Comisiones, Núm. 204, 5.10.2009, 4.

⁵⁰⁰ See María Escudero Sanchez, DSS, 9. Leg., Pleno, Núm. 54, 7.10.2009, 2564.

⁵⁰¹ Miquel Bofill i Abelló, DSS, 9. Leg., Pleno, Núm. 54, 7.10.2009, 2560-2561.

⁵⁰² I thank a Catalan friend, who would like to remain unnamed, for helping with the translation of the Catalan passage of this quote.

“As you all will understand, I had not planned to start as I will now start. I will address Miquel Bofill. Miquel, I am an admirer of María Dolores Pradera and there is a song by María Dolores Pradera that says: crying is not a privilege of women, as I have seen many men cry. Today I can say that I saw a man cry in this chamber and as a son of somebody repressed by the Francoism, I can tell you that I understand you. But, above all, I want to tell the senator that his tears are dignifying politics. Thank you.”⁵⁰³

However, after this allusion, the CiU speaker turned to defend the draft and pointing out that, although it was not perfect and not the law the CiU would have preferred, it was substantially better than the previous one.⁵⁰⁴ Obviously, the empathy Bofill i Abelló’s emotive allusion to personal emigration memory evoked could not convince the political opponent of the deficits of the draft bill. This becomes clear also in the statement of Joan Sabaté i Borràs of the Entesa Catalana de Progrés, who picked up the very same argumentation Bofill i Abelló used, only to argue, diametrically opposed to him, that the draft would therefore be worth voting for:

“In the same line as was taken by my colleague, senator Bofill, who I, too, congratulate for this emotive intervention, I have to say that it is precisely us here in Spain that have a still recent tradition of asking for political asylum, and I refer here to those hundreds of thousands of Spaniards that were forced into exile after the Civil War and that received refuge, especially in Latin America [...]. It was a great generosity to which senator Bofill was making reference when he spoke of Chile. I want to remind you of general Lázaro Cárdenas, the president of the government of Mexico at the time, who really received the Spanish exiles with open arms. Spain cannot forget this situation, this reality and therefore, it can also not forget this right of shelter, precisely because of our lived experience, without having to set the safety of our citizens to risk or that of our European fellow citizens.”⁵⁰⁵

The fact that Bofill i Abelló was the only one to use personal emigration memory was a marked difference to the asylum discussions of the 1980s, where personal memory or at least allusions to personal fate of legislators prevailed. This, of course, had to do with the generational change: those members of parliament drafting the law in 2009 were mostly too young to have undergone exile themselves. However, the reactions to Bofill i Abelló’s statement also unveil another aspect: emigration memory had become less important in the debate itself. The argument of “historical debt” was generally accepted by all, but had declined in importance, thus making it easy to accept Bofill i Abelló’s emotive statement, even solacing him, while brushing his political arguments away in the same instance. The point of reference in the debate was a different one: transposing European norms and what this would do to Spain.⁵⁰⁶ Bofill i Abelló’s emotional scene thus represented an anomaly within the debate rather than the norm.

⁵⁰³ Josep Maldonado i Gili, DSS, 9. Leg., Pleno, Núm. 54, 7.10.2009, 2563.

⁵⁰⁴ See *ibid.*

⁵⁰⁵ Joan Sabaté i Borràs, DSS, 9. Leg., Pleno, Núm. 54, 7.10.2009, 2563.

⁵⁰⁶ This is not only in line with what Kreienbrink had analyzed for the case of immigration policy-making altogether (See Kreienbrink, 2004), but also what Steiner had argued specifically for the case of asylum legislation (See Steiner, 1999).

5.3.4. Adoption in the Congress and further development

Before becoming law, the text had to pass Congress one last time, where the amendments of the Senate had to be approved. The act was more of a general acclamation than a real debate given that almost all parties had already agreed upon the text in the Senate. Only the group of ERC-IU-ICV maintained its negative towards the law, it had demonstrated already at the very beginning of the legislative process. The group's speaker, Joan Tardà i Coma, who we have heard already several times, thereby used heavy language to characterize the draft that was now becoming law:

“We therefore understand that [...] a democratic society, mature as ours, should be an example in those legislative projects that approach the regulation of [...] rights for ourselves, the citizens of the Spanish states and for the entirety of humanity. [...] We have a very clear example of, when in Sweden or in France they gave welcome to the deserting soldiers of Vietnam or when France welcomed the fleeing anti-fascist of the Spanish states, here the present head of state celebrated⁵⁰⁷ death penalties in the *Palacio del Oriente*.⁵⁰⁸ Look at the anomalies of history: in France they took in the Spanish citizens that were fleeing the dictatorship and here, the present head of state, next to the dictator, celebrated – I repeat – death penalties, in the year 1975. That is, we should not talk of anomalies of history, because I think that this would not pay out for some in this chamber, for example for the People's Party. [...] This was a good opportunity to make peace with history, be thankful with history, and especially with the victims of the dictatorships, of those regimes of dictatorial character that exist in the world.”⁵⁰⁹

The way the speaker employed emigration memory to serve his argumentation here was different from his usage before: the collective memory of emigration was not only *transnationalized* by evoking the memory of Vietnamese exiles to Europe (which clearly shows the party's internationalist orientation), but also set into comparison to the collective memories of those that were not in exile, but remained in Spain. These were set into the context the management of the Spanish state that sentences people to death. In a way, Tardà i Coma thus insinuated that those who voted in favor of the (in his eyes bad) law, could have used the chance to wash their hands of that responsibility, but chose deliberately not to. Here again the rhetorical mechanism of the *condemnation of the absence of collective emigration memory* is employed.

Subsequently, the law was adopted without further difficulties. Neither in the statement of purpose of the final version of the law nor in the stipulations a reference to emigration memory was made.⁵¹⁰ The comments that had been brought up in the debate had not transposed into legislative language. This was also the case with the subsequent media coverage of the law and its application: the focus was on the advantages the new law brought, especially to homosexual applicants that had fallen victim to persecution due to their sexual orientation.⁵¹¹ It did, however, not bring in any historical comparisons.

⁵⁰⁷ In the Spanish original: *celebrar*. The word in this context is unclear, as it can translate into celebrate, sign, hold, or perform. In any way, the speaker wanted to show the involvement of the then King Juan Carlos I. in the doings of the dictatorship.

⁵⁰⁸ The seat of the Spanish Royal House.

⁵⁰⁹ Joan Tardà i Coma, DSC, 9. Leg., Pleno, Núm. 113, 15.10.2009, 4.

⁵¹⁰ See BOE-A-2009-17242 (*Ley 12/2009, de de octubre, reguladora del Derecho de Asilo y de la Protección Subsidiaria*). This is in line with the law of 1984 (see BOE-A-1984-7250).

⁵¹¹ See e.g. *El primer asilado en España por ser gay sueña con ir de la mano con su pareja*, ABC, National, 16.12.2009.

5.4. Reform of the Foreigners Law

5.4.1. The reform of the reform of the reform of the...

Contrary to the asylum law, which had only been reformed once since its initial approbation, the Foreigners law experienced multiple reformulations. Not only was the original law of 1985 profoundly reformed in 2000 with the Organic Law 4/2000 (*Ley Orgánica 4/2000, de 11 de enero, sobre derechos y libertades de los extranjeros en España y su integración social*), as seen above, but was this law replaced by a more restrictive version directly after the PP had won the elections in March 2000. Again, that reform of the reform was changed in 2003 - twice. Furthermore, a number of developing regulations of the law were adopted in the 2000s.⁵¹² This rather volatile behavior of Spanish politics on immigration legislation can be explained by two factors: first, the end of the political consensus on immigration matters that had framed the debate in the 1990s and the subsequent politicization of immigration legislation, which made the Foreigners Law a playing-ball of political interests;⁵¹³ second, the general tendency in Spanish politics to legislate “practically” on immigration, that is, to respond to the current obstacles rather than to legislate coherently according to certain ideological tenets, as e.g. in the case of French republicanism or British multiculturalism.⁵¹⁴

The reform of the law in 2009 was only another turn in this (still ongoing) development. It was called for early in the legislative period by the CiU, how argued that several recent developments would have to be recognized and, thus, the hitherto valid law would have to be reformed. The reasons brought forward were: 1. sentences of the Constitutional Court of 2007, ruling that parts of the 2003 reform of the Foreigners Law were unconstitutional, 2. certain European norms that had not been transposed into Spanish law yet, and 3. a change in the Autonomy Statutes of several autonomous communities in the prior legislative period, which had given these competences in matters of immigration.⁵¹⁵ Although the Minister of Labor and Immigration, Celestino Corbacho Chaves, was rather reluctant to profoundly reform the law, he agreed that these developments had to be taken into account and that there should be a “delimited and technical reform”.⁵¹⁶

The government thus drafted a new version of the law, incorporating the above-mentioned changes and invited other political parties and civil society to work on the project.⁵¹⁷ The contributions made by civil society were taken serious and some suggestions were incorporated.⁵¹⁸ The overall impression of the text, though, was one of hardening the regulations for immigrants.⁵¹⁹ This made for

⁵¹² See Soriano-Miras, 2011, 695-698. The article gives a good overview of the evolution of the Foreigners Law in the 2000 in general.

⁵¹³ See Lario Bastida, 2008, 771-772. It is interesting to see, however, that Spanish politicians in this phase again and again summon the consensus on immigration legislation as the aim of immigration policy making (See e.g. Celestino Corbacho Chaves, DSC, 9. Leg., Pleno, Núm. 25 del 11.9.2008, 33).

⁵¹⁴ See Zapata-Barrero, 2010, 384-385, who even talks about a “practical philosophy” here. In the literature there exist other opinions, too, as e.g. Ospina Sánchez, 2011, who points out that the philosophy of Spanish immigration policy would have been one of permanent restriction. The argument the author uses is, however, too politically tainted and also lacks a clear empirical foundation (as would be an analysis of the laws and regulations).

⁵¹⁵ See Carles Campuzano i Canadés, DSC, 9. Leg., Pleno, Núm. 25 del 11.9.2008, 29-30.

⁵¹⁶ Celestino Corbacho Chaves, DSC, 9. Leg., Pleno, Núm. 25 del 11.9.2008, 33.

⁵¹⁷ See *El Gobierno acepta cambios en su reforma de la Ley de Extranjería*, El País, 4.5.2009.

⁵¹⁸ See *ibid.*

⁵¹⁹ See e.g. Lario Bastida, 2008, 790.

the fact that already in this early phase some controversial issues were critically pointed out by civil society organizations:

1. the extension of the period of internment for irregular immigrants before their expulsion from 40 to 60 days,
2. the legal status, responsibility for and expulsion of unaccompanied minors,
3. the restriction of family reunification to parents of immigrants above the age of 65,
4. the question of how to deal with gendered violence against immigrants.⁵²⁰

5.4.2. *The Foreigners Law in Congress and Senate*

The text was finished a few months later and presented to the Congress in July 2009.⁵²¹ In the first discussion of the draft in September that year, it quickly became clear that the technical reform the minister had hoped for would not take place, but that instead the reform would be used as a battleground for a general political dispute on immigration. Three alternative texts were presented by ERC-IU-ICV, the Basque National Party (PNV) and by the PP – each, of course, with different arguments: the first accused the PSOE of having elaborated a harsh law that would only serve to align itself with the PP and its electorate.⁵²² The PNV argued that the government had not sought enough contact with the other political groups in the course of the elaboration of the law.⁵²³ The PP, on the other hand, maintained that the PSOE would negate the reality of immigration, which at its current pace would not be sustainable, and that the reform therefore was purely cosmetic.⁵²⁴

All other parties sided with the PSOE's proposal, although especially the CiU and CC, the PSOE's main supporters, pointed out that they were willing to amend the text here and there. The total number of amendments was enormous. The 731 proposals for change, a mass that many of the delegates complained about, as it did not seem workable, underlined that there was no consensus on the matter and that the reform would change migration legislation profoundly.⁵²⁵

The text first went into a working-group⁵²⁶ and into the Commission of Labor and Immigration, where most of the CC's amendments and many of the CiU's were taken into account.⁵²⁷ The PSOE had decided to forward the law with the help of those two parties. Their suggestions had focused on more (financial) responsibility for the central state and more competencies for the autonomous communities.⁵²⁸

The other parties maintained their criticism and voiced it in the plenary of the Congress. All parties criticized the extension of the internment period from 40 to 60 days and most picked up the issue of gendered violence, asking how the law would protect the women with irregular status from

⁵²⁰ See *El Gobierno acepta cambios en su reforma de la Ley de Extranjería*, El País, 4.5.2009.

⁵²¹ See BOCG, 9. Leg., Serie A, Núm. A-31-1, 1.7.2009.

⁵²² See Joan Tardà i Coma, DSC, 9. Leg., Pleno, Núm. 105, 17.6.2009, 39-40.

⁵²³ See Emilio Olabarria Muñoz, DSC, 9. Leg., Pleno, Núm. 105, 17.6.2009, 40-42.

⁵²⁴ See Rafael Antonio Hernando Fraile, DSC, 9. Leg., Pleno, Núm. 105, 17.6.2009, 42-44.

⁵²⁵ See BOCG, 9. Leg., Serie A, Núm. A-31-8, 9.10.2009.

⁵²⁶ See BOCG, 9. Leg., Serie A, Núm. A-31-10, 1.7.2009.

⁵²⁷ See DSC, 9. Leg., Comisiones, Núm. 395, 26.10.2009.2009.

⁵²⁸ See *Se inicia la reforma de la Ley de Extranjería sin un acuerdo sobre los menores no acompañados*, LaProvincia.es, 9.9.2009.

expulsion that were at the same time encouraged to denounce their violators. Also, the intention of the government to grant family reunification for parents of migrants only if they already had surpassed the age of 65 was severely criticized as being unfair and far from reality.⁵²⁹

In the public debate, heavy criticism was also levied against the draft: some NGOs qualified the law as being an “augmentation and extension of institutional racism”⁵³⁰ and the Catholic Church argued it would unnecessarily difficult social cohesion due to the restrictions on family reunification.⁵³¹ In some cities even protest rallies were held.⁵³²

The alliance of PSOE, CiU and CC had a majority of votes, so the draft was adopted and passed on for elaboration in the second chamber.⁵³³ The situation in the Senate was similar to that in Congress and the positions remained largely the same. The PP, however, adopted a rather polemic attitude, uttering even more points of criticism than it had articulated in the Congress: it attacked the government for not prohibiting massive regularizations, as recommended by the EU, it bemoaned that the rights of foreigners were not counterbalanced by duties, and it argued that the administration would not be effective, as migration would be an issue in which six ministries had a stake. In short: the law, as lax as it was, would have a “calling effect” (*efecto llamada*) and encourage more immigrants to come, a mass that Spain was not able to “absorb”.⁵³⁴ The PSOE replied that these fears were populist as, contrary to what the PP thought, the law would actually make immigration policy more integral and sustainable.⁵³⁵ In the end neither the pressure of the street nor the arguments of the leftist opposition and the PP stopped the draft from being adopted by the Senate. The alterations were minimal – much to the dismay of the opposition.⁵³⁶

The final debate of the text in the Congress was then a mere display of opinions and accusations.⁵³⁷ The PNV even threatened the government, stating that it would bring the law before the Constitutional Court, as it would heavily impede the liberties of the immigrants.⁵³⁸ The text was approved with a slight majority of 180 to 163,⁵³⁹ showing how deep the political disagreement on this topic was and how far Spanish migration policy was from the consensus of the early 1990s. The political schism also reflected a societal divide on the matter. In public discourse, the topic kept its visibility – especially with the growing crisis,⁵⁴⁰ leading to yet another reform of the law already in 2011.⁵⁴¹

⁵²⁹ See DSC, 9. Leg., Pleno, Núm. 118, 29.10.2009, *passim*.

⁵³⁰ SOS Racismo, 2009, my translation.

⁵³¹ See e.g. Comisión Permanente HOAC, 2009, or foro de curas en Madrid, 2009.

⁵³² See e.g. *Marchas en 10 ciudades contra la reforma de la Ley de Extranjería*, El País, 18.10.2009.

⁵³³ See *El Congreso aprueba la reforma que endurece la ley de Extranjería*, El País, 29.10.2009.

⁵³⁴ Eugenio Jesús González García, DSS, 9. Leg., Comisiones, Núm. 237, 12.11.2009, 13.

⁵³⁵ See Matilde Fernández Sanz, DSS, 9. Leg., Pleno, Núm. 60, 18.11.2009, 2948.

⁵³⁶ See e.g. the Senator of the PP on the number of amendments of his group that were accepted: Eugenio Jesús González García, DSS, 9. Leg., Pleno, Núm. 60, 18.11.2009, 2949, or *Aprobada la nueva Ley de Extranjería*, El Mundo, 27.11.2009.

⁵³⁷ See *Aprobada la nueva Ley de Extranjería*, El Mundo, 27.11.2009.

⁵³⁸ See Emilio Olabarria Muñoz, DSC, 9. Leg., Pleno, Núm. 127, 26.11.2009, 18.

⁵³⁹ See DSC, 9. Leg., Pleno, Núm. 127, 26.11.2009, 44.

⁵⁴⁰ See *Sin consenso y con muchas críticas*, ABC, National, 30.11.2009.

⁵⁴¹ See BOE-A-2011-12962 (*Ley Orgánica 10/2011, de 27 de julio, de modificación de los artículos 31 bis y 59 bis de la Ley Orgánica 4/2000, de 11 de enero, sobre derechos y libertades de los extranjeros en España y su integración social*).

5.4.3. Emigration memory in the debate

Within the debate on the reform of the foreigners law, emigration memory was almost absent. Only three speakers made use of references to it, all from the left. While defending the law in the Senate, Matilde Fernández Sanz, who had been very vocal in the 1990s as the PSOE speaker for migration and in this legislative had been elected senator, referred to emigration memory in order to illustrate why the restrictions on family reunification would be logical:

“Gentlemen, family reunification is possible with long-term residency. I believe that some of us here have been emigrants, even if it was to study languages. Does an immigrant, as soon as he comes to a country, without having a stable job, without having a stable living space, think of bringing over his family? No. [...] The reunification takes place when you already have a long-term residence and when you have encountered stability in the country and, thus, a stability with your job. [...] We also did not reunify our cousins, nor our big brothers and sisters. The reunification is for the spine of the clan, of the family, of the families in plural.”⁵⁴²

The memory of having emigrated to study languages, or on a more general level: the memory of short-term emigration for educative ends, was one that we have not encountered until now. It illustrated the change in the use of emigration memory within the discourse of Fernández Sanz: whereas in the debate of the 1990s, she had employed a rich mixture of different memories of emigration in her interventions, the only time she used this argument in this debate, she referred to an emigration that might have taken place, even though it might have been only to learn languages – arguing that as a language student one would not have intended to bring over family members. The argument does not seem very compelling. But more importantly, it showed that the points of reference in collective memory seemed to be slowly shifting: whereas in the 1990s Fernández Sanz would have used the memory of political exile or labor migration to illustrate her point, these do not seem to qualify anymore as collective memories worth arguing with. The younger generation of politicians, having been socialized in the post-Franco era, with a Europe in which one could travel freely and went abroad for recreational or educational purposes, was now perceptible to other collective memories.

The decline of the use of emigration memory in this debate was further exemplified by the statements of Arturo Bagur Mercadal, a PSOE politician, who presented the Balearic Islands in the Senate as an independent Senator. Twice, he mentioned that emigration memory should convince to support this law: once, because Spain throughout its history had been a country of *immigration* and therefore would have acquired a certain sensitivity on the matter,⁵⁴³ and the other time, because Spain had always been a country of *emigration* and thus susceptible for the needs of immigrants.⁵⁴⁴ These arguments were, however, not central to Bagur Mercadal’s line of reasoning at all, only mentioned *en passant*.

Whereas we see a decline of importance in the use of emigration memory on the side of the PSOE, a non-usage on the side of the PP and other conservative parties, the more extreme left did present a “classical” reasoning based upon emigration memory. Joan Tardà i Coma of Esquerra Republicana, who had been very vocal already in the asylum debate, in the final debate of the Foreigners Law in

⁵⁴² Matilde Fernández Sanz, DSS, 9. Leg., Pleno, Núm. 60, 18.11.2009, 2958.

⁵⁴³ See Arturo Bagur Mercadal, DSS, 9. Leg., Comisiones, Núm. 237, 12.11.2009, 9.

⁵⁴⁴ See Arturo Bagur Mercadal, DSS, 9. Leg., Pleno, Núm. 60, 18.11.2009, 2960-2961.

Congress used a reference to the post-Civil War exile in order to question the extension of the period of internment:

“Look, there are democracies in which, when here one was killed for being a democrat, there they took up a high level of solidarity; there are democracies in which, when here the workers were condemned to emigrate, there the unions, the working class made an effort so that the recently arrived would have all civil and social rights. Then there are democracies, such as the Spanish democracy, that are obliged to more. When in Europe there are democracies that are showing a fatigue in the fight for democratic rights, there are countries that only recently turned to democracy, as in the case of Spain, that are obliged to do more. Thus, one can even less understand that you are legitimizing the extension of internment of those persons in the internment centers up to sixty days; this is a shame; they have committed nothing else than an administrative mistake, they have not committed any crime.”⁵⁴⁵

Because Spaniards had been treated with solidarity when having to leave the country, now solidarity needed to be given by the Spanish people themselves. The argument clearly followed the “historical debt” argument that we have witnessed in earlier debates. However, this reference to emigration memory remained an exceptional case, showing that the more extreme left maintained a form of emigration memory that others, including the moderate left had abandoned when arguing immigration.

5.4.4. The disappearance of memory: the reform of 2011

This decline in the use of emigration memory in the debate on immigration was reflected by the second reform that was introduced in the ninth legislative period. In the summer of 2010 the PP introduced a draft with the purpose to modify certain articles of the Foreigners Law, intending to solve one of the issues that had not been solved in the law of 2009: the difficulty for immigrant women who had experienced gendered violence and intended to denounce the culprits. The reformulation of the law proposed to give them a legal safeguard to do so without having to fear expulsion.⁵⁴⁶ When the PP presented the draft in the Congress, all parties showed their skepticism about the intentions of the PP, as the initiative seemed to be opposed to its common behavior on immigration legislation – nevertheless, as the draft did fill a legislative void, all parliamentary groups voiced their support for the project.⁵⁴⁷ Accordingly, the text passed through all stages of the parliamentary process without much alteration and was adopted in July 2011.⁵⁴⁸

Striking about the entire process is that – in comparison to the major reform in 2009, in which, as we have seen, emigration memory did appear at least scarcely – in the negotiations of 2011, emigration memory was entirely absent. Of course, the topic was less controversial and less politically loaded, marking a possible first step back to a consensus on immigration issues. But the fact that none of the parties involved referred to emigration memory when arguing in favor of the draft, clearly indicated that emigration memory in this phase had lost its purpose in debates on immigration legislation.

⁵⁴⁵ DSC, 9. Leg., Pleno, Núm. 127, 26.11.2009, 16-18.

⁵⁴⁶ See BOCG, 9. Leg., Serie B, Núm. B-257-1 , 11.6.2010.

⁵⁴⁷ See DSS, 9. Leg., Pleno, Núm. 220, 8.2.2011.

⁵⁴⁸ See BOCG, 9. Leg., Serie B, Núm. B-257-11 , 4.4.2011, BOCG, 9. Leg., Serie B, Núm. B-257-12 , 23.5.2011, DSC, 9. Leg., Comisiones, Núm. 778, 25.5.2011, DSC, 9. Leg., Pleno, Núm. 249, 7.6.2011 (for the Congress), DSS, 9. Leg., Comisiones, Núm. 538, 20.6.2011, DSS, 9. Leg., Pleno, Núm. 127, 22.6.2011 (for the Senate) and DSC, 9. Leg., Pleno, Núm. 262, 14.7.2011 (for the final adoption).

5.5. Conclusion

This chapter started with the hypothesis that the use of emigration memory was generally in decline in the 2000s. Looking at the empiric results gathered in this chapter, especially with reference to the two reforms of the Foreigners Law we have examined above, this assumption holds true – emigration memory was indeed used less and less. But we also observe another phenomenon, tightly linked to the previous one: emigration memory seemed to become less convincing as an argument. As we have seen in the emotive statement of Miquel Bofill i Abelló in the Senate, even emotionally presented emigration memory was not enough to compel one's political opponents. Rather, it was honored as something special, but not taken serious as an argument any more.

With regards to whether the debate in the 2000s resembled the debate in the 1980s, one has to assert that indeed certain aspects of both phases are similar: as in the second legislative period, in the ninth we see observe the tendency to use more emigration memory in the asylum debate and less (reform of 2009) or even none (reform of 2011) in the negotiations on the foreigners law. Also, it seems that in debates of the asylum law, similar argumentative patterns were used (personal recollections and the argument of “historical debt”). A difference to the 1980s, of course, is the nearly complete absence of emigration memory in the discourse of the right and the center.

In the 2000s there was also a clear change in the types of emigration memory draw from the archive of emigration memory and the way these were employed within the speakers' arguments. Thus, at the same time as the use of emigration memory was waning in quantity, it became more diversified in quality. Emigration memory types that had not been used before included memories of return migration and memories of short-term educational migration. On the side of employment, new approaches to the use of emigration memory included:

- *the shift of the level of collectiveness emigration memories*: it was no longer only the nation or the sub-nation that was the bearer of collective memories of emigration, but now Europe could serve as a platform for identification.
- *the transnationalization of emigration memory*: in comparing the collective memories of emigration of Spaniards to those experienced by others, the emigration memories were transnationalized.
- *positive dissociation*: while the mechanism of dissociation we had seen before worked to set the personal qualities of Spaniards (positive) apart from those of the immigrants (negative), in the 2000s we saw how dissociation was used to dissociate the experiences of the Spaniards (negative) from those of the immigrants (positive), again in order to legitimize exclusive policies (in this case the Voluntary Return Plan).
- *condemnation of the absence of memory*: by pointing out that a certain emigration memory would exist that would be central to the policy under discussion, and arguing that the political actors would choose to dismiss it, emigration memory was discussed on the meta-level of memory politics.

Most of these innovative uses of emigration memory were introduced by members of Esquerra Republicana de Catalunya or Izquierda Unida, who, together also accounted for the majority of the instances in which emigration memory was used by the left. This distribution also marks another profound difference with the 1980s: a division on the left. Whereas the PSOE started to use emigration memory less and less to argue in favor of its projects (the exception here being the

Voluntary Return Plan), the more the extreme left parties maintained a rather high level of emigration memory usage.

Altogether, in the 2000s emigration memory had become an anomaly in the political discourse rather than the norm it had used to be before.

6. Nationality and naturalization – a case apart?

6.1. Why are debates on nationality and naturalization different?

In the three preceding chapters we have analyzed the impact of emigration memory on policies of immigration and integration (and, to a certain extent, voluntary return migration). All these policies are directly related to the way the state treats newcomers – before they arrive, when they arrive and after they have settled. The question of naturalization, of migrants becoming nationals, is related to these topics, but yet an issue of another quality. Whereas immigration and integration policies are related to how the majority treats the newcomers, nationality legislation is about how these newcomers become part of the majority group itself, of whether or not they are admitted into the *polity* of the state.⁵⁴⁹ In recent years naturalization has come to be seen as a, possibly as the ultimate step of integration, and in many national contexts the integration and nationality policies are converging.⁵⁵⁰

However, applying this point of view to all three decades under analysis would be anachronistic. Also, it would hide the fact that the discursive frame of immigration and integration debates is a slightly different one than that of debates on nationality legislation, and this for two reasons: firstly, the target group is not always the same (it can be newcomers, yes, but it can also be descendants of former emigrants or individuals of countries the state sees a high cultural affinity with). Secondly, the discussion of nationality law is always simultaneously a discussion of national identity. Who is to be part of the national community and who is not? What makes an individual „Spanish“, and who is excluded from being qualified as such?⁵⁵¹ Although immigration debates implicitly also discuss these questions, in debates on nationality they lay far more open and at the core of argumentative strategies.

⁵⁴⁹ The theoretical link between migration and nationality has been troubling scholarly research for more than two decades by now (see e.g. Brubaker, 1992, Bauböck, 1994, Joppke, 1999, or Bloemraad, 2006). In recent years attention in this field has shifted towards membership in a wider sense (e.g. *denizenship*) and towards the question of how communities abroad are incorporated (see e.g. Brubaker, 2010). For reasons of brevity the literature will not be further explored here and for the purpose of this chapter it is assumed that (in line with most literature) immigration has strong impacts on the nation state and, thus, on policies of naturalization. For the Spanish case, Martín-Pérez and Moreno-Fuentes, 2012, seem to contest this view and argue that in Spain nationality legislation would follow a path-dependency reaching back to colonial times that would foster the principle of *ius sanguinis* and that would make the debate on nationality rather low-profile. However, the authors only look at policy outcomes and do not give much importance to the diverging positions held by policy-makers towards this issue. A look into the debates discussed below, offers a different picture, though, tending rather towards the view held by current literature at large.

⁵⁵⁰ In the Spanish case this is perceivable in the 2000s. In 2007, for example, the Socialist government enacted a program tellingly called “Strategic Plan for Citizenship and Immigration” (*Plan Estratégico de Ciudadanía e Integración*, see http://extranjeros.empleo.gob.es/es/Programas_Integracion/Plan_estrategico/pdf/PECIDDEF180407.pdf (last accessed 20.10.2014).

⁵⁵¹ The issue thus also falls into the realm of studies of discursive construction of national identity. This current of literature tries to explain how national identity is created and defined by discursive practices (mostly, by defining the „Self“ and the „Other“). The literature in this field is rather ubiquitous – for orientational purposes Wodak et al., 2009, is a helpful standard. Specifically on the role of migration in the construction of Spanish national identity see Kleiner-Liebau, 2009, and Caballero Mengibar, 2009.

The debate on nationality also deserves specific attention because of the impact naturalization has had and continues to have in Spain: between 2002 and 2012 alone, 780000 individuals were granted the status of Spanish nationals.⁵⁵²

As the discussions of nationality legislation center around definitions of the „Self“, they should have an implication on the use of emigration memory. Do politicians resort to emigration memory when arguing nationality legislation? If they do, do they do it in the same way they employ emigration memory when discussing the legislative setting of immigration and integration? Is there a convergence in recent years also in the use of emigration memory between both debates? Or are debates on nationality and naturalization indeed a case apart?

6.2. Analyzed debates

Since 1889 the question of nationality is regulated in Spanish law through the Civil Code (*Código Civil*),⁵⁵³ more specifically through its articles 17 to 26. The tradition of treating nationality as part of civil law and not through a legislative text of its own survived different political systems and also came to be adopted by the young Spanish democratic state. A first change of these articles was initiated in the politically unstable situation of the *transición* in 1975, achieving more gender equality in matters of nationality.⁵⁵⁴ Nevertheless, this first change of the Civil Code in Spain's democratic era did not remain the only one that was to follow in the next three decades: over the years, nine reforms or attempts at reforming the current legislation were discussed (in 1982, 1990, 2x1996, 1998, 1999, 2002, 2006, 2007), showing that the topic was one of permanent visibility on the Spanish political arena.

6.2.1. The reform of 1981/82

Spain's first democratic constitution after the Franco era was adopted in 1978. In its articles 11, 14, and 39 it made explicit reference to nationality regulations. Thus, similar to the process of the creation of the Foreigners Law described above,⁵⁵⁵ a corresponding law had to be developed. As the government decided not to change the Civil Code for reasons of legislative tradition,⁵⁵⁶ this process did not lead to an organic law, but rather to a modification of the articles 17 to 26 of the Civil Code through a regular legislative process.

⁵⁵² Data offered by the Ministry of Labor and Social Security, <http://extranjeros.empleo.gob.es/es/Estadisticas/Operaciones/concesiones/index.html> (last accessed 17.10.2014). Of course, not all of these are residents in Spain. Many descendants of Spaniards in Latin American countries have in recent years become Spanish without ever having lived in Spain or without having the intention to do so.

⁵⁵³ See Martín-Pérez/Moreno-Fuentes, 2012, 631.

⁵⁵⁴ See Martín-Pérez/Moreno-Fuentes, 2012, 633.

⁵⁵⁵ See Chapter 3.1.

⁵⁵⁶ See BOCG, Serie A, Num. 172-I, 19.2.1981, 1211.

In the first draft of the law, introduced to the Congress by the government in February 1981, it was made clear that *ius sanguinis* would stay the fundamental principle of Spanish nationality law.⁵⁵⁷ However, it also introduced certain elements of *ius soli*, in order “to avoid that generations of foreigners residing on national territory would perpetuate themselves.”⁵⁵⁸ A notion that was introduced without further ado was the reduction of the requested years of residence for being eligible for nationality from ten to two years for nationals of Latin American countries, the Philippines, Andorra, Equatorial Guinea and Portugal.⁵⁵⁹ Implicit in this preferential treatment was, of course, the historical legacy of the Spanish empire in America and the Pacific.

In the first discussion of the draft in the Congress,⁵⁶⁰ the idea of preferential treatment for nationals of Latin American countries or the Philippines was not subject to discussion. Rather, the Parliamentary Socialist Group of Catalonia (*Grupo Parlamentario Socialistas de Cataluña*) introduced an amendment that made Sephardic Jews part of the group of those receiving preferential treatment. The delegate introducing the amendment argued that this change would help “close a historical process, which is the expulsion of the Jews”.⁵⁶¹ To the speaker the amendment should be adopted not only because of the cultural affinity that arose out of this early migration, but also because the “half-clandestine”⁵⁶² immigration of Sephardic Jews to Spain in the second part of the 19th century. Thus, the reference made to emigration here was twofold: both the expulsion and the remigration served as legitimizing arguments. The change was accepted by the ruling center-conservative Union of the Democratic Center (*Unión de Centro Democrático*) without difficulty.

In the discussions of the Senate, the same arguments on the Sephardic Jews were repeated, and even embellished further by making the *sefardíes* “spiritually attached”⁵⁶³ to Spain regardless of the fact that they were “unjustly expelled by the Catholic Kings”.⁵⁶⁴ The focus of the Senate’s debate was rather centered around the question of the effects of the new regulation on the Spanish emigrant population abroad.⁵⁶⁵

The reform was adopted without further discussion in the Congress⁵⁶⁶ – the Sephardic Jews were now imagined as part of the nation, or at least, as so close to the nation that they were eligible for a preferential treatment when applying for nationality. The memory of expulsion, possibly nourished by the still vibrant and vivid personal memory of the Catalan Socialists’ own personal exile in the years of the Franco regime, worked as directly legitimizing argument for this enlargement of the imagined community.⁵⁶⁷ Interesting is that the same time the Sephardic Jews were given preferential treatment, the Moriscos (Muslims, who converted to Christianity after the *reconquista* but were

⁵⁵⁷ *Ius sanguinis* (or *Jus sanguinis*) describes the principle of transferring nationality to a newborn by the virtue of the parents’ nationality. *Ius soli* (or *Jus soli*), on the other hand, is the acquisition of nationality by virtue of the place of birth.

⁵⁵⁸ BOCG, Serie A, Num. 172-I, 19.2.1981, 1211.

⁵⁵⁹ See BOCG, Serie A, Num. 172-I, 19.2.1981, 1212.

⁵⁶⁰ The government’s text did not suffer any changes connected to emigration memory when in the Commission of Interior and Justice (See BOCG, Serie A, Núm. 172-II).

⁵⁶¹ Ernest Lluç i Martín, DSC, 1. Leg., Pleno, Núm. 234, 27.4.1982, 13663.

⁵⁶² Ibid. Indeed there was a minor remigration of Sephardic Jews from 1860 onwards (See Prados García, 2011).

⁵⁶³ José Diosdado Prat García, DSS, 1. Leg., Pleno, Núm. 161, 15.6.1982, 8002.

⁵⁶⁴ Alfredo Marco Tabar, DSS, 1. Leg., Pleno, Núm. 161, 15.6.1982, 8003.

⁵⁶⁵ See e.g. Pere Portabella i Rafols, DSS, 1. Leg., Pleno, Núm. 161, 15.6.1982, 8000.

⁵⁶⁶ See DSC, 1. Leg., Pleno, Núm. 254, 29.6.1982.

⁵⁶⁷ See Anderson, 1983.

expulsed in 1607) were not even mentioned in the debate – although both groups shared a similar fate. Thus, the case of the reform of the Civil Code of 1981 depicts how selective the archive of emigration memory was used.⁵⁶⁸

6.2.2. Reform attempts in 1996/1999

After a short reform of the Civil Code in order to facilitate the naturalization of political refugees in 1990,⁵⁶⁹ during the 1990s several attempts were made at changing legislation on nationality profoundly. However, these legislative processes stayed reform attempts and never turned into effective law.

The first of these legislative endeavors was a draft text introduced by the United Left (IU) in 1996. It was aimed at giving the principle of *ius soli* more importance as a means to integrate second generation immigrants. Gaining nationality through residence was also to become easier by lowering the requested time of residence from ten to five years and by giving irregular migrants a chance to naturalize as well.⁵⁷⁰ In terms of the preferential treatment of certain groups, the draft argued:

“In this paragraph, the traditional preference for the nationals of Latin America is maintained, due to their historical and linguistic ties; this preference is now opened up for the whole of the Iberian nationalities. In the same manner, the historical reparation which is the preferential treatment of the Sephardic Jews is maintained, which are now paired with the Moriscos for the same reason of justice.”⁵⁷¹

Although the preferential treatment moved along the lines of the 1981 reform, two things were surprising about this quote: the Sephardic Jews were included explicitly as a “reparation” for the expulsion, and the Moriscos were included on the same ground.

In the same year, the PSOE too introduced a legislative project, which, similar to that of the IU, tried to enlarge the circle of those eligible for nationality and to reduce the requested years of residence. The motivation for doing so was, however, different than the purely ideological factors that had moved the IU. In the statement of purpose of the PSOE’s draft, emigration memory figured as the prime impulse:

“Spain has traditionally been a country of emigration. Nevertheless, in the last decades, Spain starts receiving not only the Spaniards that come back, but also refugees and immigrants. This new reality should be addressed by moving forward the participation and the development of civil and social rights;

⁵⁶⁸ As this sub-chapter concentrates on the role of emigration memory within the reform, it lacks depth in terms of Sephardic history and the history of the re-integration of the *sefardíes* into the Spanish imagined community. On the former, Pérez, 2005, is helpful. Regarding the early legal reintegration of the Sephardic Jews, the work by Lisbona, 1993, can be regarded as most detailed. For the 1990s and 2000s, Prados García, 2011, gives a useful overview. However, there exists to my knowledge no work that draws a clear picture of the development of the discourse towards the *sefardíes* in Spanish politics. Such an analysis would be most helpful to understand the roots of the differential treatment given to *sefardíes* and *moriscos*.

⁵⁶⁹ See Martín-Pérez/Moreno-Fuentes, 2012, 634 and 641.

⁵⁷⁰ See BOCG, 6. Leg., Serie B, Núm. 30-1, 31.5.1996, 1-2.

⁵⁷¹ BOCG, 6. Leg., Serie B, Núm. 30-1, 31.5.1996, 2.

evading exclusion and propelling integration and collective well-being, fostering tolerance and accepting plurality and the dignity of persons.”⁵⁷²

In looking back at past emigration, which now led to remigration, it became clear that there had been a change and this change demanded clear policy adaptations. Here the mantra of “Spain has been a country of emigration”, which we have seen before in other contexts, served to set the stage for the following argument. In the debate of the two drafts (which were discussed in the same plenary session of the Congress in order to facilitate the discussion), delegates of IU and PSOE echoed this argument in their statements, both first contemplating Spain’s emigration memory and then pointing out the changes that called for a shift of nationality legislation towards *ius soli*.⁵⁷³

Integrating the Moriscos into the group eligible for preferential naturalization was heavily attacked both by center and right-wing parties. Whereas the Catalan Party (CiU) plainly argued that there would be no Morisco identity (as opposed to the clear cultural identity of the *sefardies*),⁵⁷⁴ the speaker of the ruling PP, arguing in the same vein, related to the emigration memory the IU proposal had pointed to:

“You are comparing the Moriscos to the Sephardic Jews and you are right in some aspects, because both suffered the disgrace of being expelled from our country, some during the reign of the Catholic Kings and others during the reign of Philipp the Third. The Sephardic Jews are, however, perfectly identifiable; just think about it, gentlemen, that they all continue to marry by the tradition of the book of Taqanot which is from 1494; they speak Spanish and have characteristics that are perfectly identifiable, as I say. I do not know if the same identification would be possible with the Moriscos.”⁵⁷⁵

In Jorge Trias Sagnier’s statement, the memory of the expulsion of the Moriscos was not discarded. On the contrary, the memory was valued in the same way the memory of the Sephardic expulsion was. The argument here was that *despite* the similarity of the memory, there were reasons that pleaded against a similar treatment. This aspect is interesting, as it showed that discursive strategies based on emigration memory can be successful in convincing the opponent, but must not necessarily bear fruit, as there are reasons outside the context of the memory (in this case the problem of identification of who is a Morisco and who not) impeding its realization.

Both drafts were voted upon and rejected. Two years later, the IU and the PSOE attempted another reform each. Both drafts were based heavily on the drafts of 1996,⁵⁷⁶ which entailed that the discussions were rather redundant, as they focused on the same issues as in the 1996 debates. Both texts were consequently rejected by the Congress with the majority of the PP and its CiU and CC partners. The intention of these initiatives was, however, not to change the legislation, as the IU speaker noted in the debate on the drafts in the plenary, as time would have not sufficed in this legislative period anyway, but to push forward the integration of *ius soli* into Spanish legislation.⁵⁷⁷ The debate also gave another opportunity for emigration memory to be employed. Again, the PSOE

⁵⁷² BOCG, 6. Leg., Serie B, Núm. 63-1, 8.11.1996, 1.

⁵⁷³ See Cristina Almeida Castro, DSC, 6. Leg., Pleno, Núm. 46, 10.12.1996, 2338 and Julio Villarrubia Mediavilla, DSC, 6. Leg., Pleno, Núm. 46, 10.12.1996, 2340.

⁵⁷⁴ See Ignasi Guardans i Cambó, DSC, 6. Leg., Pleno, Núm. 46, 10.12.1996, 2348.

⁵⁷⁵ Jorge Trias Sagnier, DSC, 6. Leg., Pleno, Núm. 46, 10.12.1996, 2349.

⁵⁷⁶ See BOCG, 6. Leg., Serie B, Núm. 261-1, 07.12.1998 (IU) and BOCG, 6. Leg., Serie B, Núm. 278-1, 22.2.1999 (PSOE).

⁵⁷⁷ See Pablo Castellano Cardalliaguet, DSC, 6. Leg., Pleno, Núm. 280, 14.12.1999, 15062.

argued that only by understanding past emigration as a counterpoint to present day immigration would dictate a change towards *ius soli*.⁵⁷⁸

With a total of four legislative attempts having failed, the 1990s did not experience a profound legislative change in the stipulations on nationality and naturalization. This is remarkable when taking into account the rising immigration figures and the profound changes that were carried out at the same time in the realm of immigration legislation.⁵⁷⁹

6.2.3. Strengthening of *ius sanguinis* in the 2000s

The first actual revision of the nationality legislation was then enacted by the government of José María Aznar in 2002. The reform introduced minor changes, reinforcing the principle of *ius sanguinis*, which still characterized the Spanish stipulations on the matter. The primary targets of the new regulations were descendants of Spaniards living abroad, more specifically, in Latin America. The topic was thus prone to the use of emigration memory on the side of those parties that defended the strengthening of the *ius sanguinis* principle, as the following quote from a speaker of the Canarian Coalition (CC) shows:

“The Canary Islands and Spain in general have a recent history of being a people of emigrants, an emigration towards many places, but centered fundamentally in the countries of South America and carried out in the majority of the cases clandestinely and, almost always, without protection. It is certain that we have a historical debt towards these generations of Canarian and Spanish emigrants, towards those that are still alive, although now old of age, but we have this debt also towards their descendants. In the same way it is important to recall that these persons contributed means of subsistence for their families from afar and helped our society create wealth. The Canarian Coalition has always understood that the society has a debt with these generations and its descendants.”⁵⁸⁰

Here, emigration memory functioned as the main motivation for enacting new nationality legislation. However, what we witness here was different from what we have seen in the three preceding chapters on immigration and integration legislation: there emigration memory was used towards the perceived “Other”. Here emigration memory was employed towards the perceived “Self”, towards those who were already defined as Spaniards and who were just lacking this status legally. All the more interesting is that the discursive mechanism of “historical debt” we have encountered before when analyzing emigration memory in immigration debates was used in this context as well and in the very same manner. The fact that both in debating the status of newcomers and in arguing about the status of those perceived to be a part of the nation used the same wording shows the proximity and entanglement of the two topics.

Although the changes enacted in the reform of 2002 were minor, the conservative parties had managed to reinforce the principle of *ius sanguinis*. The leftist opposition parties, who traditionally

⁵⁷⁸ See Julio Villarubia Mediavilla, DSC, 6. Leg., Pleno, Núm. 280, 14.12.1999, 15067.

⁵⁷⁹ See Chapter 4.4. Martín-Pérez/Moreno-Fuentes, 2012, 639 point out that this has to do with path-dependencies, an argument we discarded already above. However, they also offer another explanation, which might have more explanatory power: the lack of political incentives for changing current legislation. Alas, the authors do not provide empirical evidence for this argument, which leaves the failure of the reforms unexplained on a theoretical level (although on a political level, it is rather clear that the conservative PP merely did not want a profound change).

⁵⁸⁰ María del Mar Julios Reyes, DSC, 7. Leg., Pleno, Núm. 164, 23.5.2002, 8286.

lobbied for integrating elements of *ius soli*, had made amendments directed towards this aim, but were not able to bring a single of their suggestions to bear fruit. This and the fact that there was little action of civil society on the matter, leads the current Spanish literature to qualify the debate as “very low profile”.⁵⁸¹ Having a quick look at the interventions of the PSOE speaker in the debate, however, reveals a completely different picture: the line between the conservative parties opting for *ius sanguinis* and the leftist ones arguing in favor of more *ius soli* elements was drawn clearly and aggressively.⁵⁸²

By 2006 this situation had changed. The PSOE government, elected in 2004, had not yet changed its immigration policy towards being more restrictive,⁵⁸³ but in matters of nationality, it had dropped the urge to introduce *ius soli*, and now focused on granting nationality to descendants of Spaniards abroad as did the PP government before. To this end in 2006 a Statute of Spanish Citizenship Abroad was passed,⁵⁸⁴ “defining the specific set of rights that the Spanish authorities ought to grant to Spanish nationals settled abroad, including social protection (healthcare, pensions), political entitlements (right to vote in every national, regional, and local election in Spain), as well as facilities to return to Spain (to emigrants themselves, as well as to their descendants, until the third generation).”⁵⁸⁵

This statute was followed up by the so-called Law of Historical Memory, which in several of its stipulations touched upon the issue of nationality.⁵⁸⁶ Generally speaking, the law entailed a condemnation of the Franco regime (making it the first legal text to do so) and gave rights and compensations to the victims and descendants of victims of the Civil War and of fascist rule. The law was adopted by the PSOE with support of the leftist parties and against the heavy opposition of the PP in 2007.⁵⁸⁷ This political difference was representative of a much wider societal cleavage that still existed sixty years after the end of the Civil War. On the left (PSOE) the argument was that historical memory would have to be recuperated, whereas on the right (PP) the feeling was one of “reopening old wounds”, which had been formally closed with the consensus found during the *transición* to democracy in the 1970s.⁵⁸⁸

Among the stipulations of the law there were two that changed nationality legislation: first, the emigrants and descendants of emigrants that had to flee Spain due to the war and the repression of the Republicans afterwards were granted full Spanish nationality. Second, the members of the International Brigades, the military units that in the Civil War had been recruited from all over the world to fight on the side of the republic, received Spanish nationality, too.⁵⁸⁹ Whereas both

⁵⁸¹ Martín-Pérez/Moreno-Fuentes, 2012, 643.

⁵⁸² See Julio Villarrubia Mediavilla, DSC, 7. Leg., Pleno, Núm. 164, 23.5.2002, 8292-8294.

⁵⁸³ See Chapter 5.1.3.

⁵⁸⁴ See BOE-A-2006-21991.

⁵⁸⁵ Martín-Pérez/Moreno-Fuentes, 2012, 639.

⁵⁸⁶ See BOE-A-2007-22296 (*Ley 52/2007, de 26 de diciembre, por la que se reconocen y amplían derechos y se establecen medidas en favor de quienes padecieron persecución o violencia durante la guerra civil y la dictadura*).

⁵⁸⁷ The Esquerra Republicana de Catalunya (ERC) also voted against the law, as in the eyes of the party it did not go far enough.

⁵⁸⁸ See Boyd, 2008, 143.

⁵⁸⁹ A brief overview on the nationality-specific contents of the law is given in Martín-Pérez/Moreno-Fuentes, 2012, 639-640. A summary of the general developments in Spanish (memory) politics leading to the law, which for reasons of brevity will not be further described here, is to be found in Boyd, 2008.

measures had to do with the argument of historical debt, the latter was strongly connected to ideological considerations of the PSOE. The measure directed at the descendants of exiles, on the other hand, was defended by PSOE speakers by restoring to emigration memory:

“This law will mark the day in which the Spaniards solemnly decided, through their legitimate representatives, to pay tribute to those who died or suffered violence and exile for defending the valued of justice and pluralism, of liberty and equality, the same values that today are fundamental to the constitutional order that governs our society.”⁵⁹⁰

Here again we see what we found in the reform of 2002: the use of emigration memory in favor of those who form part of the perceived “Self” already, rather than those who form part of the perceived “Other” – as was logical in this setting. Remarkable about this statement, however, was that the PSOE did not use the opportunity in order to reiterate its former position of calling for an introduction of *ius soli* elements in nationality law. Rather, the Law of Historical Memory, already marked a first step in the development the PSOE was to take later in immigration policy towards begin more conservative. A most likely unintended link between the Law of Historical Memory and immigration policy exemplifies this change in the parties position even more clearly: in the bulletin in which the law was published the text of the law appears alongside a comment on Law 13/2007 – the title of the law: “for the extraterritorial prosecution of illegal trafficking or the clandestine immigration of persons”.⁵⁹¹

6.2. Conclusion - presence and absence of memory in defining the nation

As we have seen in the discussion of the different reforms on nationality above, emigration memory appears in all of these, however, in different periods to different aims. In the 1980s, it was used in order to discursively enlarge the nation, by defining a once expelled group as part of the national community. At the same time the emigration memory of the Sephardic Jews was brought up, the memory of a comparable expulsion stayed absent in the debates, showing how selectively the archive of emigration memory was used by policy-makers.

This changed during the leftist efforts to reform the Civil Code in the 1990s: the memory of the expulsion of the Moriscos was employed in the debate. More importantly, in the 1990s emigration memory was used in quite a similar way it was used in the debates on immigration, namely to legitimize the establishment of a mechanism for newcomers to integrate into society. This changed again in the 2000s, when emigration memory was used to legitimize the integration not of newcomers, but of those who were already perceived as part of one’s “Self”. The mechanisms of employment were, however, remarkably similar to those seen in the context of immigration debates. This change in the employment of emigration memory coincided with the decrease of political calls for integration of elements of *ius soli*.

To sum up, emigration memory in debates on nationality and naturalization in general functions different from the use of memories of emigration in immigration and integration discourses, as the target group is not always the same. However, we have seen that in very similar ways, emigration memory is employed to legitimize certain policy measures.

⁵⁹⁰ María Teresa Fernández de la Vega, DSC, Pleno, Núm. 296, 31.10.2007, 14613.

⁵⁹¹ See BOE-A-2007-22297.

7. Conclusion

7.1. Summary

In this conclusive chapter a synthesis of the findings will be given in order to answer the main research question:

What role did the collective memories of emigration, that were prevalent in Spanish society, play in the process of accommodating the migration transition in legal terms?

To recall, two sets of sub-questions were posed in the introduction as well, one connected to the functioning of emigration memory on a general level: *Why and under what circumstances were emigration memories used in creating new policies of immigration, integration and citizenship? How was emigration memory employed, by whom and to what political aims?*

A second set of sub-questions, however, focusing on the changes in the use of emigration memory over the period analyzed can only be addressed when looking at the results in their totality: *Did the employment change over time in terms of quantity? Was there a variation in the use of emigration memory within the discourses of one political side? Did the discursive mechanisms by which emigration memory was employed change over time? And, how important was the surrounding political context for these changes?*

This chapter will address this second set of questions by recurring to the results of the analysis gained in the main chapters. On the basis of the findings, the overall role of emigration memory in the Spanish debates on immigration, integration and nationality, will then be discussed, whereby the findings will be reconnected to the theoretical framework. In a last step it will be pointed out what questions of research remain unanswered by this thesis and where further research could further the understanding of the function of emigration memory.

7.2. Qualitative results

In the course of the analysis, we have witnessed a change in the way emigration memories were employed within political debates on immigration.

The 1980s

In the second democratic legislative period (1982-1986), under the rule of the PSOE, two major legislative projects were enacted in the realm of immigration: the Asylum Law and the Foreigners Law. Whereas in the political debate on the Foreigners Law emigration memory was virtually absent, the debate on the Asylum Law witnessed quite some references to emigration memories. In many cases these were personal, as many of those politicians participating in the debates had themselves endured exile or had experienced some form of migration. The preferred argumentative strategies, in which emigration memory was employed, be it personal or collective, were thereby the “mind-game”, i.e. putting oneself in the place of the migrant, and the notion of “historical debt”, that is, to be indebted to those coming in, as oneself has recollections of similar situations.

The 1990s

Under the government of the PP in the sixth legislative period (1996-2000) a broad variety of legislative initiatives was discussed and carried out. Emigration memory was thereby present in all of these initiatives: in the debates on the reform of the Foreigners Law, in the discussions on the integration of foreigners into the welfare system or in the dialogues of the sub-commission on emigration, immigration and xenophobia. Referencing emigration memory had become commonplace for politicians debating immigration issues. It was, however, used differently on different sides of the political spectrum: the left opposition followed an identificational strategy of employment. It identified the Spanish collective memories of emigration with the situation of the immigrants at the time. Both were not only similar, but in the arguments of the policy-makers, the same, identical. On the side of the right (at this point in time, the government) and the center/conservative parties, emigration memories were used in a dissociative manner. Similar to Irial Glynn’s findings for Italy, we saw politicians arguing that Spanish memories and immigrant experiences were comparable, but different: the immigrant would not have been as thankful, not as in need, not as hard-working as the Spanish had been.

The 2000s

During the second period of governance of the PSOE in the ninth legislative period (2008-2011), although there were quite some legislative initiatives pertaining to matters of immigration as for example the reform of the Asylum Law, the two reforms of the Foreigners Law, and the Voluntary Return Plan, emigration memory was used less. At the same time, hitherto not used emigration memories were drawn from the archive of emigration memory (e.g. memories of return migration and memories of short-term educational migration). Also, the strategies of employment came to be more diverse: transnationalization (combining Spanish memories of emigration with those of other societies), positive dissociation (viewing the experiences of the immigrant as more positive than that of the former Spanish emigrants), criticism of memory-absence (attacking the political opponent on grounds of not acknowledging certain memories of emigration). Furthermore, the level of collectiveness now was not confined to the nation or the sub-nation along: from now on allusions to European collective memories of emigration were also perceivable in the debates. The general picture, however, showed that the employment of emigration memory had become less important and convincing as an argument.

	1980s (2. Leg., 1982-1986)	1990s (6. Leg., 1996-2000)	2000s (9. Leg, 2008-2011)
Occurrence in debates	Prevalent in the debate of the Asylum Law, absent in the debate on the Foreigners Law	Intensive use in all debates analyzed	Overall used less, waning towards the end of the research period
Emigration memory focused on	Mostly political exile	Diverging, labor emigration brought up most often	Diversification of emigration memories referenced
Most common modes of employment	“mind-game”, “historical debt”	Identification, dissociation	Diversification of strategies of employment: transnationalization, positive dissociation, criticism of memory’s absence

7.3. Quantitative results

As the quantitative part of the analysis has shown, the use of emigration memory varied over the period analyzed. Whereas in the second legislative period we found 23 instances in which speakers referred to emigration memory within a total of 17 parliamentary and legal sources. In the 1990s, under the government of the Socialists the number of relevant sources is higher, but likewise was the number of quotes referencing emigration memory. In the ninth legislative period the number of sources identified as relevant dropped slightly, whereas the use of emigration memory dwindled significantly.

	1980s (2. Leg., 1982-1986)	1990s (6. Leg., 1996-2000)	2000s (9. Leg., 2008-2011)
Number of sources	17	45	34
Quotes detected	23	47	16

It is important to keep in mind, that the two numbers were not analyzed here as correlating: because there can be more than one employment of emigration memory in one single source, and there exist sources with no use at all (or even entire legislative debates with no reference at all, e.g. the reform of the Foreigners Law of 2011), the relative weight of quotes per source is meaningless.

What the rise of sources in the 1990s tells us is that there was more legislative activity on immigration, whereas this legislative work declined in the 2000s slightly. Analogically the same goes for the instances of emigration memory use: whereas from the 1980s to the 1990s we see a rise in the usage of emigration memory when debating immigration, this number declines again in the 2000s.

But not only was a change in the total number of emigration memory uses clearly perceivable. Also, the political distribution of quotes employing emigration memory changed over the period analyzed. Whereas in general emigration memory seems to have been evoked more by the left, we also found a clear shift in the political distribution of quotes employing emigration memory. In the 1980s the right used emigration memory a little less than the left and the center – but still, we were able to contend that all sides used emigration memory and that constituted a generally accepted argument in discussing asylum legislation.

	Left	Center	Right	Other
1980s (2. Leg., 1982-1986)	10	7	5	0
1990s (6. Leg., 1996-2000)	30	6	8	3
2000s (9. Leg., 2008-2011)	13	3	0	0

With the upsurge of total references to emigration memory in the 1990s we also perceived a tremendous shift towards the left. While the center and the right still used emigration memory at more or less the same level they used to in the 1980s, the parties of the left triple the number of

references to Spain’s emigrant past while the conservative People’s Party (PP) was in power. In the 2000s we then witnessed that the right stopped referencing emigration memory completely. With the total number of references dwindling, the left made less use of arguments involving emigration memory, too.

The shift in political distribution becomes even more visible, when one takes a different perspective on the quantitative aspect of emigration memory use. If we split the quotes into those made by the government and those made by the opposition, it becomes clear that emigration memory was at all times used more by oppositional political forces:

	Government	Non-government/ Opposition
1980s (2. Leg., 1982-1986)	7	15
1990s (6. Leg., 1996-2000)	8	39
2000s (9. Leg., 2008-2011)	6	10

Emigration memory is therefore rather a contesting argument used by the opposition to delegitimize certain policy measures than it is a legitimizing argument. Again, here at the height of the migrational transition in the 1990s, under the government of the PP, this delegitimizing aspect seems more pronounced than in the 1980s and 2000s.

7.3. Nationality and Naturalization

In the field of nationality legislation, examined in this thesis as a case apart from legislation on immigration and integration, emigration memory played a decisive role in order to define who was perceived as being part of the nation (the “Self”) and who was not (the “Other”). The strategies of employment thereby changed over the period analyzed: In the 1980s it was employed to discursively enlarge the nation, thus integrating the Sephardic Jews. At the same time, the archive of emigration memory was accessed selectively, as the comparable memory of the expulsion of the Moriscos stayed untouched in the debates. In the 1990s, emigration memory was used in similar terms as it was used in the field of immigration legislation, namely to legitimize the establishment of a mechanism for newcomers to integrate into society. During the 2000s, then, emigration memory was employed in a similar manner, but the target of the policies changed: it was now directed at legitimizing the integration of those already perceived as the “Self”, thus fostering *ius soli*, not at the newcomers.

7.4. General assessment

With these results we are now able to answer the questions posed above. We have seen that the use of emigration memory varies heavily over time, both in quantitative and in qualitative terms. In certain phases it was used in all debates on immigration, in other times only in some political discussions connected to immigration. It was used by all political parties, whereby there were intense changes in how the parties referred to Spain's emigrant past: We saw that emigration memory played a bigger role in the argumentative strategies of the left than it did in the argumentation of the right, where its influence as an argument declined to the extent that politicians of the People's Party did not use it as an argument anymore in the 2000s. Nevertheless, we have seen that emigration memory was used mostly as a contesting argument in the 1990s and 2000s by the opposition.

But most importantly, emigration memory was employed most intensively in the 1990s when quite some legislative projects around immigration were initiated, as Spain was in the middle of the migrational transition. This leads to think that emigration memory played a decisive role in legally codifying this transitional process. Politicians arguing immigration-related legislation recurred to Spain's archive of emigration memory most intensively now, as in this process one was able to find legitimizing or delegitimizing arguments most easily in an area one could identify with – parts of one's own history that featured certain parallels with the situation at hand.

This is also corroborated by the discursive strategies we found out to have been most commonly used to employ emigration memory in the 1990s: identification and dissociation. Other than in the 1980s, where the figure of "historical debt" or the intellectually distant "mind-game" were most prevalent, in the 1990s it was a matter of feeling as the immigrant on the left (identification) and a matter of being able to show that one knows how to feel as the immigrant, but needing to react differently as one was different from "them" (dissociation), on the right that proved powerful argumentative weapons in the arena of migration policy-making.

In the 2000s, on the other hand, the new and diverse mechanisms of employment of emigration memory combined with the dwindling use of the argument showed that emigration memory had lost its function by and large. In a context in which migration-related legislation had become normality in Spanish society, one did not need to recur to collective memories of emigration in order to legitimize or delegitimize certain policies that were perceived as responding to a new reality, as one did not have the need to convince the political opponent of measures that were "routine and structural".⁵⁹² This change in the function of emigration memory also appeared in the context of nationality legislation: In the 1990s, emigration memory was used to master the new situation and integrate the newcomers through means of citizenship. In the 2000s this connection was not drawn anymore. The role emigration memory had played in the migration transition throughout the 1990s had simply become superfluous in the 2000s.

Another important aspect that emerged from the analysis is the fact that the archive of emigration memory was used differently at different times and in different political situations. Whereas in the debates on asylum legislation we saw the use of memories of political exile were prevalent, we were able to show that in other immigration debates the collective memories of past emigrations alluded to, changed over time. We could also see that the archive of emigration memory was used

⁵⁹² *Una gran oportunidad*, El País, 14.2.2000, my translation.

selectively: whereas certain past emigrations were referred to again and again, others were left untouched, as they did not fit with the political strategies of policy-makers at the time (e.g. the memory of the expulsion of the Moriscos). The archive of emigration can and is used selectively depending on the political aims and objectives of the speaker.

7.5. Findings vs. Literature

After having established what role emigration memory played in the Spanish debates on immigration, integration and citizenship, we can now return to the literature mentioned in the introduction. There we have seen that several authors mentioned that emigration memory or certain aspects of it would have some kind of influence on the Spanish political debate (see Chapter 1.3.2.). Their statements had rather hypothetical character, though, as they did not support their argument by empirical research. After having analyzed the debates in depth and provided for sufficient empirical material, we can now discuss their hypothetical claims more thoroughly:

Axel Kreienbrink made the claim that three forms of *migration experiences* existed: the personal, the collectivized and the institutional. This thesis has not taken institutional experiences into account, as these do not fall under the definition of *emigration memory* proposed here. On the other two categories, however, this thesis has been able to qualify Kreienbrink's statements: Kreienbrink argued that (1) the argument of personal emigration experience was prevalent only in the realm of asylum policy making, (2) it there had been used solely by those who had endured exile themselves and (3) the argument had vanished in the debates after the 1980s. Against this have been able to show that (1) the personal memory of emigration was indeed predominantly used in the discourse on asylum, but that it was important in discourses on other policies as well, and that (2) emigration memory was also employed by those who had emigrated as labor migrants. Further, we have seen instances of the use of personal emigration memory by speakers that recalled internal migration in order to counter the argument made by their opponents. This leads to the understanding that personal memories of emigration are a much wider field than Kreienbrink wished to establish it. Also, (3) we have seen instances of the personal use of emigration far into the 2000s (see e.g. Chapter 5.3.3.). Personal emigration memory is thus not necessarily tied to the experience of exile, as Kreienbrink argued and is an argument still in use. Kreienbrink's collectivized experiences of migration come closest to what this thesis has been looking at when talking about *collective memories of emigration*. Kreienbrink was right when arguing that in the 1990s both the left and the right resorted to these memories in arguing immigration. However, as his study focused on a very different topic, Kreienbrink could not see that this was only a snapshot – and that the use of emigration memory varies over time within the political spectrum.

Omar G. Encarnación maintained that it was the civil society that would use arguments involving emigration memory in order to evoke empathy among society at large and thus influence the political discourse on immigration. The analysis has, although not focusing on civil society, demonstrated that NGOs, the Church, and other civil society entities have employed emigration memory when participating in the political discourse. Encarnación, however, was wrong to argue that they were the main users of emigration memory: the realm of politics has earlier and more intensively made use of emigration memory. Further, Encarnación argued that the sole aim of the

employment of emigration memory would have been to create tolerance. As we have seen, tolerance is but one among many aims that politicians follow by employing emigration memory in their argumentative structure.

That emigration memory would be “[...] used as an argument in favor of solidarity with current immigrants”⁵⁹³ had been the argument of Teun van Dijk. This is certainly true for some of the arguments we have witnessed in the course of the analysis. However, van Dijk’s contention that emigration memory would be a phenomenon only visible on the political left can easily be disregarded after the analysis. Of course, emigration memory was employed more often on the left and the political right stopped using the argument in the course of the period analyzed. The superficial impression that emigration memory would be the domain of one side of the political spectrum proves, however, to be false. Also, van Dijk’s argument, that emigration memory would be employed for the sole purpose of evoking solidarity and would be a “typical example of an antiracist topos”⁵⁹⁴ can confidently be proven wrong by the empirical analysis. We have seen that emigration memory can serve to exclude newcomers and can even be part of what van Dijk himself you probably call racist discourse through means of dissociation.

Luisa Martín Rojo had been more balanced than van Dijk in arguing that emigration memory was used on both sides of the political spectrum and was right with that. However, she was not quite right when pointing out that on the left this amounted to a strategy of identification and on the right to one of dissociation. Although in general terms this thesis has shown that these two strategies are indeed prevalent on the respective side of the political spectrum, Martín Rojo’s conclusion was too narrow. There are exceptions and even counter-indications, if we, for example, take a look at the discursive strategies of the Socialists when in power in the late 2000s.

7.6. The role of emigration memory in Spain... and beyond

The fact that almost all arguments we have encountered in the literature could be proven mistaken or at least qualified in a way by the findings of this thesis, shows how important extensive empirical research on the basis of prior theorizing of emigration memory was. Authors writing about immigration debates seem to describe emigration memory as an explanatory factor without, however, understanding it fully. For the Spanish case the theory and empirical material provided in this study give a first notion of how to comprehend emigration memories: in the phase of migrational transition it was precisely an argumentation using emigration memory that functioned as a link between Spain’s past, identity, and current situation.

But what about other countries? In future academic work it would be desirable to have other case studies examined in similar or greater depth in order to be able to compare the results of this study and find answers to the following questions: Does emigration memory generally have an impact on the political discourses of the legal in- or exclusion of newcomers during periods of migrational transition? Or do they in other countries not play a role at all or become important at completely

⁵⁹³ Van Dijk, 2004, 25.

⁵⁹⁴ Ibid.

other moments in time? Are there patterns of change in the use of emigration memory that repeat themselves? Or are the changes in emigration memory use not similar at all?

A first hint towards an answer of these questions might be given by daring a small comparison of the results of this thesis and the findings of Irial Glynn on selected debates in Ireland and Italy. It becomes clear that the role of emigration memory in the Irish debates⁵⁹⁵ was somewhat akin to its role in the Spanish case. In both we see that during a certain phase, emigration memory was used by all political forces, served as an argument employed by all (whereas in the Irish case it was used in favor of immigration alone and in the Spanish case it also served rather restrictionist arguments). It was then abandoned as an argument by some, so that it became a mostly oppositional argument on the side of pro-immigration actors. What Glynn found for the Italian case,⁵⁹⁶ on the other hand, was the complete opposite: Italian policy-makers were reluctant to employ emigration memory at all as to the connotation of state failure with these memories.⁵⁹⁷ When emigration memory was brought up by policy-makers, it was mostly in a dissociative manner.⁵⁹⁸

Although Spain, Ireland and Italy all comprised of a rather big archive of emigration memory and experienced a similar migrational transition between 1980 and 2010, emigration memory functioned differently in their immigration debates. One can hypothesize about the explanatory factors for this: political circumstances of the time of the debates, national historical path-dependencies, general memory culture of society, etc. To really be able to give an answer to what elicits differences and similarities in the use of emigration memories in different national debates on immigration, more empirical research is needed. A broadening of the time-period and the debates researched for Ireland and Italy would be wishful in order to have a firm basis for a first comparison. Then, other states with a similar profile (rich archive of emigration memory and recent migrational transition), as for example Portugal or Greece, should also be included into the comparison. Contrasting the findings of these analyses to yet another group of countries – those long established as countries of immigration but with plenty of emigration memories, such as Great Britain, France, Germany and others – would allow for an even broader picture and help to further understand the role of emigration memory within processes of adaption to immigration.

Such a research, however, is in need of a sound and in-depth empirical analysis and clear theoretical tools. The empirical material for one case was presented in course of this study. For comparative purposes, similarly structured corpuses of parliamentary debates would needed to be analyzed – but one can also conceive of studies focusing rather on public rather than political discourse and centering on other source material, i.e. newspaper articles, blog entries, literature, etc. On the theoretical side, this thesis has provided a definition and conceptualization of *emigration memory*, the author hopes will serve as basis for further research into the role of memory in migratory processes.

⁵⁹⁵ See Glynn, 2012. Summary in Chapter 1.3.

⁵⁹⁶ See *ibid.*

⁵⁹⁷ See Glynn, 2011, 66. Summary in Chapter 1.3.

⁵⁹⁸ See *ibid.*, 75-76.

8. Bibliography

8.1. Literature

- ALONSO, Matilde / FURIO BLASCO, Elies (2007): España: de la emigración a la inmigración [Spain: from emigration to immigration], in: HAL archives-ouvertes, <https://halshs.archives-ouvertes.fr/halshs-00130293> (last accessed 10.10.2014).
- ÁLVAREZ-MIRANDA, Berta / PÉREZ-DÍAS, Víctor / CHULIÁ, Elisa (2004): La inmigración musulmana en Europa. Turcos en Alemania, argelinos en Francia y marroquíes en España [Muslim immigration in Europe. Turks in Germany, Algerians in France, Moroccans in Spain], Colección Estudios Sociales (15), Barcelona: Fundación la Caixa.
- ÁLVAREZ-VALDÉS Y VALDÉS, Manuel (1992): Extranjería en la Historia del Derecho español [Foreigner Law in the History of Spanish Law], Oviedo: Servicio de Publicaciones Universidad de Oviedo.
- ANDERSON, Benedict (1983): *Imagined communities: reflections on the origin and spread of nationalism*, London: Verso.
- APARICIO GÓMEZ, Rosa / TORNOS CUBILLO, Andrés (2003): Towards an Analysis of Spanish Integration Policy, in: HECKMANN, Friedrich /SCHNAPPER, Dominique (Hg.): *The Integration of Immigrants in European Societies. National Differences and Trends of Convergence*, Forum Migration 7, Stuttgart 2003, 213-252.
- APARICIO GÓMEZ, Rosa / TORNOS CUBILLO, Andrés (2010): Las asociaciones de inmigrantes en España. Una visión de conjunto, Documentos Del Observatorio Permanente De La Inmigración, 26, Madrid: Ministerio de Trabajo e Inmigración.
- ARANGO, Joaquín (1999): *Becoming a Country of Immigration at the End of the Twentieth Century: The Case of Spain*, in: KING, Russell / LAZARIDIS, Gabriella / TSARDANIDIS, Charalambos (eds.): *Eldorado or Fortress? Migration in Southern Europe*, Basingstoke: Macmillan, 253-276.
- ARANGO, Joaquín (2012): *Early starters and latecomers: Comparing countries of immigration and immigration regimes in Europe*, in: OKÓLSKI, Marek (ed.): *European Immigrations. Trends, Structures and Policy Implications*, Amsterdam: Amsterdam University Press, 45-64.
- ARANGO, Joaquín / FINOTELLI, Claudia (2011): *Regularisation of unauthorised immigrants in Italy and Spain: determinants and effects*, Documents d'Anàlisi Geogràfica, Vol. 57 (3), 495-515.
- ASSMANN, Aleida (2006): *Memory, individual and collective*, in: GOODIN, Robert E. / TILLY, Charles (eds.): *The Oxford Handbook of Contextual Political Analysis*, Oxford: Oxford University Press, 210-224.
- ASSMANN, Aleida (2008): *Transformations between History and Memory*, in: *Social Research*, Vol. 75 (1), 49-72.
- BACH, Wolfgang (1977): *Geschichte als politisches Argument [History as Political Argument]*, Stuttgart: Klett-Cotta.
- BAUBÖCK, Rainer (1994): *Transnational citizenship: membership and rights in international migration*, Aldershot: Elgar.
- BERNECKER, Walter L. (2012): *Spanische Geschichte. Von der Reconquista bis heute [Spanish History. From the Reconquista until today]*, Darmstadt: WBG.

- BERNECKER, Walther L. / MAIHOLD, Günther (eds.) (2007): España: del consenso a la polarización. Cambios en la democracia española [Spain: from Consensus to Polarization. Changes in Spanish Democracy], Bibliotheca Ibero-Americana (113), Madrid: Vervuert Verlag.
- BLOEMBRAAD, Irene (2006): Citizenship Lessons from the Past: The Contours of Immigrant Naturalization in the Early 20th Century, in: *Social Science Quarterly*, 87 (5), 927-953.
- BLONDEL, Charles (2011): Revue critique: M. Halbwachs Les cadres sociaux de la mémoire [Critical Review of M. Halbwachs Les cadres sociaux de la mémoire], in: OLICK, Jeffrey/ VINITZKY-SEROUSSI, Vered/ LEVY, Daniel: *The Collective Memory Reader*, Oxford: Oxford University Press, 156.
- BOYD, Carolyn P. (2008): The Politics of History and Memory in Democratic Spain, in: *Annals of the American Academy of Political and Social Science*, Vol. 617, 133-148.
- BRUBAKER, Rogers (1992): *Citizenship and Nationhood in France and Germany*, Cambridge, Harvard University Press.
- BRUBAKER, Rogers (2010): Migration, Membership, and the Modern Nation-State: Internal and External Dimensions of the Politics of Belonging, in: *Journal of Interdisciplinary History*, Vol. 41 (1), 61-78.
- BRUQUETAS-CALLEJO, Maria / GARCÉS-MASCAREÑAS, Blanca / MORÉN-ALEGRET, Ricard / PENNINX, Rinus / RUIZ-VIEYTEZ, Eduardo (2011): The Case of Spain, in: ZINCONCE, Giovanna / PENNINX, Rinus / BORKERT, Maren (eds.) (2011): *Migration Policymaking in Europe. The Dynamics of Actors and Contexts in past and Present*, Amsterdam: Amsterdam University Press, 291-323.
- CABALLERO MENGIBAR, Ana (2009): *Re-imagining a Spanish national identity : the politics of immigration, gender, class, and race*, Thesis (Ph.D.), Northern Arizona University.
- CACHÓN RODRÍGUEZ, Lorenzo (2009): *La "España inmigrante": marco discriminatorio, mercado de trabajo y políticas de integración* [The "immigrating Spain": framework of discrimination, labor market and integration policies], Barcelona: Anthropos.
- CACHÓN, Lorenzo / VALLES, Miguel S. (2003): Trade unionism and immigration: reinterpreting old and new dilemmas, in: *Transfer: European Review of Labour and Research*, Vol. 9, 469-482.
- CANEL CRESPO, María José (1999): *El País, ABC y El Mundo: tres manchetas, tres enfoques de las noticias* [El País, ABC and El Mundo: three Mastheads, three Perspectives on the News], in: *ZER Revista de Estudios de Comunicación*, Vol. 6, 97-117, <http://www.ehu.es/zer/eu/hemeroteca/gaia/el-pais-abc-y-el-mundotres-manchetas-tres-enfoques-de-las-noticias/77> (last accessed on 19.10.2014).
- CARCENAC-LECOMTE, Constance (2004): *Auf den Spuren des kollektiven Gedächtnisses: Gemeinsamkeiten und Unterschiede zwischen den „Lieux des mémoires“ und den „Deutschen Erinnerungsorten“* [Tracing the Collective Memory: Commonalities and Differences between the „Lieux des mémoires“ and the „Deutschen Erinnerungsorten“], in: MOTTE, Jan / OHLIGER, Rainer (eds.): *Geschichte und Gedächtnis in der Einwanderungsgesellschaft: Migration zwischen historischer Rekonstruktion und Erinnerungspolitik* [History and Memory in the Immigration Society: Migration between Historical Reconstruction and Politics of Remembrance], Essen: Klartext, 121-130.
- CARR, David (1986): Narrative and the Real World: An Argument for Continuity, in: *History and Theory*, Vol. 25, 117-131.
- CARRERA, Sergio (2009): *In search of the perfect citizen? The intersection between integration, immigration and nationality in the EU*, Leiden: Nijhoff.

- CASEY, John (1995): El papel de las organizaciones no gubernamentales en la elaboración de las políticas públicas. El case de la integración de inmigrantes extranjeros en Cataluña [The Role of NGOs in the elaboration of Public Policies. The Case of Integration of Foreign Immigrants in Catalunya], Barcelona: Ajuntament de Barcelona.
- CHANDLER, Daniel / MUNDAY, Rod (2014): A Dictionary of Media and Communication, Oxford: Oxford University Press.
- CONEJERO PAZ, Enrique (2012): La política de inmigración en España [The Politics of Immigration in Spain], in: Empresa, Revista de investigación, Vol. 18, <http://www.3ciencias.com/wp-content/uploads/2012/11/politica-inmigracion.pdf> (last accessed 27.9.2014).
- COOK-MARTÍN, David / VILADRICH, Anahí (2009): The Problem with Similarity: Ethnic-Affinity Migrants in Spain, in: Journal of Ethnic and Migration Studies, Vol. 35 (1), 151-170.
- CORNELIUS, Wayne A. (1994): Spain: The Uneasy Transition from Labor Exporter to Labor Importer, in: IBID. / MARTIN, Philip L. / HOLLIFIELD, James F. (eds.): Controlling Immigration. A Global Perspective, Stanford: Stanford University Press, 331-369.
- COSER, Lewis A (1980): Introduction, in: HALBWACHS, Maurice: On Collective Memory, Chicago et al.: The University of Chicago Press, 1-34.
- CUBITT, Geoffrey (2007): History and Memory, Manchester: Manchester University Press.
- DOMINGO I VALLS, Andreu / RECAÑO VALVERDE, Joaquín (2010): La inflexión en el ciclo migratorio internacional en España. Impacto y consecuencias demográficas [The Inflection of the International Migratory Cycle in Spain. Impact and Demographic Consequences], in: AJA FERNÁNDEZ, Eliseo / ARANGO VILA-BELDA, Joaquín / OLIVER I ALONSO, Josep (eds.): La inmigración en tiempos de crisis. [Immigration in Times of Crisis], Anuario de la inmigración en España (2009), Barcelona: Edicions Bellaterra, 183-207.
- ENCARNACIÓN, Omar G. (2004): The Politics of Immigration: Why Spain is different, in: Mediterranean Quarterly, Vol. 15 (4), 167-185.
- FAUSER, Margit (2007): Selective Europeanization: Europe's Impact on Spanish Migration Control, in: FAIST, Thomas / ETTE, Andreas (eds.): The Europeanization of National Policies and Politics of Immigration. Between Autonomy and the European Union, Basingstoke / New York: Palgrave, 136-156.
- FOUCAULT, Michel (2002 (1989)): The Archaeology of Knowledge, London and New York: Routledge Classics.
- GARCÍA DELGADO, José Luis / JIMÉNEZ, Juan Carlos (2003): La economía [The Economy], in: TUSELL, Javier (ed.): La transición a la democracia y el reinado de Juan Carlos I. [The Transition to Democracy and the Reign of Juan Carlos I.], History of Spain, Vol. 42, Madrid: Espasa Calpe, 379-429.
- GARSON, Jean-Pierre / DUMONT, Jean-Christophe: Crisis económica y migraciones: bases para la reflexión [Economic Crisis and Migrations: Basis for Reflection], in: AJA FERNÁNDEZ, Eliseo / ARANGO VILA-BELDA, Joaquín / OLIVER I ALONSO, Josep (eds.): La inmigración en tiempos de crisis. [Immigration in Times of Crisis], Anuario de la inmigración en España (2009), Barcelona: Edicions Bellaterra, 44-51.
- GIL ARAÚJO, Sandra (2006): Las argucias de la integración. Construcción nacional y gobierno de lo social a través de las políticas de integración de inmigrantes. Los casos de Cataluña y Madrid [The Sophistries of Integration. National construction and Social Government through the Politics of Integration of Immigrants. The Cases of Catalunya and Madrid], Doctoral Thesis, Universidad Complutense de Madrid.

- GLYNN, Irial (2011): Emigration Memories and Immigration Realities in Ireland and Italy, in: FANNING, Bryan / MUNCK, Ronaldo (eds.): Globalization, Migration and Social Transformation. Ireland in Europe and the World, Farnham / Burlington: Ashgate, 65-77.
- GLYNN, Irial (2012): Famine Commemorations and Asylum Debates in Ireland Conflated, in: IBID. / KLEIST, J. Olaf (eds.): History, memory and migration: perceptions of the past and the politics of incorporation, Basingstoke et al.: Palgrave Macmillan, 173-188.
- GLYNN, Irial / KLEIST, J. Olaf (eds.) (2012): History, memory and migration: perceptions of the past and the politics of incorporation, Basingstoke et al.: Palgrave Macmillan.
- GONZÁLEZ ENRÍQUEZ, Carmen (2009): Spain, the cheap model: Irregularity and regularization as immigration management policies, in: European Journal of Migration and Law, Vol. 19, 139-157.
- HALBWACHS, Maurice (1980): On Collective Memory, Chicago et al.: The University of Chicago Press.
- HERNÁNDEZ MARCO, José Luis (2006): La economía durante la época de los gobiernos socialistas [The Economy during the Period of the Socialist Governments], in: GONZÁLEZ ENCISO, Agustín / MATÉS BARCO, Juan Manuel: Historia económica de España [Economic History of Spain], Barcelona: Editorial Ariel, 795-818.
- HIRSCH, Marianne (2008): The Generation of Postmemory, in: Poetics Today, Vol. 29 (1), 103-128.
- HUESCA GONZÁLEZ, Ana María (2010): Panorama general de la inmigración en España [General Overview of Immigration in Spain], in: Miscelánea Comillas, Vol. 68 (132), 419-435.
- INE - INSTITUTO NACIONAL DE ESTADÍSTICA (1980, 1982, 1990, 1995, 1997, 2000): España, anuario estadístico [Spain, Statistical Yearbook], Madrid: Instituto Nacional de Estadística.
- IZQUIERDO, A. (1993): The EC and the Spanish immigration policy, in: ALMARCHA, María Amparo (ed.): Spain and EC Membership evaluated, London: Pinter Publishers, 293-301.
- IZQUIERDO ESCRIBANO, Antonio (2002): Panorama de la inmigración en España al alba del siglo XXI [Panorama of Immigration in Spain at the Dawn of the 21st century], in: Mediterraneo Uno, 247-264.
- JOPPKE, Christian (1999): Immigration and the nation-state: the United States, Germany, and Great Britain, Oxford, New York: Oxford University Press.
- JOPPKE, Christian (2005): Selecting by Origin: Ethnic Migration in the Liberal State, Cambridge et al.: Harvard University Press.
- KLEINER-LIEBAU, Désirée (2009): Migration and the Construction of National Identity in Spain, Frankfurt / Madrid: Vervuert / Iberoamericana.
- KLEIST, J. Olaf (2010): Grenzen der Erinnerung. Methoden des Vergangenheitsbezugs und ihre Implikationen für Migrationspolitik [Boundaries of Remembrance. Methods of Relating to the Past and their Implications for Politics of Migration], in: BOESEN, Elisabeth / LENTZ, Fabienne (eds.): Migration und Erinnerung: Konzepte und Methoden der Forschung [Migration and Memory: Concepts and Methods of Research], Berlin / Münster: LIT.
- KÖNIG, Mareike / OHLIGER, Rainer (eds.) (2006): Enlarging European Memory. Migration Movements in Historical Perspective, Ostfildern: Thorbecke.
- KREIENBRINK, Axel (2004): Einwanderungsland Spanien. Migrationspolitik zwischen Europäisierung und nationalen Interessen [Immigrant Country Spain. Politics of Migration between Europeanization and National Interests], Frankfurt am Main / London: IKO – Verlag für Interkulturelle Kommunikation.

- KUSHNER, Tony (2012): *The Battle of Britishness, Migrant Journeys, 1685 to the Present*, Manchester et al.: Manchester University Press.
- LARIO BASTIDA, Manuel (2008): *Crónica crítica del debate político sobre migraciones en España 2008* [Critical Chronicle of the Political Debate on Migration in Spain in 2008], in: *Discurso & Sociedad*, Vol. 2 (1), 769-798.
- LISBONA, José Antonio (1993): *Retorno a Sefarad. La política de España hacia sus judíos en el siglo XX* [Return to Sefarad. The Politics of Spain towards its Jews in the 20th Century], Barcelona: Riopiedras Ediciones.
- LÓPEZ SALA, Ana María (2007): *La política española de inmigración en las dos últimas décadas. Del asombro migratorio a la política en frontera y la integración* [Spanish Immigration Politics in the last two Decades. From the Migratory Surprise to Politics on the Frontier and Integration], in: FUNDACIÓN PEDRO GARCÍA CABRERA (ed.): *Inmigración en Canarias. Contexto, tendencias y retos* [Immigration in the Canary Islands. Contexts, Tendencies and Challenges], 23-37.
- LORENZ, Chris (1994): *Historical Knowledge and Historical Reality: A Plea for 'Internal Realism'*, in: *History and Theory*, Vol. 33, 297-327.
- MARQUEZ LEPE, Esther (2006): *La gestión política de la diversidad cultural en España: análisis de los discursos parlamentarios sobre inmigración* [The Political Management of Cultural Diversity in Spain: Analysis of the Parliamentary Discourses on Immigration], Doctoral Thesis, Universidad de Granada.
- MARTÍN-PÉREZ, Albert / MORENO-FUENTES, Francisco Javier (2012): *Migration and Citizenship Lay in Spain: Path-dependency and Policy Change in a Recent Country of Immigration*, in: *International Migration Review*, Vol. 46 (3), 625-655.
- MARTÍN ROJO, Luisa (2000): *Spain, Outer Wall of the European Fortress. Analysis of the parliamentary Debates on the Immigration Policy in Spain*, in: WODAK, Ruth / van DIJK, Teun A. (eds.): *Racism at the Top. Parliamentary Discourses on Ethnic Issues in Six European States*, Klagenfurt: Drava Verlag, 169-220.
- MARTÍN ROJO, Luisa / van DIJK, Teun (1997): "There was a problem, and it was solved!": Legitimizing the expulsion of 'illegal' migrants in Spanish parliamentary discourse, in: *Discourse and Society*, Vol.8 (4), 523-566.
- MINISTERIO DE EMPLEO Y SEGURIDAD SOCIAL (2009): *Anuario Estadístico de Inmigración 2009* [Yearbook of Immigration 2009], Madrid: Ministerio de Empleo y Seguridad Social.
- MINISTERIO DE EMPLEO Y SEGURIDAD SOCIAL (2011): *Extranjeros residentes en España a 31 diciembre de 2010. Principales resultados* [Foreign Residents in Spain as of 31 December 2010. Principal Results], Madrid: Ministerio de Empleo y Seguridad Social.
- MINISTERIO DE EMPLEO Y SEGURIDAD SOCIAL (2014): *Extranjeros residentes en España a 31 diciembre de 2013. Principales resultados* [Foreign Residents in Spain as of 31 December 2013. Principal Results], Madrid: Ministerio de Empleo y Seguridad Social.
- MINISTERIO DE TRABAJO E INMIGRACIÓN (2012): *Impacto de las medidas de retorno* [The Impact of Return Measures], in: *Barataria, Revista Castellano-Manchega de Ciencias Sociales*, Vol. 13, 239-252.
- MINISTERIO DEL INTERIOR (2013): *Las elecciones generales en España 1977-2011* [The General Elections in Spain 1977-2011], Madrid: Ministerio del Interior.

- MORENO FUENTES, Francisco Javier (2004): The Evolution of immigration policies in Spain: between external constraints and domestic demand for unskilled labour, Working papers of the Instituto Juan March de Estudios e Investigaciones, Centro de Estudios Avanzados en Ciencias Sociales, 211.
- MORENO FUENTES, Francisco Javier (2005): Evolution of Spanish immigration policies and their impact on North African migration to Spain, in: HAGAR Studies in Culture, Polity and Identities, Vol.6 (1), 119-145.
- MOTTE, Jan / OHLIGER, Rainer (eds.) (2004): Geschichte und Gedächtnis in der Einwanderungsgesellschaft: Migration zwischen historischer Rekonstruktion und Erinnerungspolitik [History and Memory in the Immigration Society: Migration between Historical Reconstruction and Politics of Remembrance], Essen: Klartext.
- MURO CASTILLO, Alberto / COBO DEL ROSAL, Gabriela (2011): La condición de nacional y extranjero en el constitucionalismo decimonónico español [The Condition of “national” and “foreigner” in the 19th Century Spanish Constitutionalism], in: GARCÍA CASTAÑO, F. J. / KRESSOVA, N. (eds.): Actas del I Congreso Internacional sobre Migraciones en Andalucía [Minutes of the First International Congress on Migrations in Andalusia], Granada: Instituto de Migraciones, 2083-2090.
- NAVALES, Carles (2002): Informe de Girona: así se hizo [The Girona Declaration: this is how it was made], in: La factoría, Vol. 18, <http://www.revistalafactoria.eu/articulo.php?id=211> (last accessed 9.9.2014).
- NORA, Pierre (1989): Les Lieux de Mémoire, in: Representations, Vol. 26, Special Issue: Memory and Counter-Memory, 7-24.
- NOIRIEL, Gérard (1995): Immigration: Amnesia and Memory, in: French Historical Studies, Vol. 19 (2), 367-380.
- OSPINA SÁNCHEZ, Gloria Inés (2011): Diez años de política migratoria: avanzando hacia la responsabilidad [Then years of Migratory Policy: Progressing towards Responsibility], in: UNISCI Discussion Papers, Num. 27, 251-263.
- PEIXOTO, João / ARANGO, Joaquín / BONIFAZI, Corrado / FINOTELLI, Claudia / SABINO, Catarina / STROZZA, Salvatore / TRIANDAFYLIDOU, Anna (2012): Immigrants, markets and policies in Southern Europe. The making of an immigration model?, in: OKÓLSKI, Marek (ed.): European Immigrations. Trends, Structures and Policy Implications, IMISCOE Research, Amsterdam: Amsterdam University Press, 107-148.
- PLEWA, Piotr (2012): The Effects of Voluntary Return Programmes on Migration Flows in the Context of the 1973/74 and 2008/09 Economic Crises, in: Comparative Population Studies – Zeitschrift für Bevölkerungswissenschaft, Vol. 37 (1-2), 147-176.
- PRADOS GARCÍA, Celia (2011): La expulsión de los judíos y el retorno de los sefardíes como nacionales españoles. Un análisis histórico-jurídico [The Expulsion of the Jews and the Return of the *sefardíes* as Spanish Nationals. A Historio-Judicial Analysis], in: GARCÍA CASTAÑO, J. F. / KRESSOVA, N. (eds.): Actas del I Congreso Internacional sobre Migraciones en Andalucía [Minutes of the First International Congress on Migrations in Andalusia], Granada: Instituto de Migraciones, 2119-2126.
- ROTHBERG, Michael (2009a): Multidirectional Memory: Remembering the Holocaust in the Age of Decolonization, Stanford: Stanford University Press.
- ROTHBERG, Michael (2009b): “L’Holocaust et l’imagination comparative.” Michael Rothberg interviewed by Fransiska Louwagie and Pieter Vermeulen, in: Témoigner: Entre Histoire et Mémoire, Vol. 106, 151-167. English version: The Holocaust and the Comparative Imagination. Interview with Michael Rothberg, at http://michaelrothberg.weebly.com/uploads/5/4/6/8/5468139/interview_holocaust_and_comparative_imagination.pdf (last accessed 20.10.2014).

- ROTHBERG, Michael (2010): *Between Memory and Memory. From Lieux de mémoire to Noeuds de mémoire*, in: *Yale French Studies*, Vol. 118/119, 3-12.
- ROTHBERG, Michael / YILDIZ, Yasemin (2011): *Memory Citizenship: Migrant Archives of Holocaust Remembrance in Contemporary Germany*, in: *parallax*, Vol. 17 (4), 32-48.
- RUBIO CARBONERO, Gema (2010): *Los discursos políticos del Partido Popular sobre inmigración [The Political Discourse of the People's Party on Immigration]*, Doctoral Thesis, Universitat Pompeu Fabra.
- SÁNCHEZ ALONSO, Blanca (2011): *La política migratoria en España. Un análisis de largo plazo [Migration Politics in Spain. A Long-Term Analysis]*, in: *Revista Internacional de Sociología, La inmigración en España: perspectivas innovadoras*, Monograph (1), 243-268.
- SCHROVER, Marlou/ SCHINKEL, Willem (2013): *Introduction: the language of inclusion and exclusion in the context of immigration and integration*, in: *Ethnic and Racial Studies*, 37 (7), 1123-1141.
- SKYRIN, Elizabeth (2013): *Postmemory*, Wikipost, 28.11.2013 at CoHaB – Diasporic Constructions of Home and Belonging, <http://www.itn-cohab.eu/wiki/postmemory> (last accessed 23.10.2014).
- SORIANO-MIRAS, Rosa M. (2011): *Análisis sociológico de la Ley 4/2000, de 11 de enero, sobre derechos y libertades de los extranjeros en España y su integración social, Sus reformas (8/2000, 11/2003, 14/2003, 2/2009) y su implicación social [Sociological Analysis of Law 4/2000... and its Social Implication]*, in: *Papers: revista de sociología*, Vol. 96, 683-705.
- STEINER, Niklaus (1999): *Arguing about international legal norms in parliamentary asylum debates*, in: *Global Society*, Vol. 13 (3), 349-366.
- STEINER, Niklaus (2000): *Arguing about Asylum, The Complexity of Refugee Debates in Europe*, New York: St. Martin's Press.
- TANGERMANN, Julian (2014): *Review of Kushner, Tony, The Battle of Britishness: Migrant Journeys, 1685 to the Present. H-Migration, H-Net Reviews. January, 2014. URL: <http://www.h-net.org/reviews/showrev.php?id=40695> (last accessed on 27.10.2014).*
- TORRES, Francisco (2008): *Inmigración y segundo gobierno de Zapatero. El cambio en la política de inmigración [Immigration and the Second Government of Zapatero. The Change in the Politics of Immigration]*, in: *Página abierta*, Vol. 196, <http://www.pensamientocritico.org/frator1008.html> (last accessed on 28.9.2014).
- TUMBLETY, Joan (ed.) (2013): *Memory and History. Understanding Memory as Source and Subject*, New York et al.: Routledge.
- TUSELL, Javier (Hg.): *La transición a la democracia y el reinado de Juan Carlos I. [The Transition to Democracy and the Reign of Juan Carlos I.]*, Madrid 2003,
- Van DIJK, Teun A. (2004): *Racism and Discourse in Spain and Latin America*, Amsterdam/Philadelphia: John Benjamins Publishing Company.
- WATTS, Julie R. (1998): *Strange Bedfellows: How Spanish Labor Union Leaders and Employers Find Common Ground on Immigration*, in: *Policy Studies Journal*, Vol. 26 (4), 657-675.
- WODAK, Ruth / de CILLIA, Rudolf / REISIGL, Martin / LIEBHART, Karin (2009): *The Discursive Construction of National Identity (Second edition)*, Edinburgh: Edinburgh University Press.
- YLLÁN CALDERON, Esperanza (2003): *La transición española [The Spanish Transition]*, Madrid: Akal.

ZAPATA-BARRERO, Ricard (2009): Policies and public opinion towards immigrants: the Spanish case, in: *Ethnic and Racial Studies*, Vol. 32 (7), 1101-1120.

ZAPATA-BARRERO, Ricard (2010): Managing Diversity in Spanish Society: A Practical Approach, in: *Journal of Intercultural Studies*, Vol. 31 (4), 383-402.

8.2. Newspaper articles

8.2.1. ABC

1980s

Los canidatos, ABC, Nacional, 13.10.1982, 31

Guerra anuncia el inmediato envío a las Cortes de una ley de asilo, ABC, Nacional, 18.12.1982, 33

España no ofrecerá asilo político a los terroristas extranjeros, ABC, Nacional, 18.6.1983, 18

Aprobado el proyecto de ley de derecho de asilo, ABC, Nacional, 21.04.1984, 6

Los joyeros secundaron la convocatoria de cierre en protesta por la inseguridad ciudadana,
ABC, Nacional, 14.11.1984, 21

El Gobierno aprobará hoy la «contrarreforma» en Justicia, ABC, Nacional, 4.4.1984, 19

El Gobierno enviará hoy a las Cortes la reforma de la ley de Enjuiciamiento Criminal,
ABC, Nacional, 5.4.1984, 21

Barrionuevo anuncia cambios en los Cuerpos policiales, ABC, Nacional, 27.10.1984, 19

Los extranjeros residentes podrán votar en las elecciones municipales, ABC, Nacional, 10.11.1984, 17

Discrepancias en el Gobierno ante el proyecto de ley de Extranjería, ABC, Nacional, 19.11.1984, 21

Juan Barranco: «El contrato directo es legal; es un concurso restringido», ABC, Madrid, 29.1.1985, 36
Melilla, ABC, Nacional, 30.1.1985, 15

Los ciegos no quieren ser intervenidos por el Estado, sino autogobernarse, ABC, Madrid, 27.2.1985, 40

Los 6.000 exiliados políticos que hay en España, entre el amparo de las leyes y el rechazo social,
ABC, Nacional, 28.2.1985, 45

Los obispos critican la ley de Extranjería, ABC, Nacional, 1.5.1985, 37

De Los Extranjeros En España, ABC, Nacional, 1.9.1985

Parte de los veinte mil musulmanes de Melilla podrían ser expulsados, ABC, Andalucía, 27.10.1985, 38

Tensión en Melilla en las vísperas de una manifestación contra la ley de Extranjería, ABC, Andalucía, 20.11.1985
Barrionuevo pide al delegado del Gobierno en Melilia firmeza con la ley de Extranjería,
ABC, Nacional, 30.11.1985, 22

La manifestación en Melilla a favor de la ley de Extranjería fue un acto de afirmación española,
ABC, Nacional, 7.12.1985

Dirigente musulmán, despedido por el alcalde de Melilla, ABC, Nacional, 16.12.1985, 26
Todos los musulmanes de Ceuta y Melilla podrían nacionalizarse, ABC, Nacional, 18.12.1985, 29
Los jueces no aplicarán aún la ley de Extranjería, ABC, Nacional, 24.12.1985, 22
La ley de Extranjería, motivo de una profunda discrepancia, ABC, Nacional, 29.1.1986, 20

1990s

Victoria de Aznar, ABC, Nacional, 1.3.1996
Exteriores asegura que la mayoría de los inmigrantes deportados quedaron libres al llegar a Lagos, ABC, Nacional, 17.8.1996
La asociación SOS Racismo exige que la nueva Ley de Extranjería asegure los derechos básicos, ABC, Sevilla, 6.8.1998
Humanitarismo y ley, ABC, Nacional, 4.2.1999
Los inmigrantes tendrán acceso a la asistencia sanitaria gratuita, ABC, Nacional, 22.9.1999
CiU arranca al PP un preacuerdo sobre visados y periodo de empadronamiento, ABC, Nacional, 10.12.1999
Un Paraíso para los inmigrantes, ABC, Sevilla, 31.12.1999

2000s

Accem pide una nueva Ley de Asilo para los refugiados, ABC, Toledo, 19.6.2008
Aprueban una nueva Ley de Asilo que protege a mujeres, niños y gays, ABC, Nacional, 25.6.2009
Unos 100.000 inmigrantes podrían acogerse al plan de retorno voluntario en España, ABC, 18.7.2008
Javier de Lucas: «Queríamos mano de obra, pero nos han llegado personas», ABC, 27.12.2008
Sin consenso y con muchas críticas, ABC, Nacional, 30.11.2009
El primer asilado en España por ser gay sueña con ir de la mano con su pareja, ABC, Nacional, 16.12.2009

8.2.2. El País

1980s

España, tierra de asilo / 1, El País, 12.12.1982
El Gobierno español obligará a regularizar su situación a los marroquíes que viven en Ceuta y Melilla, El País, 11.3.1983
Sudacas' del mundo, uníos, El País, 20.6.1983
Minoría Catalana, PNV y PCE proponen que un servicio de protección asuma las atribuciones de Interior en materia de asilo, El País, 3.10.1983
Los extranjeros podrán usar el derecho al asilo cuando sufran persecución política, El País, 11.11.1983
Detenidos en Barcelona 141 extranjeros por delincuencia o situación irregular, El País, Barcelona, 19.07.1983

Las autoridades de Melilla intentarán frenar el aumento de la comunidad musulmana no española,
El País, 1.2.1984

Yo también fui extranjero, El País, 4.2.1984

Morir con los zapatos puestos, El País, 26.10.1984

El Consejo de Ministros aprueba un proyecto de ley que permite expulsar a extranjeros 'indeseables',
El País, 13.12.1984

La nueva ley de extranjeros otorga al Gobierno plenos poderes para la expulsión de mafiosos,
El País, 18.12.1984

La vergüenza de Melilla, El País, 29.1.1985

Legalizar Melilla, El País, 11.5.1985

El Gobierno, dispuesto a aplicar la nueva ley de extranjeros a los presuntos delincuentes, El País, 9.9.1985

El Defensor del Pueblo recurre la ley de extranjería, El País, 5.10.1985

Más de 6.000 musulmanes de Melilla se verán afectados por la ley de extranjería, El País, 23.10.1985

18 extranjeros estaban hacinados en una celda de 24 metros cuadrados en la jefatura de Barcelona,
El País, 25.10.1985

Tensión en Melilla en las vísperas de una manifestación contra la ley de Extranjería, El País, 20.11.1985

Miles de musulmanes se manifiestan en Melilla contra la ley de Extranjería, El País, 24.11.1985

Dos asesores del Defensor del Pueblo investigan en Melilla la situación de los musulmanes, El País, 28.11.1985

El Gobierno asegura que facilitará la plena integración de los musulmanes de Ceuta y Melilla,
El País, 30.11.1985

El Gobierno tiene un plan reservado para conceder la nacionalidad española a un mayor número de
musulmanes, El País, 1.12.1985

Moros y cristianos, El País, 17.12.1985

Interior llega a un acuerdo con los líderes de los musulmanes de Ceuta y Melilla sobre la ley de extranjería,
El País, 11.2.1986

Ruiz-Giménez apoya una reforma profunda de la ley de extranjería, El País, 13.2.1986

La ley de extranjería no supondrá expulsión de musulmanes, según Barrionuevo, El País, 3.4.1986

La alcaldesa de Boadilla, acusada de racismo por derribar una caseta ocupada por árabes, El País, 15.5.1986

Los musulmanes de Melilla optaron en asamblea por la "ruptura condicionada" con Madrid, El País, 16.6.1986

1990s

Aznar gana, pero necesita pactos para gobernar, El País, 4.3.1996

Grupos humanitarios critican la supresión de Migraciones y Extranjería y Asilo, El País, 15.5.1996

IU califica de "terrorismo de Estado" la expulsión de 119 inmigrantes, El País, 6.7.1996

El problema y la solución, El País, 29.7.1996

Inmigrantes expulsados, El País, 4.8.1996

Los inmigrantes, El País, 25.8.1996.

Inmigrantes, El País, 1.9.1996

El PSOE acusa a Mayor de mentir sobre la expulsión de 103 africanos, El País, 31.10.1996

Las ONG piden que la red de salud local asista a inmigrantes, El País, 10.4.1997

Protesta marroquí contra las normas de extranjería, El País, 24.5.1997

12.000 inmigrantes se quedan sin permiso laboral, El País, 21.1.1998

Entrevista:"La inmigración ilegal no se arregla con alambradas", El País, 2.2.1998

¡Quién te ha visto y quién te ve!, El País, 19.2.1998

El Gobierno aprueba un cupo de 28.000 inmigrantes, que las ONG ven "insuficiente", El País, 14.3.1998

Los partidos acuerdan la creación de una secretaría de Estado de inmigración, El País, 4.5.1998

De la irredención de la provincial, El País, 19.6.1998

Papeles y ley de extranjería, El País, 1.7.1998

17.536 inmigrantes solicitan los 8.415 permisos laborales para extracomunitarios, El País, 2.7.1998

Las asociaciones civiles piden crear un ministerio de migraciones, El País, 20.8.1998

El PSOE propugna el voto para los inmigrantes legales en las municipales, El País, 24.9.1998

Médicos del Mundo reclama asistencia sanitaria gratuita para los inmigrantes, El País, 1.10.1998

Los musulmanes denuncian trato discriminatorio para residir en Melilla, El País, 23.11.1998

Sanidad sostiene que es ilegal dar tarjetas sanitarias a indocumentados, El País, 23.10.1998

Los médicos de familia piden poder atender a los inmigrantes, El País, 16.11.1998

El PSOE propone un plan integral para dar escuela y médico a los inmigrantes legales e ilegales de Almería,
El País, 24.11.1998

Un poblado arrollado por la M-50, El País, 9.12.1998

El obispado de Cádiz cree que el control policial aumenta la inmigración ilegal, El País, 3.1.1999

Organizaciones católicas reclaman la regularización de 50.000 "ilegales", El País, 14.1.1999

Varias ONG piden a Sanidad que asista a extranjeros sin papeles, El País, 20.1.1999

La batalla de la asistencia sanitaria, El País, 21.1.1999

Nueva Izquierda reclama la tarjeta sanitaria para los niños inmigrantes, El País, 28.1.1999

Comprometidos a pagar, El País, 30.1.1999

El Gobierno anuncia que también entregará tarjeta sanitaria a todos los adultos "sin papeles", El País, 4.2.1999

IU cuestiona la eficacia de las tarjetas, El País, 5.2.1999

El obispo de Girona pide que la escuela integre a los inmigrantes, El País, 15.4.1999

El Gobierno estudia implantar contratos para emigrantes, El País, 6.5.1999

El arzobispo de Tarragona pide una ley de acogida de los inmigrantes, El País, 21.6.1999

Reconquistas, El País, 20.7.1999

El Insalud ha repartido más de 6.200 tarjetas sanitarias entre los hijos de inmigrantes indocumentados,
El País, 20.9.1999

Avergonzado, El País, 21.9.1999

El Congreso aprueba por unanimidad la asistencia sanitaria a todos los inmigrantes, El País, 22.9.1999

El obispo de Cádiz denuncia a las "mafias inhumanas" de la inmigración, El País, 27.9.1999

Los derechos de los extranjeros, El País, 4.10.1999

¿Ley de Extranjería de la UE?, El País, 15.10.1999

El PP paraliza la reforma, El País, 22.10.1999

El ponente del PP replica a Mayor que la ley no es "insensata", El País, 20.11.1999

Sindicatos y ONG critican al PP por el parón de la ley de extranjería, El País, 23.10.1999

CCOO denuncia que el Gobierno presiona contra la Ley de Extranjería, 6.11.1999

CiU da marcha atrás y acuerda con el PP modificar la Ley de Extranjería, El País, 27.11.1999

Cascos garantiza la aprobación de la Ley de Extranjería, pese a la oposición de Mayor, El País, 18.11.1999

Aznar da la razón a Mayor frente a Cascos y ordena al PP que enmiende la Ley de Extranjería,
El País, 19.11.1999

CiU se opone a rebajar "el espíritu progresista" del proyecto consensuado, El País, 20.11.1999

El Gobierno bloqueará en el Senado la Ley de Extranjería con las enmiendas de Interior, El País, 21.11.1999

Las asociaciones sociales inician hoy protestas en defensa de la ley, El País, 25.11.1999

El extranjero soy yo, El País, 2.12.1999

Las organizaciones sociales dejan el consejo consultivo del Gobierno sobre la inmigración, El País, 11.12.1999

Coalición Canaria se abstendrá en el Senado ante las 106 enmiendas a la Ley de Extranjería, El País, 14.12.1999

Sindicatos y ONG piden a varios partidos que no voten a favor de la Ley de Extranjería, El País, 15.12.1999

Coalición Canaria negocia la retirada de enmiendas del PP a la Ley de Extranjería, El País, 16.12.1999

Coalición Canaria denuncia presiones del PP por la Ley de Extranjería, El País, 18.12.1999

CC decide apurar hasta última hora la negociación de la Ley de Extranjería, El País, 21.12.1999

Un senador y el ponente del PP debaten ante Aznar sobre el progresismo del texto, El País, 21.12.1999

Coalición Canaria anuncia que votará contra la Ley de Extranjería pactada por PP y CiU, El País, 22.12.1999

Fracaso del Gobierno con la Ley de Extranjería, El País, 23.12.1999

El PP promete reformar la nueva norma en su programa electoral, El País, 23.12.1999

Puerco mundo, El País, 6.2.2000

Inmigrante, El País, 6.2.2000

Cientos de vecinos de El Ejido atacan a los inmigrantes y destrozan sus locales, El País, 7.2.2000

Sindicatos, organizaciones sociales y oposición acusan al Gobierno de la pasividad policial, El País, 8.2.2000

El racismo de las mil caras, El País, 10.2.2000

Una sociedad obligada a la solidaridad con los inmigrantes, El País, 11.2.2000

"Hubo pasividad de la policía porque el alcalde impuso su criterio", El País, 13.2.2000

Una gran oportunidad, El País, 14.2.2000

Huyendo del desierto, El País, 20.2.2000

2000s

BNG formará grupo parlamentario con ERC e IU-ICV, El País, 3.4.2008

El Congreso avala el plan de retorno para extranjeros, El País, 3.10.2008

La ley de asilo, El País, 21.3.2009

El Gobierno acepta cambios en su reforma de la Ley de Extranjería, El País, 4.5.2009

PSOE, PP y CiU pactan una ampliación de la futura ley de asilo, El País, 18.6.2009

El derecho de asilo en tiempos difíciles, El País, 20.6.2009

La nueva ley de asilo se aprueba con el apoyo de PP y CiU y el rechazo de la izquierda, El País, 25.6.2009

El fracaso del retorno voluntario de inmigrantes, *El País*, 25.7.2009

Marchas en 10 ciudades contra la reforma de la Ley de Extranjería, *El País*, 18.10.2009

El Congreso aprueba la reforma que endurece la ley de Extranjería, *El País*, 29.10.2009

8.2.3. Other newspapers

La ONU critica la nueva Ley de Asilo, *El Mundo*, 20.3.2009

Se inicia la reforma de la Ley de Extranjería sin un acuerdo sobre los menores no acompañados,

LaProvincia.es, 9.9.2009

Aprobada la nueva Ley de Extranjería, *El Mundo*, 27.11.2009

Jorge Verstrynge: de secretario general del PP a 'okupa' dealojado, *La Voz Libre*, 25.5.2012

8.3. Sources not enlisted in the Appendix

BARDERA, Antoni (2002 (1992)): Informe de Girona: cincuenta propuestas sobre inmigración [The Declaration of Girona: Fifty Proposals on Immigration], in: *La factoría*, Vol. 18, <http://www.revistalafactoria.eu/articulo.php?id=210> (last accessed 1.11.2014).

COMISIÓN EPISCOPAL DE MIGRACIONES (1995): La inmigración en España: desafío a la sociedad y a la iglesia españolas [Immigration in Spain: Challenge to Spanish Society and Church].

COMISIÓN PERMANENTE DE LA CONFERENCIA EPISCOPAL ESPAÑOLA (2000): Nota de prensa sobre la Ley de Extranjería [Press Note on the Foreigners Law].

COMISIÓN PERMANENTE HOAC (2009): Ante la nueva Ley de Extranjería [Towards the New Foreigners Law], <http://www.diocesisdecanarias.es/pdf/extranjeria.pdf> (last accessed 5.10.2014).

FORO DE CURAS EN MADRID (2009): Ante la tramitación parlamentaria de la ley de Extranjería [Towards the Parliamentary Proceeding of the Foreigners Law], <http://antenamisionera.wordpress.com/2009/11/25/ante-la-tramitacion-parlamentaria-de-la-ley-de-extranjeria/> (last accessed 5.10.2014).

SOS RACISMO (2009): Nota de prensa: NO a la ley de Extranjería, no al aumento del racismo institucional [Press Note: NO to the Foreigners Law, no to the Increase of Institutional Racism], <http://www.sosracisme.org/2009/10> (last accessed 5.10.2014).

9. Appendix – Source index

9.1. The second legislation (1982-1986)



Political distribution of quotes referring to emigration memory – political spectrum

Political inclination	Left	Center	Right	Other/unknown
Number of passages referring to emigration memory	10	7	5	1

Political distribution of quotes referring to emigration memory – parties

Political party	Partido Comunista de España (PCE)	Partido Socialista Obrero Español (PSOE) (Government)	Convergència i Unió (CiU)	Unión de Centro Democrático (UCD)	Alianza Popular - Partido Demócrata Popular (AP-PDP)	Independent
Number of passages referring to emigration memory	3	7	6	5	1	1

Explanation of the source index

Colors	Sources	Memory type
 Asylum Law	PR Parliamentary records L Legal texts L(pro) Draft legal texts	G General LM Labor Migration S Sefardíes I Iberoamerica/America Latina IM Internal Migration P Personal PE Political Exile EU Europe MO Moriscos CH Children RM Return Migration
 Foreigners Law		

Initiative	Date	Source Type	Document	Source Name	Content	Description	Memories	Memory Type	Enunciator	Political Inclination	Quote	Reference	Context
	11-5-1981	PR L(Pro)	BOCG, 1. Leg., Serie A, Núm. 194-1 del 11.05.1981	BOCG_A_1981-194	Proyecto de Ley Orgánica de Derechos y libertades del los extranjeros en España.	The first draft of law of foreigners law seeks to incorporate the given norms and the constitutional demand to regulate the rights and liberties of foreigners in Spain.	No	-	-	-	-	-	-
	7-6-1983	PR L(Pro)	BOCG, 2. Leg., Serie A, Núm. 321 del 7-6-1983	1983_06_760C G_A_002-1	-	-	No	-	-	-	-	-	-
	22-9-1983	PR	BOCG, 2. Leg., Serie D, Núm. 4 del 08.10.1983	BOCG_D_004	Pregunta del Diputado don Jorge Verstynge Rojas, del Grupo Parlamentario Popular, relativa a numeros de extranjeros que residen en España actualmente y legalidad de los mismos (pág. 388)	In a parliamentary question (written), Verstynge Rojas (AP) asks the government about the situation of foreigners in Spain, their legal situation, the way they interfere with the labor market and how the government will seek to curb immigration.	Yes	G	Jorge Verstynge Rojas (AP)	Right	Antes los españoles, por tradición y por necesidad, emigrábamos. Hoy por el hecho de que la crisis económica no ha respetado a nadie las trabas para la emigración son casi insalvables. Y, curiosa y desgraciadamente, nos hemos convertido en el pseudoparaiso de los inmigrantes, pues, si bien la oferta de empleo no es strayente si lo es la facilidad con que se produce el asentamiento.	388	At the beginning of his written question.
	4-10-1983	PR	DSC, 2. Leg., Pleno, Núm. 61 del 25.10.1983	DSC_PL_061	Debate de totalidad: Proyecto de Ley reguladora del derecho de asilo	Sanabria Escudero (PP) criticizes that the Socialist project would be too imprecise and thus open space for all kinds of abuse of the law, and that it one the other side would fall short of other aspects of asylum; the AP makes a complete amendment, because the spirit of the draft would be that of a security problem and not that of a human right. Roca Junyent (Grupo Parlamentario de Minoría Catalana) sums up the different initiatives that have so far been undertaken to enact an asylum law; he makes clear that the Socialist draft would contradict an earlier draft of the same party; as Sanabria, he also criticizes the focus on security; both also make reference to other European states, where asylum is handled not by the minister of interior but by other political entities. In his turn against the two amendments, Berenguer Fuster (PSOE) speaks in favor of the draft, thereby dismantling the AP amendments as being paradoxical and contradictory, and the amendment of the Minoría Catalana as not being too different from the draft.	Yes	PE	Miquel Roca Junyent (GU)	Center	En primer término decía memoria histórica por una razón. Los señores del Gobierno y del Grupo que le apoya coinciden con nosotros en un tema básico. Son muchos o algunos representantes de esta Cámara los que han gozado del derecho de asilo, que se concedió y se reconoció a los ciudadanos españoles en otros momentos de nuestra historia, y yo tengo que decir que, en aplicación del proyecto de Ley que hoy el Gobierno plantea ante esta Cámara, otros Estados no hubieran podido conceder el asilo a Diputados que hoy se sientan en esta Cámara, a Diputados que hoy, agradecidamente, lo que quieren es, precisamente, reconocer que se debe dar a este derecho un tratamiento, no de problema de seguridad del Estado, sino de problema mucho más profundo, enraizado en lo que es la defensa de los derechos humanos, de la solidaridad internacional y de la causa común de la libertad. Hay un problema de seguridad jurídica importante.	2862	When defending the total amendment against the Socialist draft.
						Sanabria (AP) answers rejecting the idea that the AP would contradict itself with the different amendments (a la totalidad y parciales) and that the PSOE would be the one contradicting itself with the draft of 1980 and of today. Roca Junyent (Minoría Catalana) defends the position of his group against the draft again, arguing that the arguments Berenguer took were not right and that the PSOE should accept that itself had drafted a better version of the law in 1980. Berenguer (PSOE) in his answer makes clear that the law is the same as the 1980's draft and that the AP would be the one contradicting itself.	Yes	PE	Miquel Roca Junyent (GU)	Center	Pero, como decía, hay más problemas. Por ejemplo, la forma en que se arbitra, de que sea precisamente el Gobierno, el que, a propuesta del Ministerio del Interior, sea quien resuelva. A partir de este momento se suprime todo lo que son los recursos administrativos, y ustedes saben, y algunos de sus compañeros históricos saben, por triste experiencia, que si a un ciudadano que busca refugio, cuando está entrando en la frontera, se le pide que aporte determinados documentos que acrediten, por ejemplo, su condición política, puede ser que tarde unos meses, y entonces resultará que ustedes están denegando esta condición de títalo político, están impidiendo el recurso administrativo y están negando el recurso contencioso-administrativo, con lo cual, a partir de ese momento, se produce la expulsión de ese ciudadano. Con esta práctica, con la práctica que ustedes imponen aquí hoy, en 1939 muchísimos refugiados españoles no hubieran podido gozar del asilo, y ustedes lo saben, y esto tiene que rectificarse, esto debe rectificarse.	2863	When denouncing the regressionist spirit of the Socialist draft as opposed to their own earlier draft.
						In a last round of interventions Lopez Raimundo (Grupo Mixto - PCE) makes clear that the communists will vote against the PSOE but in favor of the GU amendment, as the PSOE draft would be too right-wing; he states that the law should not exclude freedomfighters. Antonio Diaz Fuentes (Grupo Centrista, GC) also explains that his party will vote in favor of the Catalan draft.	Yes	PE	Miquel Roca Junyent (GU)	Center	No creo que, como decía el portavoz del Grupo Socialista en la anterior legislatura, don Gregorio Peces-Barba, los demócratas españoles tienen contrada una deuda histórica en el tratamiento de este tema, e invitaba a los que entonces ocupaban los escaños de esta Cámara a que quisieran solidarizarse con los socialistas en un tratamiento generoso de esta cuestión. A mi hoy me corresponde invitar a los propios socialistas a que quieran sumarse a este tratamiento generoso, aceptando, precisamente, su proposición de Ley, no un proyecto de Ley que no tiene nada que ver con lo que en aquel momento se defendió y que, de verdad, es algo que nosotros no podemos hacer, ni como servicio a la democracia ni como solidaridad.	2863	When finishing his intervention.
							Yes	PE	Luis Berenguer Fuster (PSOE)	Left	Piense S. S. si este razonamiento se hubiera adoptado en determinados países, como por ejemplo en Méjico, a partir de 1939, cuando los exiliados españoles contribuyeron no solamente a fortalecer la economía mejicana, sino también, como ha sido reconocido absolutamente por todo el mundo, a mejorar la categoría a la propia Universidad mejicana por la talla intelectual de buen número de estos exiliados españoles.	2865	When attacking the amendment of the AP, saying that their reasoning (that the wider right to asylum would aggravate social insecurity) was xenophobic.

	10-11-1983	PR	DSC. 2. Leg., Serie Comisiones, Núm. 84 de 10.11.1983	CO_084	Dictamen sobre el proyecto de Ley reguladora del derecho de asilo.	The Constitutional Commission discusses and amends the draft that had been discussed by the Ponencia	Yes	PE	Gregorio López Raimundo (Comunista)	Left	[...] es asimismo urgente convertir España en tierra de asilo. Ello no sólo para equipararnos a otros países de Europa en lo que se refiere al derecho de asilo, sino, asimismo, para pagar la deuda moral que la democracia española tiene con los Estados que acogieron a los cientos de miles de españoles que se exiliaron tras la guerra civil y, de modo especial, con los pueblos latinoamericanos que padecieron Gobiernos dictatoriales con cuya lucha nos sentimos solidarios.	2870	When explaining why it is necessary to create a new asylum law but why the communists would not vote in favor of the draft.
	11-11-1983	PR	BOCG, 2. Leg., Serie D, Núm. 12 del 11.11.1983	BOCG_D_012	P. E. 1.347-11 Excmo. Sr.: En relación con la pregunta formulada por el Diputado don Jorge Verstrynge Rojas, sobre inmigrantes actualmente en España, tengo la honra de enviar a V. E. la contestación formulada por el Gobierno, cuyo contenido es el siguiente:....	The government answers to the questions posed by Verstrynge. It makes clear that the future immigration will happen keeping the Spanish labor market in mind and 'con un efecto restrictivo'. There are allusions to a possible new law, but no concrete date or content is named.	Yes	P	Gregorio López Raimundo (Comunista)	Left	Nosotros damos particular importancia a esta enmienda, a pesar de su brevedad, porque entendemos que el derecho de asilo, que concede la generalidad de los países, tiene una significación diferente según sean esos países. En todo caso, yo meo hablar de este tema con experiencia porque cuando fui exiliado político, hubo países que me dieron asilo, pero otros países me lo negaron por una condición, se comprende, bien sencilla, y es porque yo era exiliado en función del final que tuvo la guerra civil española. Entonces, en toda Ley de asilo hay un condicionamiento político, y yo creo que en nuestro país también, y bastaría ver la composición, la ideología, la tendencia política de los aliados que tenemos en nuestro país para comprender que eso es así. Por tanto, nuestra Ley, a nuestro juicio, debería incluir esa propuesta que nosotros hacemos.	2871	When explaining why his party will vote in favor of a new law.
	29-11-1983	PR	DSC. 2. Leg., Pleno, Núm. 79 del 29.11.1983	DSC_PL_079	Discussion of the dictamen de la Comisión Constitucional sobre el proyecto de Ley reguladora del Derecho de Asilo	Vizcaya Retana (Grupo Vasco) makes a transaccional amendment in which he proposes that the competences of giving asylum would not be with the Ministry of Interior but with the Interministerial Commission (and involving a representative of the UNHCR). Castellano Cardalliguet (PSOE) explains why he has to deny the transaccional. Nevertheless, Vizcaya Retana defends the transaccional once again and maintains it for voting. López Raimundo (Grupo Mixto) defends his groups amendment to form a SEPPA. Roca i Junyent (Minoría Catalana) defends the idea of a SEPPA, too, that is independent of external political pressure or at least less affected by it. Castellano Cardalliguet (PSOE) refuses both, arguing that with the draft already the independence would be covered. Roca i Junyent (CIU) defends an amendment that wants the UNHCR representative to be part of the interministerial Commission. Denied by the PSOE speaker. Other amendments are discussed and voted upon. Roca i Junyent (CIU) defends an amendment (a similar one defended before by PNV) that would not allow for expelled asylumseekers to be let expelled to countries in which they feel persecution. López Raimundo defends an amendment that sets the limits of what can be accepted as a reason for expulsion to the Codillo	Yes	PE	Miquel Roca Junyent (CIU)	Center	En otro orden de problemas y en otro momento, los propios representantes del Partido Socialista Obrero Español concuerdan en su propia carne lo que han sido las presiones internacionales, que les han querido privar en su caso del derecho de asilo. Y estas presiones han sido muy importantes. Por tanto, la experiencia ha aconsejado a los gobiernos alegar estas decisiones de este ámbito de presión internacional, incluso decisiones que podían ser no gratas, para hacerlas descansar en organismos autónomos (error in the text, JI), comisiones interministeriales no dependientes ni informadas fundamentalmente por lo que son los criterios más mediatos de la actuación de orden público, sino en conceptos más amplios de interpretación de los principios constitucionales, para que de esta manera pudiera refugiarse en una decisión de esta naturaleza lo que puede ser el decir si a un derecho de asilo solicitado por un extranjero en España o en cualquier otro punto del mundo.	3795	When defending the importance of an organism that is independent of governmental decision
							Yes	PE	Miquel Roca Junyent (CIU)	Center	No estamos pidiendo nada excepcional. La experiencia europea así nos lo aconseja en su mayor parte, y esta experiencia europea, insistido, no es caprichosa, sino que se apoya en una práctica que nosotros no tenemos. España no ha sido país normalmente de asilo. Sus ciudadanos han sido beneficiarios de dicho asilo. No tenemos una gran experiencia adquirida -insisto- en materia de concesión del derecho de asilo. Nosotros, desgraciadamente para nuestra historia, lo que hemos hecho es suministrar muchos ciudadanos que han recabado y a veces alcanzado el asilo fuera de nuestras fronteras.	3795	Only little later, when defending that other European states should be taken as an example to create an independent organism.

			P PE	Yes	<p>Penal. The PSOE speaker refuses this arguing that there would have to be a minimum of loyalty to the laws of the hosting state. Lopez Raimundo referring to his own past argues that this would simply not take all possibilities in which asylum seekers would need refuge into account.</p> <p>Roca (CIU) defends an amendment against Berenguer Fuster (PSOE) that would allow for judicial appeal in cases of denied asylum. The same goes for an amendment by Pérez Royo (PCE).</p> <p>Sanabria Escudero (AP) explains why his group voted in favor of the draft; substantial changes from the first draft to the voted draft (incorporating the APs' points of view).</p> <p>After the vote on the title and exposition de motives, Mardones Sevilla (Grupo Centrista) explains that his group voted in favor as the law would be perfectly democratic. Planas Puchades (PSOE) also explains his group's vote, thanking for the collaboration of the other parties and putting the project in line with the Socialists' convictions and the historical legislations on asylum in Spain.</p>	Miquel Roca Junyent (CIU)	Center	<p>3802</p> <p>When defending the amendment that would not allow asylum-seekers to be expelled to countries in which they fear prosecution.</p>
			P PE	Yes	<p>Naturalmente no estoy de acuerdo con la tesis del señor Castellano; y no estoy de acuerdo porque yo mismo y otros muchos hemos tenido la experiencia de sufrir persecución en países - quizá debería decirlo en singular - donde se nos había dado asilo, por motivos que no supongan en ningún caso deslealtad con el país ni tenían nada que ver con los problemas de ese país, sino en función de presiones del Gobierno español de esa época, y eso es lo que nosotros queríamos evitar. Es decir, que el derecho de asilo no tenga posibilidad de interpretaciones diferentes y se ajustete realmente a Derecho.</p>	Gregorio Lopez Raimundo (Comunista)	Left	<p>3804</p> <p>When defending his amendment that would set the limits to the Código Penal.</p>
			P PE	Yes	<p>Se culmina hoy en esta Cámara el trámite del proyecto de una Ley reguladora del Derecho de Asilo y de la condición de refugiado, que ha constituido motivo de interés particular para el Parlamento Socialista en ocasiones anteriores. Lo fue en dos momentos, con distinta suerte, en la pasada legislatura, con motivo de iniciativas parlamentarias que partieron del Grupo del que soy hoy portavoz en esta tribuna. Y ello porque somos muy sensibles al derecho de asilo. Gracias a él miles de españoles pudieron encontrar cobijo frente a la intolerancia, frente a un régimen que les perseguía por la simple y mera defensa de ideales democráticos en su Patria. Muchos países iberoamericanos facilitaron el necesario asilo y razones de justicia histórica nos obligan a citar aquí a México, a cuyo Presidente Cárdenas la Villa de Madrid hace pocos días le dedicaba un monumento y bajo cuyo mandato se produjo el asilo de no pocos españoles. Es, por tanto, también una razón de deuda histórica la que estamos cumpliendo.</p>	Luis Planas Puchades (PSOE)	Left	<p>3809</p> <p>When defending, at the end of the debate, why his party had a special interest in enacting this law.</p>
			P PE	Yes	<p>Lorens Barges (Popular) explains the report of the Constitutional Commission. The Minister of Justice, Ledesma Barret explains the project, pointing out why he is proud of the text.</p> <p>Interventions in favor: Alfons Cucó Giner (PSOE) describes that the law would set Spain in line with the current development and that it would close a hole in the legislation referring to refugees already in Spain; stressing of the socialist amendments.</p> <p>Portabella i Ratois (Indep, Grupo Mixto) in his intervention criticizes the draft for not going far enough, especially for giving to the ministry of the interior the discretionary power it does.</p> <p>Barges (Popular) joins in the praise of the draft, however, making sure that it will not only be highly educated exiles coming but that all should be taken in that wish to fight for their liberty (focus on solidarity). Alfons Cucó Giner (PSOE) intervenes defending the draft arguing that it would be possibly not an eternal law but a decisive step forward, it would lead to a change of mind with respect to foreigners.</p> <p>Discussion of amendments: Oliveras i Terradas (Catalunya al Senat) defends that the Minister of Justice should be deciding about asylum, not the of the interior. Cucó answers stating that the PSOE cannot see why there should be a difference between ministries that are both represented in the Spanish government. Exposición de motivos voted for. Portabella i Ratois in favor of amendment o include apartados. Francisca Sauquillo Pérez del Arco (PSOE) counters, arguing that apartados would be covered by "extranjeros". In the same configuration: debate on "graciable" in the governments decision to give asylum. Cucó Srsmoro (AP) defends an amendment on the Penal Code (what does "grave"</p>	Fernando Ledesma Barret (MINISTER - PSOE)	Left	<p>2366</p> <p>When starting to introduce the project.</p>
14-2-1984	PR	DSS_ P50047	DSS_ 2. Leg., Pleno. Num 47 del 14.02.1984		<p>Debate of the draft law in the Senate</p>			

					<p>mean?). Sauquillo (PSOE) answers rejecting the amendment. Discussion of other amendments by Portabella on the binding power of the Interministerial Commissions decision opposed to that of the Interior Minister and the location of the discretionary power. Discussion of the amendment of the AP to change grammar in article -16, no accepted by PSOE. Discussion of other amendments by Portabella, the AP, the Catalan Group that are not accepted by the PSOE</p>	Yes	PE	Fernando Ledesma Barret (MINISTER - PSOE)	Left	<p>brindó la América latina, la América hispana.</p> <p>Hoy,afortunadamente para nosotros y desgraciadamente para una parte de esos países, España vive gozando de unas libertades que, sin embargo, en otros países son holladas, son desconocidas, son perseguidas.</p> <p>Por eso, restituir hoy lo que ayer nos dieron creo que es un acto de auténtica justicia. Y algo más, señorías; es también una muestra muy expresiva del sesgo, de la orientación que debe presidir nuestras relaciones con los países hispanoamericanos con los que es preciso practicar una política de hechos y de actuaciones concretas y no, como tantas veces se ha hecho en el pasado, una política de vana y hueca palabrería. Por ello, la aprobación del dictamen que hoy se presenta ante esta Cámara va más allá de la mera reparación agradecida de esa deuda histórica y se inscribe en el marco de unas relaciones internacionales presididas por el valor y por el sentido de la solidaridad con todas aquellas personas que, hablando o no nuestro propio idioma, luchan, ya lo he dicho, por la libertad y por la democracia.</p>	2368	When ending his intervention
						Yes	PE	Alfonso Cudó Giner (PSOE)	Left	<p>El otro lado de la moneda, en una proyección interna, es claro que la aprobación de este proyecto puede suponer sacrificios; pero esos sacrificios van a tener una contrapartida de mayor envergadura, por que, se horias -lo pienso sinceramente-, al respecto y al crecimiento que nuestra solidaridad con los aislados y refugiados nos hará acreedores, se unirá el enriquecimiento social y personal que supondrá la presencia entre nosotros de personas que portan valores y mensajes de libertad y, que, en no pocos casos, son figuras muy destacadas en los diferentes campos de la creatividad, de la ciencia y del conocimiento. Otros pueblos, sobre todo los pueblos latinoamericanos, tuvieron la fortuna de enriquecerse con hombres nuestros. Podría citar una larga lista de españoles que aportaron no solamente a América, que también lo hicieron a Europa, su gran capacidad literaria, poética, científica, etcétera. Permittame recordar, en este momento, entre e esos nombres, a Jiménez de Asúa, Sánchez Albornoz, Salvador de Madariaga, por citar solamente algunos de ellos. La presencia entre nosotros, los españoles, por causas lamentables, de otros hombres destacados, compensará con creces la protección que les otorgamos, actuando simplemente de acuerdo con nuestro deber como hombres. Si a ello añadimos que no pocos de quienes aquí se asilien serán, cuando sus tierras recobren la libertad, figuras destacadas de la política, del arte o de la ciencia en sus países de origen, percibiremos sin duda lo mucho que este dictamen puede aportar como hombres y como españoles.</p>	2369	As a final for his intervention
						Yes	PE	Pere Portabella i Reifols (Indep. Grupo Mixto - CNeast)	unkown	<p>Otra razón que usted daba, y que es cierta, es que en un país como el nuestro, que desgraciadamente produjo esta avalancha de exiliados, hoy sentimos la emoción -y lo digo sinceramente- de que quizá con esta Ley demos buena parte de la respuesta que hay que dar a tantos y tantos pueblos, con sus Gobiernos y formas de Estado que supieron dar en aquel momento acogida, protección, posibilidades de vivir, de trabajar, de integrarse a quien quiso, que ennoblecía a estos países. En anteriores legislaturas y en la actual, honraron a esta Cámara con su presencia algunos Senadores que fueron exiliados.</p>	2369	When starting his intervention, before criticizing the law for not being definitive, for not encompassing everything it should
	28-2-1984	PR	DSC, 2. Leg., Pleno, Núm. 97 del 28.02.1984	BOE	The amendments are voted upon, only minor discussion	No						
	27-3-1984	PR	BOE-A-1984-7250	BOE of the Asylum Law		No						
	28-1-1985	PR	BOCG, 2. Leg., Serie A, Núm. 132-I del 28.01.1985	L(Pro)	The second draft for a foreigners law. It shows a clear presupposition in its exposition of motives of harmonizing the existing legislation and also making it compatible to the international agreements Spain has signed. Also, the integration of foreigners is mentioned as a goal.	No						

19-2-1985	PR	DSC_2_ Leg. Pleno, Num. 181 del 19.02.1985	DSC_P1_181	Debate de totalidad sobre el proyecto de Ley orgánica de derechos y libertades de los extranjeros en España (procedimiento de urgencia)	No	<p>The debate of the draft law presented by the government starts with a brief description of the draft by the Interior Minister (Barrionuevo Peña), focusing on the (good) Northern European tourists and, on the other hand, on international crime that the government helps to fight with this law; the reasons the gives for wanting to pass this law now and fast are (1) the legislation until now is faulty, unconstitutional, (2) the sanction section had to be established, (3) it was necessary to establish the right of association for foreigners. Also, getting into line with the Western European states plays a certain role.</p> <p>Durán Corsanego (AP) defends his party's total amendment. He agrees with the minister in that the criminal immigrants were a problem and that a law would have to be passed. However, the government's proposal would be faulty, as many things would be left uncertain and also that only the rights and not the obligations of foreigners would be tackled in this project.</p> <p>Piñans Puchades (PSOE) intervenes against the emienda a la totalidad, arguing that the criticism would not be correct, as the aspects that were not taken into account in the law would be of matter of a regulating directive (as common in Spanish law). Durán Corsanego (AP) answers, arguing that the legislative insecurity would still be there. Piñans Puchades (PSOE) argues that what the AP would want were the consultation of the law and the regulating directive - thus the PSOE would have to vote against the amendment.</p>	Emilio Durán Corsanego (CD)	Right	<p>Conseguiera que había de prórrogas del permiso de residencia en el punto 1. letra b). proponíamos añadir algo para que se tenga en consideración a aquellos españoles que por razón de emigración se venían obligados a perder la nacionalidad española de origen y hayan adquirido otra, lo cual pasa con relativa frecuencia en algunos países de emigración masiva, y que por el mero hecho de haber sido españoles de origen, aunque hayan tenido otra nacionalidad, si justifican, en ese caso, que ha sido adquirida «a tortorío», para poder ejercer alguna actividad profesional, laboral, comercial, etcétera, se les reconozca un derecho a la prórroga prevista en la letra b) de este artículo. No se trata más que de una consideración de tipo afectivo para aquellos que, habiendo sido españoles de origen, que probablemente han seguido considerándose y siendo españoles y que sólo formalmente han dejado de serlo, tengan derecho a la prórroga prevista en la letra b) del punto 1 de este artículo 13.</p>	9075	When defending the amendment no. 49 to article 13 that would allow Spaniards to have more direct access to residence permits.
10-4-1985	PR	DSC_2_ Leg. Comisiones, Num. 292 del 10.04.1985	DSC_CO_292	Dictamen del proyecto de Ley Orgánica sobre derechos y libertades de los extranjeros en España.	Yes	<p>The Constitutional Commission discusses and amends the draft in favor of changing the "extranjero" definition and of making substantial changes to the article that deals with international treaties. Piñans Puchades (PSOE) accepts certain changes. Same consultation about "carecer". (...) others, technical]</p>	Emilio Durán Corsanego (CD)	Right	<p>En cuanto a la emienda 53, pretendíamos añadir un apartado primero al artículo 18, que va es un artículo bastante largo, reconociendo la circunstancia de haber sido español de origen y por emigración haber perdido la nacionalidad, lo mismo que los descendientes de los que se encuentran en este caso, para que al regresar a España para fijar su residencia, más o menos definitivamente, tengan una circunstancia que se aprecie, no de una manera prioritaria -por que parece que el artículo (no supone un orden de prioridades, sino que solamente enumera circunstancias-, pero si que se tenga en cuenta. [...] Agragamos lo de «señalados» en el apartado e), que me parece que también ha sido asumido por la Ponencia.</p>	9077	When defending the amendment 53 to article 18 that would enlarge the circle of those who have privileged access.
19-4-1985	PR	BOE-A-1985-6293	BOE-A-1985-6293	Developing regulation of Avlum Law	No						

23-4-1985	PR	DSC, 2. Leg., Pleno, Núm. 200 del 23.04.1985	DSC_P1_200	Dictámenes de Comisiones sobre iniciativas legislativas sobre derechos y libertades de los extranjeros en España.	<p>In the debate on the Dictamen de la Comisión Constitucional, the arguments are mostly of technical nature, every amendment is gone through one by one.</p> <p>Durán Corsanego (GPP, CD) defends the amendments of his party, arguing that apart from minor changes in grammar, immigrants should also have active electoral rights, and these have preferential treatment; also, that foreigners without a job should be exempt from having to renew the residence permit (sic); family reunification should be made easier; he also points towards the fact that the Asylum Law would have to be taken into account. Monteseo Sánchez (GPP, CD) defends other amendments of rather technical nature. Bandrés (GMx, Euskadiko Ezkerra) defends his amendments, especially on cutting off the link between working contract and work permit; on the legal proceeding in the case of detention of a foreigner. Pérez Royo (PCE, GMx) defends the communists' amendments concerning the right of association; the involvement of the Cortes in closing the borders; the link between working permit and work contract; the introduction of communication in the foreigners language in case s/he is expelled.</p> <p>The PSOE argues against these through Planas, Pozo, Mir, thereby establishing that they will vote against basically every amendment.</p> <p>Replies by Durán (GPP, CD), Monteseo (GPP, CD)</p>	Yes	G	Emilio Durán Corsanego (CD)	Right	<p>La enmienda 49 es al artículo 13 y propone que se añada un párrafo en orden a que puedan lograr la prórroga en el permiso de residencia los extranjeros que, habiendo perdido su nacionalidad española de origen, pretendan volver y reincorporarse de nuevo a su territorio. Nosotros tenemos cierto interés en que se incorpore esta preferencia a favor de los emigrantes, porque no solamente compartimos los buenos propósitos de que hizo gala también el ponente socialista en Comisión, sino que creemos que estos buenos propósitos tienen una buena ocasión de expresarse y materializarse aquí, y por eso queremos esta incorporación. De nada vale que se nos diga que compararan estos sentimientos a favor de los españoles que han perdido su nacionalidad al adquirir otra razón de emigración, si después, a la hora de la verdad, no se reconocen esos derechos. Nosotros pretendemos que todos aquellos que son extranjeros, pero sólo formalmente y nunca en el fondo, porque si han dejado la nacionalidad española ha sido por exigencias de su puesto de trabajo, no tengan inconveniente ninguno en incorporarse a la comunidad nacional cuando regresen.</p>	9108	When defending the amendment 49 to art. 13. (s.o.)
					<p>La enmienda número 49 del Grupo Popular, pretende que los emigrantes que hayan perdido su nacionalidad española de origen tengan derecho a la renovación de su permiso de residencia. Es evidente que se trata de algo bueno, pero que no aporta nada importante a los derechos de estas personas. En todo caso debería resolverse en la ley civil que afecta a la nacionalidad, donde debería establecerse alguna ventaja, si es que se valora así, sobre recuperación de su nacionalidad. Además, el derecho a la renovación de prórroga se da por supuesto. Si tienen todos los que cumplen las condiciones generales que establece la ley. En todo caso se trataría (cosa que no dice la enmienda) de manifestar que tengan algún derecho preferente. Pero aun en el caso de que ese fuera el sentido de la enmienda, tampoco consideramos que sea oportuno aceptarla, porque en ese derecho no se da posibilidad de competencia o colisión con derechos de otros respecto a los cuales hubiera que marcar una ventaja para estas personas.</p>	Yes	G	Jean Manuel del Pozo i Alvarez (PSOE)	Left	<p>La enmienda número 49 del Grupo Popular, pretende que los emigrantes que hayan perdido su nacionalidad española de origen tengan derecho a la renovación de su permiso de residencia. Es evidente que se trata de algo bueno, pero que no aporta nada importante a los derechos de estas personas. En todo caso debería resolverse en la ley civil que afecta a la nacionalidad, donde debería establecerse alguna ventaja, si es que se valora así, sobre recuperación de su nacionalidad. Además, el derecho a la renovación de prórroga se da por supuesto. Si tienen todos los que cumplen las condiciones generales que establece la ley. En todo caso se trataría (cosa que no dice la enmienda) de manifestar que tengan algún derecho preferente. Pero aun en el caso de que ese fuera el sentido de la enmienda, tampoco consideramos que sea oportuno aceptarla, porque en ese derecho no se da posibilidad de competencia o colisión con derechos de otros respecto a los cuales hubiera que marcar una ventaja para estas personas.</p>	9207	When arguing against the amendment proposed by the GPP (s.o.)
					<p>Por último respecto a la referencia que se hace en las enmiendas 49 y 53 a la consideración particular de los emigrantes, estamos de acuerdo en la idea que perseguimos tanto el Grupo Socialista como el nuestro, pero no tratamos de buscarle una solución. Nosotros proponemos que la referencia se haga con preferencia tanto para la renovación automática de los emigrantes como para la preferencia a la hora de obtener el permiso de residencia y de trabajo. No sé que ley va a ser la que pueda definir esta consideración y este trato favorable para los extranjeros, pero creo que si se trata de una ley de derechos y libertades de los extranjeros es más apropiada ésta que por ejemplo una ley de hidrocarburos. Pero si el Grupo Socialista entiende que no, no lo vamos a incluir aquí.</p> <p>Hay que tener en cuenta, como dije en Ponencia, en Comisión y anteriormente, que se trata de circunstancias verdaderamente dramáticas y de facilitar no la recuperación de la nacionalidad - que u e no correspondería a esta Ley - sino de facilitar esa recuperación con una previa estancia o residencia en España de los que se consideraron siempre españoles y únicamente por motivos formales han tenido que renunciar a la nacionalidad española y acogerse a otra, pero que en el fondo siguen siendo españoles, y ellos mismos serían los primeros sorprendidos al ver que se les niega esa posibilidad.</p>	Yes	G	Emilio Durán Corsanego (CD)	Right	<p>Por último respecto a la referencia que se hace en las enmiendas 49 y 53 a la consideración particular de los emigrantes, estamos de acuerdo en la idea que perseguimos tanto el Grupo Socialista como el nuestro, pero no tratamos de buscarle una solución. Nosotros proponemos que la referencia se haga con preferencia tanto para la renovación automática de los emigrantes como para la preferencia a la hora de obtener el permiso de residencia y de trabajo. No sé que ley va a ser la que pueda definir esta consideración y este trato favorable para los extranjeros, pero creo que si se trata de una ley de derechos y libertades de los extranjeros es más apropiada ésta que por ejemplo una ley de hidrocarburos. Pero si el Grupo Socialista entiende que no, no lo vamos a incluir aquí.</p> <p>Hay que tener en cuenta, como dije en Ponencia, en Comisión y anteriormente, que se trata de circunstancias verdaderamente dramáticas y de facilitar no la recuperación de la nacionalidad - que u e no correspondería a esta Ley - sino de facilitar esa recuperación con una previa estancia o residencia en España de los que se consideraron siempre españoles y únicamente por motivos formales han tenido que renunciar a la nacionalidad española y acogerse a otra, pero que en el fondo siguen siendo españoles, y ellos mismos serían los primeros sorprendidos al ver que se les niega esa posibilidad.</p>	9210	When replying to the fact that the PSOE will not accept the amendment

17-5-1985	PR	DSS. 2. Leg. Pleno. Núm. 123 del 27.05.1987	DSS_P50123	<p> DICTAMENES DE COMISIONES SOBRE PROYECTOS Y PROPOSICIONES DE LEY REMISIONES POR EL CONGRESO DE LOS DIPUTADOS.- DE LA COMISION DE CONSTITUCION EN RELACION CON EL PROYECTO DE LEY ORGANICA SOBRE DERECHOS Y LIBERTADES DE LOS EXTRANJEROS. EN ESPANA. SE TRAMITA POR EL PROCEDIMIENTO DE URGENCIA </p>	<p> Grimaldos (PSOE) presents the report of the Constitutional Commission of the Senate. Cuco Giner (PSOE) takes a turn in favor, arguing that the law was introduced because there was no coherent legislation up until today, pointing out the main improvements of the Senate and expressing his hope that this law would make the social harmony easier and heterophobia less. Oliveras Terradas (Catalunya al Senat) makes clear that his group will maintain votes/particulars that aim at ensuring the legal status of foreigners and the security of the state. Zabala Alchar-Jauregui (PNV-EA) points towards the fact that the law comes in a good moment, as Spain is about to enter the European Economic Community; also, he makes clear that the law has improved considerably in the Senate. Guerra Zuzunuegui (Partido Democrata Popular (PPD)) points towards the fact that his Group still does not think the law would be sufficient as it would comprise of elements of a relementation and that the relementation would not come directly and, thus, the fight against criminality brought by foreigners could not be carried out effectively; his group would not diametrically oppose the project, though, focus on civil security. </p> <p> Cuco Giner (PSOE) responds, making clear that all groups would be of more or less the same opinion; he criticizes the words of Guerra, focussing of security and, thus, provoking heterophobia. </p>	Yes	G	Alfonso Cuco I Giner (PSOE)	Left	<p> En tercer lugar, la preferencia otorgada para la obtención o, en su caso, la renovación del permiso de trabajo a quienes, por razón de emigración, hubiesen perdido la nacionalidad española de origen y deseen residir en España. </p>	<p> \$800 </p>	<p> When pointing out what the central improvements of the Senate to the law were. </p>	
11-6-1985	PR	DSC. 2. Leg. Pleno. Núm. 215 del 11.06.1985	DSC_PL_215	<p> Votación de totalidad: De las enmiendas del Senado al proyecto de Ley Orgánica sobre derechos y libertades de los extranjeros en España </p>	<p> Final vote on the law as it came out of the Senate. No further discussion. The law is approved with only one abstention. </p>	No	-	-	-	-	-	-	-

9.2. The sixth legislation (1986-2000)

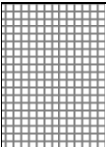



Political distribution of quotes referring to emigration memory – political spectrum

Political inclination	Left	Center	Right	Other/unknown
Number of passages referring to emigration memory	30	6	8	3

Political distribution of quotes referring to emigration memory – parties

Political party	Grupo Mixto (GMx)	Izquierda Unida (IU) Nueva Izquierda (NI)	Partido Socialista Obrero Español (PSOE)	Convergència i Unió (CiU)	Partido Nacionalista Vasco (PNV)	Coalición Canaria (CC)	Partido Popular (PP) (Government)
Number of passages referring to emigration memory	1	12 1	16	3	2	1	8

Explanation of the source index

Colors	Sources	Memory type
 Nationality Law (Civil Code) / voting rights of foreigners	PR Parliamentary records L Legal texts L(pro) Draft legal texts	G General LM Labor Migration S Sefardies I Iberoamerica/America Latina IM Internal Migration P Personal PE Political Exile EU Europe MO Moriscos CH Children RM Return Migration
 Subcommittee on emigration, immigration and xenophobia		
 Legislative process on new Foreigners Law		
 Initiatives to include Immigrants into the medical/welfare system		

Initiative	Source Date	Source Type	Document	Source Name	Content	Description	Memories	Enunciator	Political inclination	Quote	Reference	Context	
	31-5-1996	PR (Prop)	BOCG, 6. Leg., Serie B, Num. 30-1 del 31.05.1996	BOCG_B_30-1	PROPOSICIÓN DE LEY Modificación del Código Civil en materia de nacionalidad. Presentada por el Grupo Parlamentario Federal de Izquierda Unida.	The draft law of the IU on changes to the nationality stipulations in the Civil Code aims at enlarging the circle of those eligible for Spanish nationality. The focus lies on introducing jus soli as an addition to jus sanguinis and on cutting down on the requested time of residence prior to applications of nationality.	Yes	IU	Left	Igualmente, se facilita la adquisición derivativa de la nacionalidad por residencia, estableciendo una graduación en la que el período general se reduce a cinco años si ésta es legal y continuada, manteniendo los diez años cuando no puedan probarse estos requisitos. En este apartado, se mantiene la tradicional preferencia de los nacionales de países iberoamericanos, en virtud de su vinculación histórico-lingüística, que se amplía ahora al conjunto de las nacionalidades ibéricas. Asimismo, se mantiene la reparación histórica que supone la preferencia de los sefardíes, a los que se equipararon, por este mismo principio de justicia, los moriscos.	2	In the exposition de motivos of the proposal the different changes the IU wants to make to the respective articles of the Civil Code are explained. The article dealing with the shortening of the requested time of residence (Art. 22) here incorporates the Sefaríes and the Moriscos, alongside other nations with "historico-linguistic" ties.	
	29-7-1996	PR	DSC, 6. Leg., Comisiones, Num. 44 del 29.07.1996	DSC_CO_44	Comparecencia del señor Ministro de Interior (Mayor Oreja), a petición del Gobierno, para informar sobre política general de inmigración y extranjería, con especial referencia a la reciente expulsión de ciento tres ilegales en la ciudad de Mellilla, así como sobre las actuaciones del Ministerio de Interior en la lucha antiterrorista.	First, the Interior Minister gives an explanation and a defence of what happened during the expulsion of 103 immigrants from Mellilla in June 1996, pointing out that the operation went according to the law. Belloch Jubie (PSOE) responds accusing the government of not having acted according to the law and depicts the consensus on immigration politics to be at threat; he also warns of thus creating an atmosphere of intolerance and racism. Meyer Pleite (IU) accuses the minister of having disregarded the rule of law and calls for consequences to the affair. Begoña Lasagabaster Ojazábal (GMA, Eusko Alkartasuna) attacks the minister, stating that the expulsion was unlawful due to the fact that it was a collective expulsion and that the right of asking for asylum was negated; she also heavily attacks the usage of drugs during the expulsion and describes the problem of immigration as a problem of the European Union, not of the immigrants themselves. Mardones Sevilla (CC) assures the minister of his party's support and stresses the fact that the control of borders would have to be developed in order to not confuse asylumseekers with economic immigrants. Uria Echevarría from the PNV states that the problem of immigration is a social one and not one of public order and that a general social consensus should be sought to solve the problem. Guardians I. Combó (CU) assures the minister of the support of his government, but at the same time makes clear that immigration should not be treated as a problem of public order. For the PP, Gil Lázaro defends the actions taken by the government as righteous, pointing out that the consequences of not acting would have been grave; he also accuses the PSOE of having acted similarly when in government. The minister in his response also alludes to the responsibility of the PSOE government and to continuity; he furthermore once again defends the expulsions as legal and according to the immigration politics of the government. Belloch (PSOE) responds by reminding the PP of the roles the opposition plays in democracy and by reiterating his critique of before. Meyer Pleite (IU) reiterated his criticism of the actions not having been legal. Lasagabaster Ojazábal (GMA, Eusko Alkartasuna) clarifies some points of her criticism. Gil Lázaro (PP) refutes the arguments of the PSOE in a certain way, but also thanking them for their role as controlling opposition.	Yes	Meyer Pleite (IU)	Left	Señor Ministro, España, por su historia reciente de emigración masiva y de exilios forzados, está obligada a compartir ese drama dando soluciones a esos ciudadanos y ciudadanas, entendiendo que son ciudadanos y ciudadanas no de segunda o de tercera categoría, sino con plenos derechos: los derechos que recoge nuestra legislación, los derechos internacionales, y no caer nunca en la doble moral, en la hipocresía, de que, según cuando interesa, la inmigración es un problema de orden público o no. Usted conoce, como conocemos todos los grupos, que en España hay una economía sumergida muy importante; parte de esa economía sumergida se hace con inmigración ilegal (por ejemplo, el Marésme, el Pontiente), en definitiva, con las alcantarillas de la economía que necesita de esa mano de obra barata, explotada, sin derechos; en esos territorios se reconoce que hay una mayor concentración de inmigrantes ilegales, muchos más de ciento tres. Ahí no hay un problema, porque no interesa, porque sirven y, sin embargo, esos ciento tres clandestinos se convierten en un problema de Estado cuando se concentran sencillamente en una ciudad española como es Mellilla. Nosotros no comparamos esa hipocresía, la vamos a combatir desde el punto de vista democrático, desde el punto de vista social; no es admisible esa hipocresía.	858		Criticizing the minister for the expulsions, Meyer Pleite defends equal rights for all citizens, being Spanish or not.
	10-6-1996	PR (Prop)	BOCG, 6. Leg., Serie D, Num. 21 del 10.06.1996	BOCG_D_21	Proposición no de Ley relativa a la constitución de una Ponencia para el estudio de la situación de los españoles emigrantes o residentes en el exterior y la situación de los inmigrantes en España, así como las actitudes de la sociedad española ante estos nuevos residentes en España	The proposition no de ley argues in its Exposition de Motives for a simultaneous treatment of both emigrants and immigrants	Yes	PSOE	Left	España, que ha sido tradicionalmente un país de emigración, está pasando a convertirse también en un país receptor de inmigración. Hoy nos encontramos ante una nueva realidad en la que coexisten un importante número de españoles (aprox. 1.300.000) residiendo en el exterior, con un creciente número de ciudadanos extranjeros (aprox. 300.000) residentes en nuestro país. Dos colectivos diferentes, pero con características comunes que requieren la consideración y atención del Parlamento para dar respuesta a sus problemas.	20	At the beginning of the exposition de motivos.	

25-6-1996	PR	DSC, 6. Leg., Pleno, Núm. 16 del 25.06.1996	DSC_PL_016	Proposiciones no de Ley. — Del Grupo Socialista del Congreso, relativa a la constitución de una Ponencia para el estudio de la situación de los españoles emigrantes o residentes en el exterior y la situación de los inmigrantes en España, así como las actitudes de la sociedad española ante estos nuevos residentes en España. «Boletín Oficial de las Cortes Generales», Serie D, número 21, de 10 de junio de 1996	The debate on the Proposición no de Ley of the PSOE is rather unanimous. Fernandez Sanz presents the initiative to found the subcommission, defending that the three groups of emigrants, immigrants and asylum seekers should be studied together in one subcommission, as there would be a lot of parallelism between them, and the politics towards these collectives would be similar. Jordano Salinas (PP), who's party had presented an amendment to study emigration in a single subcommission, after manifesting that immigration policy is a State Policy and, thus, not to be subuded to him Spanish society has a favorable attitude towards foreigners, especially because of the fact that there is a connection between the experience of emigration and immigration. Cmpuzano I Canadés (CU) agrees to both Jordano's position that immigration policy should remain State Policy and to Fernandez Sanz's position that the three groups should be studied together, as he sees a pedagogic effect in this; he brings positive experiences with such a commission in Catalunya to the fore. Urán Gonzalez (IU) agrees to the arguments mentioned and sees potential for examples one could take from the experiences encountered for immigration policy.	Yes	G (I)	Matilde Fernandez Sanz (PSOE)	Left	Señorías, hemos dejado de ser un país de emigración para ser un país receptor de personas que vienen en busca de un trabajo o de personas que pretenden que sus derechos humanos sean respetados en un territorio como el nuestro. Todavía quedan alrededor de 1.300.000 españoles que viven fuera de España, sobre todo en los países de América Latina. Otras estadísticas nos hablan de alrededor de 600.000 extranjeros, entre comunitarios y extracomunitarios, que están ya viviendo en España. (El señor Vicepresidente, Fernández Miranda y Lozana, ocupa la Presidencia.) Las políticas que reivindicamos son diferentes grupos guardamos mucho paralelismo y merece la pena integrar al máximo sus esfuerzos. Este es mi argumento ante lo que yo espero que pueda ser un cambio de posición del Grupo Parlamentario Popular retirando una enmienda que pretende que la ponencia sólo trabaje con los españoles que están fuera, con los emigrantes, y que se deje para otro momento el tema de los inmigrantes, recordando trabajos anteriores de la Cámara. Mi argumento, señorías Diputados, es que cuando los españoles piden que se exporte el Estado del bienestar, están hablando de la educación, la sanidad, los servicios sociales, las pensiones no contributivas que les han llegado, también para ellos, aunque estén fuera, aunque no hayan contribuido y aunque no hayan participado en la creación de riqueza de nuestro país. Cuando los inmigrantes hablan de que el Estado del bienestar les llegue a ellos, están hablando de una sanidad también para ellos, aunque acaben de llegar, están hablando de unos contratos serios de trabajo por los que puedan cotizar y les den acceso en un futuro a una pensión. Cuando los inmigrantes demandan poder reagrupar a sus familias, traer a sus familias aquí, esa filosofía tiene mucho que ver con la reivindicación de los españoles cuando dicen: Pedimos a todas nuestras administraciones que se haga una política lo más activa posible de retorno para que, si ya nuestra historia está dividida entre dos países, tengamos el menor número de obstáculos posibles, para ese regreso. Reagrupación familiar de inmigrantes, retorno de emigrantes, en el fondo son las mismas políticas. Cuando los emigrantes hablan de ejercitar el voto más fácil y más cómodamente o de la recuperación automática de la nacionalidad nos están hablando de que sigamos mejorando el Código Civil, a pesar de haberlo hecho en la pasada legislatura y en la anterior, de que sigamos mejorando todas aquellas normas, como la Ley Electoral, que permitan que aunque estén fuera sus derechos políticos y civiles son respetados. Esa es la misma reivindicación cuando los inmigrantes dicen que quieren un código civil y una ley de extranjería que hagan que en el menor espacio de tiempo posible cambien las leyes para que la adquisición de la nacionalidad española para ellos, ya como emigrantes permanentes, y para sus hijos nacidos aquí sea una realidad. Hablamos de las mismas leyes, hablamos de las mismas políticas y casi de los mismos programas a desarrollar. Por eso, señorías Diputados del Grupo Popular, les pido que retiren esa enmienda para que podamos hacer un trabajo uniendo esfuerzos, muy en paralelo, en defensa de los intereses de los españoles que están fuera y de los inmigrantes que están dentro.	663-664	While defending the proposition against the amendment by the PP.
24-9-1996	PR	ROCG, 6. Leg., Serie D, Núm. 24 del 24. 09. 1996	ROCG_D_045	The interpellation of the PSOE concerning the expulsions in Mellilla and the xenophobic reaction of some coalition mayors		No	G (I, EU)	Diego Jordano Salinas (PP)	Right	La sociedad española tiene una actitud favorable al extranjero. Creo que es un hecho en el que todos podemos estar de acuerdo; actitud favorable ligada a que durante muchos años este país ha sufrido los flujos migratorios hacia América, primero, y después, hacia Centroeuropa. Creo que entre todos debemos dar solución a los problemas que ahora mismo tenemos planteados, para evitar una quiebra importante de las sociedades desarrolladas. En relación a la emigración la quiebra se produce por el olvido del trabajo y del esfuerzo que los emigrantes han realizado en otros tiempos en situaciones difíciles. En relación a la inmigración, el desbordamiento de la capacidad de absorción de flujos razonables de inmigrantes produce la caída de muchos inmigrantes llegados en manos de mafias de trabajo sumergido o de redes de delincuentes y genera, si el flujo o la absorción no ha sido lo suficientemente gradual, la explosión de tensiones, xenofobias, de las cuales ya tenemos en la sociedad española algunos ejemplos, cuya repetición debemos intentar evitar.	665	After signalling that his party will draw back the amendment, Jordano Salinas makes some general remarks.
18-9-1996	PR	DSC, 6. Leg., Pleno, Núm. 24 del 18.09.1996	DSC_PL_024	INTERPELACIONES URGENTES. — DEL GRUPO SOCIALISTA DEL CONGRESO, SOBRE LA POLÍTICA DEL GOBIERNO EN MATERIA DE INMIGRACION (Número de expediente 172/000013)	Discussion of the Interpellation of the Socialists (Fernandez Sanz). The overall argument is that there should be a general agreement on matters of immigration. The PP and the Minister of the Interior talk about "política de estado", this is criticized by the IU.	No						

24-9-1996	PR	DSC, 6. Leg., Pleno, Núm. 26 del 24.09.1996	DSC_PL_026	Mociones consecuencia de interrelaciones urgentes - del Grupo Socialista del Congreso, sobre la política del Gobierno en materia de inmigración	The discussion of the motion that was agreed upon by the different parties after the interpellation of the PSOE the week before. All parties agree to the motion, congratulating themselves for their work on it, only the IU seems bothered by not being informed beforehand. However, all parties agree upon and vote for the motion. References are made to Europe, Human rights, solidarity.	No	-	-	-	-	-	
30-9-1996	PR	BOCG, 6. Leg., Serie D, Núm. 48 del 30.09.1996	BOCG_D_048	The motion that was agreed upon and approved in congress (24-9-1996)		No	-	-	-	-	-	
2-11-1996	PR (Upro)	BOCG, 6. Leg., Serie B, Núm. 63-1 del 08.11.	BOCG_B_631	PROPOSICIÓN DE LEY Modificación del Código Civil en materia de nacionalidad. Presentada por el Grupo Socialista del Congreso.	The draft law on a change of the Civil Code's arrangements of nationality focuses on widening the circle of those eligible for Spanish nationality. Jus soli is thereby added to the jus sanguinis principle already valid. Further, the time-span of necessary residency in order to obtain Spanish nationality is to be reduced.	Yes	G	PSOE	Left	Left	1.feb	In the exposición de motivos of the proposal, after acknowledging a general increase in migrants worldwide, states that Spain has become a country not only of remigration but also of new immigration.
10-12-1996	PR	DSC, 6. Leg., Pleno, Núm. 46 del 10.12.1996	DSC_PL_46	Toma en consideración de Proposiciones de Ley: — Del Grupo Parlamentario Federal de Izquierda Unida-Iniciativa per Catalunya, sobre modificación del Código Civil en materia de nacionalidad — Del Grupo Socialista del Congreso, sobre modificación del Código Civil en materia de nacionalidad	The debate centers around the two legal initiatives of the IU and the PSOE on changing the Civil Code. For the IU Almeida Castro defends the initiative, making clear that nationality should be a right; she points out the different changes the IU is intending to make to the CC, especially the introduction of jus soli and easier access to nationality for many who are already living in Spain; towards the proposal of the PSOE she comments that, of course, the IU's would be better, but that the general idea should be to create more rights for those that come to live with "us" and thus welcomes the initiative. Julio Villarubia Medavilla presents the PSOE initiative, which is directed at introducing jus soli only slightly into the CC and making it easier to obtain nationality for legally residing immigrants.	Yes	G	Cristina Almeida Castro (IU)	Left	Left	2338	The quote is from the opening of Almeida Castro's intervention. In which she (through human rights and the change of Spain) talks about the necessity of a change of the Civil Code
					Chiulillo Barber (Union Valenciana) responds first to the initiatives, stating that IU supports both, as they would point at integration that is clearly needed; however, the IU proposition would leave out the Valencian collectives outside of Spain (Argentina) of the preferred treatment. Mercedes Sevilla (CC) argues that the initiatives would not be sufficient as they would not respect the European human rights process; he argues in favor of a government initiative. Urib Echegarria (PNV) with a long list of application and a reference to the ongoing legal integration of the EU in matters of citizenship, that the PNV will not vote in favor. For the CIU Guardians I Cabré declares a no towards the projects, the argument he gives is that the legislative change would be too great as to just bring forward a proposition; as the PNV, he also opts for a government initiative. The PP, through spokesman Jorge Luis Sagarin, also defends to vote against the initiatives, as they would not be thought through and the effects might violate international relations of Spain.	Yes	I S MO	Cristina Almeida Castro (IU)	Left	Left	2339	(...) dos años cuando se trate de personas que hasta ahora siempre eran ciudadanos de países iberoamericanos, de Andorra, de Filipinas, teniendo un poco en cuenta la diversidad cultural de nuestro propio país, que le ha dado derecho a obtener esta nacionalidad en un plazo más breve por las vinculaciones históricas o lingüísticas. En ese sentido, en vez de como lo hace la ley en vigor, nosotros nos referimos a los que sean nacionales de origen de países o territorios de lengua castellana, catalana, gallega-portuguesa o vasca, o miembros de etnias o colectivos que en que se dé la misma circunstancia, o descendientes de moriscos o de sefardíes, que también estaban con la cultura de nuestro país se debe ampliar a los descendientes de los moriscos.
						Yes	G	Julio Villarubia Medavilla (PSOE)	Left	Left	2340	In the introduction to his speech, Villarubia claims that a change would be necessary.
						Yes	I S	Julio Villarubia Medavilla (PSOE)	Left	Left	2341	Villarubia Medavilla describes the changes that will be made for obtaining nationality. She talks about those groups that should be eligible for obtaining nationality after a period of two years.
						Yes	MO	Ignasi Guardiola Cambó (CIU)	Center	Center	2348	When talking about the different aspects of the IU proposal that the CIU does not agree with.

24-9-1997	PR	DSC, 6. Leg., Pleno, Núm. 103 del 24.09.1997	DSC_PL_103	Interpelación urgente del grupo parlamentario federal de izquierda unitario-iniciativa per cataluña, sobre la política del gobierno para solucionar los problemas de los emigrantes que vienen a España, su situación social y laboral, así como para mitigar las dificultades de todo tipo que encuentran a su llegada	Discussion of the interpellation of the Izquierda Unida calling for a new law on immigration.	Yes	S	IMO	Jorge Trias Sagnier (PP)	Right	Ustedes comparan a los moriscos con los sefardíes, y tienen mucha razón en algunos aspectos, porque ambos sufrieron la desgracia de ser expulsados de nuestro país, unos, durante el reinado de los Reyes Católicos y otros, durante el reinado de Felipe III. Los sefardíes son, en cambio, perfectamente identificables; piense, señoría, que todos ellos se siguen casando sobre el rito marado en el libro de los Targanot, que es de 1494; hablan español y tienen unas circunstancias que son perfectamente identificables, como digo. No sé si esa misma identificación podría darse —lo desconozco— en los moriscos.	2349	When Trias Sagnier talks about the changes the IU wants to make and that the PP does not agree to.	
10-10-1997	PR	BCCG, 6. Leg., Serie D, Núm. 187 del 10.10.1997	BCCG_D_187	Moción by IU as consequence of the interpellation from the 24.09.1997		No	-	-	-	-	-	-	-	-
7-10-1997	PR	DSC, 6. Leg., Pleno, Núm. 105 del 07.10.1997	DSC_PL_105	Debate sobre las mociones consecuencia de interpellaciones urgentes: — Del Grupo Parlamentario Federal de Izquierda Unida-Iniciativa per Catalunya, sobre la política del Gobierno para solucionar los problemas de los emigrantes que vienen a España, su situación social y laboral, así como para mitigar las dificultades de todo tipo que encuentran a su llegada	Discussion of the motion of the IU that was introduced the week before. General remarks: The change of the foreigners law is for the first time set as an official goal of politics. All parties, however, allude to the upcoming results of the subcommission. A focus is also on the consensus reached.	Yes	G		Diego Salinas (PP)	Right	Si la sociedad española —por el efecto de las migraciones a las que sufrirá durante siglos— tiene una visión del extranjero radicalmente distinta a otras sociedades de nuestro entorno, es labor de todos los grupos —y es también labor del Gobierno— mantener ese criterio favorable, mantener ese elemento diferenciador positivo respecto al resto de las sociedades europeas.	5345	Jordano Diego defends the position of the PP making clear that the PP is not opposed to immigration at all.	
15-10-1997	PR	BCCG, 6. Leg., Serie D, Núm. 189 del 15.10.1997	BCCG_D_189	Changes and approbation of the motion		No	-	-	-	-	-	-	-	-
18-12-1997	PR	DSC, 6. Leg., Comisiones, Núm. 363 del 18.12.1997	DSC_CO_363	Appearance of the Minister of the Interior (Mayor Oreja) before the Commission of Justice and Interior on matters of immigration	The focus of the commission lies on questioning the minister on the expulsion of immigrants from Ceuta and Melilla and on the process of Fernandez Sanz for the PSOE criticisms that the government has no immigration policy.	No	-	-	-	-	-	-	-	-
27-2-1998	PR	BCCG, 6. Leg., Serie D, Núm. 248 del 27.02.1998	BCCG_D_248	Informe de la Subcomisión, constituida en el seno de la Comisión de Política Social y Empleo para estudiar la situación de los españoles que viven fuera, así como la de los inmigrantes y refugiados que han llegado a nuestro país, conocer a fondo sus necesidades y reivindicaciones prioritarias; proponer las medidas —legales y sociales— que sean convenientes adoptar para conseguir solucionar los problemas existentes, así como otros particulares presentados; al mínimo.	The report gives an overview of the Subcommissions work, as well as their policy suggestions. It starts by stating the objectives and the composition, as well as the material used by the commission (I and II). It then gives summaries of the visit of the subcommission to the Consejo General de la Emigración (III) and to Ceuta and Melilla (IV). The introduction (V) makes clear that the report is the result of the parliamentary pluralism that is reflected in the subcommissions composition and goes on to describe the content of the report (two connections is made between the emigration part and the other). Part VI describes the situation of Spaniards living abroad. It begins with a lengthy historical description of Spanish emigration (A), writes	Yes	G		-	other	Spain, que ha nacido durante siglos los flujos migratorios hacia América y Centroeuropa se ha convertido en los últimos años en un país receptor de emigrantes y en vía de paso, por su situación geográfica, para amplios flujos de migrantes que quieren tener destino en otros territorios de la Unión Europea.	14	In Chapter VII "La situación de los inmigrantes en España", subitem 1 "Consideraciones introductorias"	

PR	10-3-1998	DSC, 6. Leg., Comisiones, Num. 400 del 10.03.1998	DSC_CO_400	Comisión de Política Social y Empleo	Comparecencia del señor ministro de Trabajo y Asuntos Sociales (Arenas Bocanegra) para informar sobre: — Grado de cumplimiento de la moción aprobada por unanimidad por la Cámara el día 24 de septiembre de 1996, como consecuencia de la interpelación urgente del Grupo Socialista del Congreso, en aquellos compromisos que afectan a su Departamento. A solicitud del Grupo Socialista del Congreso (Número de expediente 213/000359)	Yes	G	-	other	Resaltábamos, antes, el cambio producido en los últimos años en España, que pasa de doar flujos migratorios a recibirlos. Pues bien las Administraciones Públicas no han reaccionado ni de la misma forma, ni con el mismo talante, ante este fenómeno.	15	At the end of "Consideraciones introductorias".		
					<p>commencements are seen in the 1850s (no mentioning of imperial emigration), and which focuses on the los this meant for Spain, on the one hand, and the successes the emigrants had, on the other hand. Another point that is stressed is the fact that only with democracy did the rights of the Spaniards abroad actually come to the fore. After the description of the momentary situation, the subcommission issues policy recommendations in different fields (welfare state, civil rights, etc.). The situation of immigrants in Spain is described in Chapter VII, where after a brief description of the development of immigration to Spain and its European character, the policy initiatives until this point are enlisted. The focus is on the consensus in immigration policy and the positive effects of in-migration. However, the text also makes clear that the Spanish society can only tolerate a certain number of immigrants. As in the Chapter before, a second part is concerned with policy recommendations. A similar pattern is followed by Chapters VIII and IX on asylum and racism respectively. [There is no connection made between the different chapters of the report – they stand next to each other like separate pillars that are not at all interwoven.]</p>	No								
					<p>First, the Minister of Labor and Social Affairs relays the achievements of the government with respect to the motion that resulted from the intervenció n of the IU from 24.09.1996. Fernandez Sanz (PSOE) accuses the minister for not being in the commission before and goes through all the different points (immigration offices, year against racism, funding of the integration plan, etc.) and points out how the government has failed to comply with what was expected by the motion. For the PP Jordano Salinas responds, seeking the blame rather in the previous PSOE government than in the work of the minister, which he supports.</p> <p>In a second round, the minister responds to Fernandez Sanz, likewise accusing the previous government of not having taken action in several fields. Fernandez Sanz intervenes to counter this argument ("you could have asked us, when we were governing..."). The minister in one last intervention opposes his views on the way immigration should be governed to that of the Social Democrats, thereby being intensely ideological.</p>	Yes	I	IU	Left	-				
					<p>Draft proposal of a new Foreigners Law by the IU</p>	Yes	G	CIU	Center	El Estado español, tradicionalmente generador de emigración, se ha convertido, durante las dos últimas décadas, en un Estado receptor de inmigración, situándose en la misma línea que los demás países miembros de la Unión Europea.	1	In the exposición de motivos of the proposal the quote sets the stage for the propositions to follow. It displays a most general acknowledgement of the fact that Spain has now come to be a country of immigration - a fact that is enforced by Campuzano i Canadés in the subsequent debates in June.		
					<p>Draft proposal of new Foreigners Law by the Mixed Parliamentary Group</p>	Yes	I	GMK	Left	-				
					<p>Débate y, en su caso, aprobación del Informe elaborado por la subcomisión para estudiar la situación de los españoles y refugiados que han llegado a nuestro país; conocer a fondo sus necesidades y reivindicaciones prioritarias y proponer las medidas — legales y sociales — que es conveniente adoptar para conseguir solucionar los problemas existentes</p>	Yes	G	I	EU	Right	El Informe resalta que en España se ha producido en los últimos años una inversión. De recibir durante décadas los flujos migratorios hacia América y el centro de Europa, España se convierte en un lugar de llegada, por un lado para recibir a los inmigrantes aquí y también como vía de paso, por su situación geográfica, para otro flujo de inmigrantes que van a otros países de la Unión Europea.	12674-12675	In the presentation of the part of the report that deals with the immigrants, Jordano Salinas refers to what is said in the report about the inversion of the migratory pattern.	
						Yes								

Fecha	Legislatura	Comisión	Informe	Partido	Asesor	País	Respuesta	Contenido	Referencia	Observaciones	
16-6-1998	PR	DSC, 6. Leg., Pleno, Núm. 169 del 16.06.1998	Debate de toma en consideración de las tres propuestas de ley sobre extranjería		Cartos Caballero Basáñez (PNV)	Rusia PE CH	Yes	<p>The PNV Caballero Basáñez briefly (as his party did not take part in the Subcommission) intervenes, stating that he would support the report but that, however, some topics would have to be added. Campuzano i Canadés (CIU) makes clear that his group will accept the text as it is, however pointing out that considerable legal reforms in terms of the Foreigners Law and a new Law on Integration should be done.</p>	Center	12680-12681	<p>Simplemente quería decir que — por si todavía hoy tiempo de corregirlo— en esta lectura me ha extrañado el olvido que se hace de un grupo de españoles que en estos momentos lo está pasando bastante mal, me refiero a los españoles de edad avanzada que residen en Rusia, los niños evacuados durante la guerra civil y que tras los cambios experimentados en la antigua Unión Soviética se encuentran en una precaria situación, a los que ha hecho alusión también el portavoz del Grupo Socialista. Si es posible, en la página 13 del informe, cuando se habla de las políticas de bienestar social, en el segundo párrafo se citan una serie de países, bastaría con añadir: países del Este o simplemente Rusia, puesto que afecta casi exclusivamente a Rusia.</p>
15-7-1998	PR	BOCG, 6. Leg., Serie D, Núm. 308 del 15.07.1998	Aprobación por el Pleno de la Cámara del Acuerdo de la Comisión de Política Social y Empleo, relativo al Informe de la Subcomisión para estudiar la situación de los españoles que viven fuera, así como la de los inmigrantes y refugiados que han llegado a nuestro país; conocer a fondo sus necesidades y reivindicaciones prioritarias; proponer las medidas legales y sociales que es conveniente adoptar para conseguir solucionar los problemas existentes.		Campuzano i Canadés (CIU)	G	Yes	<p>First discussion of the three draft proposals on a reform of the Foreigners Law (by CIU, IU, and Mingo). The three proposing parties defend their drafts, the other parties criticize to a certain extent the approach of the proposing parties of not keeping unanimity on the topic.</p>	Center	9046	<p>Las sociedades del mundo entero, y en nuestro caso la sociedad catalana, se han desarrollado en sentido positivo precisamente por los fenómenos migratorios.</p>
13-10-1998	PR	BOCG, 6. Leg., Serie D, Núm. 331 del 13.10.1998	Proposición no de Ley presentada por el Grupo Parlamentario Federal de Izquierda Unida, por la que se insta al Gobierno a que, en el plazo máximo de tres meses, promueva un proceso de regularización al que puedan acogerse todos los inmigrantes que acrediten arraigo en nuestro país			G	Yes	<p>The report gives an overview of the Subcommissions work, as well as their policy suggestions. It starts by stating the objectives and the composition, as well as the material used by the commission (I and II). It then gives summaries of the visit of the subcommission to the Consejo General de la Emigración (III) and to Ceuta and Melilla (IV). The introduction (V) makes clear that the report is the result of the parliamentary pluralism that is reflected in the subcommissions composition and goes on to describe the content of the report (no connection is made between the emigration part and the others).</p> <p>Part VI describes the situation of Spaniards living abroad. It begins with a lengthy historical description of Spanish emigration (A), whose commencements are seen in the 1850s (no mentioning of imperial emigration), and which focuses on the loss this meant for Spain, on the one hand, and the successes the emigrants had, on the other hand. Another point that is stressed is the fact that only with democracy did the rights of the Spaniards abroad actually come to the fore. After the description of the momentary situation, the subcommission issues policy recommendations in different fields (welfare state, civil rights, etc.). The situation of immigrants in Spain is described in Chapter VII, where after a brief description of the development of immigration to Spain and its European character, the policy initiatives until this point are enlisted. The focus is on the consensus in immigration policy and the positive effects of in-migration. However, the text also makes clear that the Spanish society can only tolerate a certain number of immigrants. As in the Chapter before, a second part is concerned with policy recommendations. A similar pattern is followed by Chapters VIII and IX on asylum and racism respectively. The concluding chapter X gives general advice that results from the report (however, there is no connection made between the different chapters of the report – they stand next to each other like separate pillars that are not at all interwoven.)</p>	other	16	<p>En España, que ha nacido durante décadas los flujos migratorios, hacia América y Centroeuropa, se ha convertido, especialmente desde su incorporación a la Comunidad Europea en un país receptor y en vía de paso, por su situación geográfica, para amplios flujos de migrantes que quieren tener destino en otros territorios de la Unión Europea.</p>
19-11-1998	PR (I-Pro)	BOCG, 6. Leg., Serie B, Núm. 179-10 del 19.11.1998	ENMIENDAS Orgánicas de medidas para favorecer una mayor protección e integración de los inmigrantes.		PSOE	G	Yes	<p>Proposición no de Ley del IU to press the government to initiate another regularization</p>	Left	84	<p>5.4 Nuestro país, que se caracteriza por un pasado migratorio reciente, se ha convertido en los últimos años en un país de inmigración, lo que nos obliga, por tradición y responsabilidad, a ser solidarios y acoger, en la medida en que las condiciones para la integración social lo hagan posible, a nacionales de países menos desarrollados que busquen entre nosotros un futuro común. One of these reasons is the recent emigration past.</p>

7-12-1998	PR I(Pro)	BOCG, 6. Leg., Serie B, Núm. 261-1 del 07.12.1998	BOCG, B_261-1	PROPOSICIÓN DE LEY Modificación del Código Civil en materia de adquisición y recuperación de la nacionalidad. Presentada por el Grupo Parlamentario Federal de Izquierda Unida.	The draft law of the IU on changes to the nationality stipulations in the Civil Code aims at enlarging the circle of those eligible for Spanish nationality. The focus lies on introducing jus soli as an addition to jus sanguinis and on cutting down on the requested time of residence prior to applications of nationality.	Yes	I S MO	IU	Left	Equivalente, se facilita la adquisición derivativa de la nacionalidad por residencia, estableciendo una graduación en la que el período general se reduce a cinco años si ésta es legal y continuada, manteniendo los diez años cuando no puedan probarse estos requisitos. En este apartado, se mantiene la tradicional preferencia de los nacionales de países iberoamericanos, en virtud de su vinculación histórico-lingüística, que se amplía ahora al conjunto de las nacionalidades ibéricas. Asimismo, se mantiene la reparación histórica que supone la preferencia de los sefardíes, a los que se equipararán, por este mismo principio de justicia, los moriscos.	2	In the exposition de motivos of the proposal the different changes the IU wants to make to the respective articles of the Civil Code are explained. The article dealing with the shortening of the requested time of residence (Art. 22) here incorporates the Sefardíes and the Moriscos, alongside other nations with "historico-linguistic" ties.
10-12-1998	PR	DSG, 6. Leg., Pleno, Núm. 202 del 10.12.1998	DSG_PL_202	Debate de las enmiendas del PSOE a la totalidad	Discussion of the proposal of the PSOE	Yes	G	Fernández Sanz (PSOE)	Left	Hacemos frente a una mejora de la participación política de los inmigrantes en sus propios países, renovando los obstáculos que están dificultando su participación política en las elecciones de sus países (somos un país que hemos tenido muchos inmigrantes y sabemos cómo se tienen que resolver estos obstáculos) y la participación política en nuestro propio país.	10934	In explaining the enmienda, Fernández Sanz also explains the parts of the proposal that deal with political participation.
15-2-1999	PR I(Pro)	BOCG, 6. Leg., Serie B, Núm. 275-1 del 15.02.1999	BOCG, B_274-1	Proposición de ley del PSOE "Por la que se extiende la cobertura del Sistema Nacional de Salud a todos los ciudadanos que se hallen en España"	The PSOE proposes a law that is explicitly aimed at covering immigrants through the National Medical System. The focus in the exposition de motivos is on the equality that the Sistema Nacional de Salud is supposed to give but fails to offer.	No	-	-	-	-	-	-
15-2-1999	PR I(Pro)	BOCG, 6. Leg., Serie B, Núm. 274-1 del 15.02.1999	BOCG, B_274-1	Proposición de ley de la IU "Por la que se extiende la cobertura de la asistencia sanitaria de la Seguridad Social a todos los inmigrantes." (del 4.2.1999)	The IU proposes a change of the Law 14/1986 "Ley General de Sanidad" to also incorporate the foreigners that are in Spain irregularly and, therefore, not registered with the Social Security. Only the article no. 1 is changed to incorporate all those living in Spain.	Yes	G LM	IU	Left	Nuestro país no escapa a estas aspiraciones, más aun por encontrarse situado geográficamente como puente entre África, América y Europa. En gran parte se trata de un fenómeno novedoso para nosotros ya que en el último siglo España ha sido un país del que, por razones económicas o sociales, han partido muchas más personas al exterior que inmigrantes ha recibido. En la actualidad, alrededor de dos millones de españoles residen en el extranjero. En las décadas de los sesenta y setenta un elevado número de ciudadanos españoles se vio obligado a emigrar en busca de trabajo. Todo ello debería conformar una mentalidad y unas actitudes abiertas y solidarias por parte de nuestro pueblo y, sobre todo, de los poderes públicos. [...]	2	In the exposition de motivos the IU draws a very clear connection between the situation of the immigrants and the emigration out of Spain in the sixties and seventies of the 20th century.
22-2-1999	PR I(Pro)	BOCG, 6. Leg., Serie B, Núm. 278-1 del 22.02.1999	BOCG, B_278-1	PROPOSICIÓN DE LEY Modificación del Código Civil en materia de nacionalidad. Presentada por el Grupo Socialista del Congreso.	The draft law on a change of the Civil Code's arrangements of nationality focuses on widening the circle of those eligible for Spanish nationality. Jus soli is thereby added to the jus sanguinis principle already valid. Further, the time-span of necessary residency in order to obtain Spanish nationality is to be reduced.	Yes	G	PSOE	Left	Contrasta la cifra apuntada de 2 millones de españoles residiendo en el extranjero con la estimada por la Administración de algo más de 100.000 personas en situación irregular en nuestro país. Ante la relativamente escasa parte de la población que en nuestro país se encuentra en esta situación no parece que existan razones de índole económica para oponerse a la cobertura sanitaria de este colectivo. Y desde luego, existen sobradas razones humanitarias y de justicia para equiparar a los inmigrantes irregulares con los que tienen legalizada su situación en nuestro país a efectos de asistencia sanitaria.	1	In the exposition de motivos of the proposal, after acknowledging a general increase in migrations worldwide, states that Spain has become a country not only of remigration but also of new immigration.
5-4-1999	PR	BOCG, 6. Leg., Serie D, Núm. 405 del 05.04.1999		Interpelación del PSOE del 16.03.1999	The interpellación of the PSOE criticized the government for not having an immigration policy in general and for some issues in specific.	No	S I	PSOE	Left	Artículo 22.1. Para la concesión de la nacionalidad por residencia se requiere que ésta haya durado cinco años. Serán suficientes dos para los que hayan obtenido asilo, tengan la condición de apátridas o cuando se trate de nacionales de origen de países iberoamericanos, de la Unión Europea, Andorra, Filipinas, Guinea Ecuatorial o de Sefardíes.	3	-

PR	DSC. 6. Leg., Pleno, Núm. 225, del 24.03.1999	DSC_PL_225	Debate de la interpellación urgente del PSOE en materia de inmigración	Yes	G	Meyer Pleite (Speaker, IU)	Left	Alfonso Tamames, la sociedad española es tolerante, precisamente porque ha sufrido la emigración, pero es un problema al que hay que estar atentos.	12013	After the speaker of the PSOE and the interior minister have exchanged their opinions, the other parties expound their position. Meyer Pleite intervenes to support the interpellation of the PSOE, criticizing that there were considerable problems in the camps for immigrants and, also, that the racist problems have occurred in El Ejido and that racism might be surging if one is not careful enough.
PR	BOCG. 6. Leg., Serie D, Núm. 408 del 12.04.1999	BOCG_D_408	Moción consecuencia de la interpellación urgente del PSOE	No	-	-	-	-	-	-
PR	DSC. 6. Leg., Pleno, Núm. 227, del 13.04.1999	DSC_PL_227	Discussion of the motion	No	-	-	-	-	-	-
PR	DSC. 6. Leg., Pleno, Núm. 258, del 21.09.1999	DSC_PL_258	Discussion of the two proposals (forma en consideración) on the incorporation of citizens immigrants in the Health System	Yes	G LM	Ángeles Maestro Martín (IU)	Left	Por todo ello, les pido el voto tanto para la proposición de ley del Grupo Parlamentario Federal de Izquierda Unida como para la del Grupo Socialista, entendiendo que no es un problema de técnica legislativa al que se aborda aquí esta tarde, sino que se aborda, con enorme retraso, con muchísimo retraso, la restitución de un derecho que está reconocido en cada una de las cartas de derechos internacionales y el hecho de que, siendo un país de emigrantes, un país que ha sufrido el terrible dolor de la necesidad de emigrar para buscar su sustento no debería negar al trabajador de personas, sin ninguna duda, en peores condiciones de salud y de vida en nuestro país.	13676	In her concluding argument, Angeles Maestro Martín draws the connection between the (negative) emigration memory, international treaties and the ethical imperative to help immigrants.
PR	BOCG. 6. Leg., Serie B, Núm. 330-1 del 04.11.1999	BOCG_B_330-1	Enmiendas del PP y de CIU. Informe de la Ponencia sobre la Ley Orgánica sobre derechos y libertades de los extranjeros en España y su integración social	No	-	-	-	-	-	-
PR	DSC. 6. Leg., Comisiones, Núm. 795 del 10.11.1999	CO_795	Debate en Comisión Constitucional	Yes	G LM	Pablo Castellano Cerdalaguat (IU)	Left	After the ponencia has debated and drafted a version of the law, the Constitutional Commission is asked to debate this version. The spokesman of the parties that sit in the ponencia then explain their position with regards to the general result but also with respect to the enmiendas their parties are still defending. I. First, Mercedes Rueda (IU) clarifies the position of initiative per Catalunya-Venda, focusing on the social integration of the immigrants; then Pablo Castellano Cerdalaguat makes the position of the IU clear that the contribution of the NGOs was very valuable, but also that the PP made an effort to collaborate. He especially focuses on the emienda going foreigners the same rights to work in public administration, and one on family reunification, Luis Marobón Sevilla (CC) hints towards the fact that the treaty of Tampere might inflict (CC) hits towards the fact that the treaty of Tampere might inflict with the new law. For the PSOE Fernandez Sanz and Carlos Sanjuan de la Roca intervene. Whereas Fernandez Sanz makes more general remarks on the legal situation that is dictated by the constitution and distinguished between foreigners and EU-citizens. Diego Jordano Salinas presents for the PP, reflecting more generally on the fact that the legislation process has been difficult but successful, before he explains the enmiendas of his party and its position towards the enmiendas of the other groups. For the CIU Campuzano / Canades (CIU) speaks, pointing out that his party will support the position of PP. Then again, all speakers have the chance to defend their enmiendas against the criticism leveled against them. II. In a second block, the speakers are given space to defend their enmiendas to the parts II, III, IV and V of the law. IU, EAJ-PNV, IU, PSOE, PP, CIU, CC.	23697	In his explanation on the enmienda the IU wants to defend with regards to the equal treatment of foreigners in the aims of public administration, Castellano Cerdalaguat criticizes the form of the article that excludes on basis of nationality as discriminatory. The emigration memory used here to strengthen this argument.
PR	DSC. 6. Leg., Pleno, Núm. 237, del 13.04.1999	DSC_PL_237	Discussion of the motion	Yes	G	Diego Jordano Salinas (PP)	Right	No hace muchos meses, en relación a otro debate que no tenía nada que ver con este, era un debate de contenido económico, el vicepresidente primero del Gobierno preguntó que cómo era posible que alguien entendiera que España podía tener una actitud prepotente hacia Argentina cuando gracias a los argentinos habíamos podido comer los españoles en los años cuarenta. En este mismo sentido quisiera decir que no logro entender cómo en la sociedad española puede generarse una actitud prepotente hacia el extranjero y una actitud discriminatoria hacia el extranjero cuando durante años hemos nutrido flujos migratorios y tenemos todavía 2.600.000 españoles como emigrantes repartidos por todo el mundo. Ese concepto de que tenemos 2.600.000 emigrantes españoles cuando estamos hablando de trescientos y pico mil inmigrantes en España de otras nacionalidades distintas a las europeas, nos tiene que hacer reflexionar sobre cuál es la actitud adecuada de la sociedad española y qué esfuerzos quedan por hacer para cortar de raíz cualquier intento de mantener a la raza española, una raza mezclada de diversos orígenes, que se ha ido configurando a lo largo de los siglos, como raza pura o privilegiada, que tiene que quedar por encima de los demás, moros, como se dice en uno de los anónimos, negros, otras razas inferiores, que no tienen derecho a acceder a los niveles de la sociedad española.	23702	In his general statement on the legislative process, Jordano Salinas makes a "general reflection directed [...] to the Spanish society" (Ibid.), in which he explains that he has received several anonymous letters in recent months that expound racist points of view. To counter this argument, he brings in the emigration memory.

	Yes	G	Merger Uria Echevarria (EAU-PNV)	Center	En cuanto a la necesidad de esta norma que abordamos y que los demás intervinientes han tenido ocasión de expresar en el primer bloque, es un dato que la ley vigente es absolutamente obsoleta. Nos quejamos en su día como grupo cuando se aprobó, pero el devenir del tiempo ha evidenciado que la situación de España ha cambiado sustancialmente de país que suscitaba emigración a país que recibe inmigrantes. El reconocimiento de este hecho exigía una modificación en las normas y era hora ya de que se produjese.	23712	In her intervention in the second block of the debate, Uria Echevarria explains why her party thinks it to be important to change the present legislation (LO 7/85)
18-11-1999	PR	DS Comisiones Mixtas, 6. Leg., Núm. 153 del 18.11.1999					
19-11-1999	PR	BOCC, 6. Leg., Serie B, Núm. 330-3 del 19.11.1999					
23-11-1999	PR	DS Comisiones Mixtas, 6. Leg., Núm. 155 del 23.11.1999					
25-11-1999	PR	DS, 6. Leg., Pleno, Núm. 277 del 2.11.1999					
	No	-	-	-			
	No	-	-	-			
	Yes	G	Pablo Castellano Cerdallaguet (IU)	Left	Aunque sólo fuera por el recuerdo de los que tuvieron que pasar por esas situaciones, de los que eran nuestros patriotas y nuestros compatriotas, deberíamos tener un poquito más de ciudado.	14953	In defending the draft proposal against the campaign in the public debate against the law, Castellano appeals to general Human Rights but also to emigration memory.
	Yes	G	Fernandez Sanz (PSOE)	Left	Entre el debe y el haber, entre la suma y la resta me parece que tenemos que seguir recordando lo mismo que cuando hablamos de política migratoria de los españoles en América latina o en Europa: están aportando más que lo que por política redistributiva les llega.	14955	While defending the law in general, Fernandez Sanz talks about the costs of the project. She stresses that the overall cost will be covered by far by the income the immigrants actually provide

10-12-1999	PR	DSS, 6. Leg., Comisiones, Nr. 542 vom 10. Dezember 1999	DSC_CS0542	Discusión y dictamen sobre la Ley en la Comisión Constitucional del Senado	<p>Roman Clemente (IU) defends the amendments of his party and questions why the PP has acted as it has. Zubia Abarcaando (PNV) original text. Capdevila Ibas (CIU) states that his party will vote against the amendments presented by the IU. Ollart Pons (PSOE) announces his party's intention to abstain in the vote of the IU amendments. The PP, present though Galván de Urzaiz, makes clear that it will take a stance on the IU amendments in the plenary.</p> <p>Ríos Pérez (CC) defends his party's amendment that calls for a careful application of the law in Canarias (due to its "archipelagicidad") - thereby not altering the original text, but only supplementing it. Saavedra Acevedo (PSOE) brings juridical reasons to the fore to maintain that his party will abstain in the vote on the CC amendment". The PP, on the other hand, will favor it.</p> <p>The defence of the PP amendments is carried out by Marino Delgado and Galván de Urzaiz. The former points out that European harmonization made the amendments necessary and that the difference between legal and illegal foreigners ought to be reflected in the law. Roman Clemente (IU) criticizes the PP amendments harshly, accusing the PP of having broken the consensus Ollart Pons (PSOE) adds to this argument, criticizing the PP for not having mentioned anything in the past years of elaborating the draft; he also criticizes the government for starting to use immigration politics as a field of electoral discourse.</p> <p>In the turno de portavoces, Zubia Abarcaando makes clear once more that the PNV will not accept the amendments of the PP. Capdevila Ibas for CIU explains the emiendas transaccionales his party has just distributed. Labora Martín (PSOE) refuses to discuss these amendments, as he sees in them just a way of saving the face of the government; he accuses the government of not treating the law as it would merit and of being purely interested in electoral tactics. González Pons (PP) attacks the PSOE and its position heavily, accusing them of undemocratic behavior. Roman Clemente (IU) accuses the PP again of having turned the field of immigration into an electoral battlefield. Zubia Abarcaando (PNV) announces that his party will vote also against the emiendas transaccionales presented by CIU and gives the advice to the CIU senator to not function as a struipo for the government. Capdevila Ibas (CIU) defends the amendments of his group against the idea that they were made to save the face of the government and requests the vote for them. Ollart Pons (PSOE) states that his party would be open to discuss a consensus, but that this would have to happen on terms of the text issues by the Congress. González Pons appeals to the responsibility of the government.</p>	Yes	G LM	Joan Ollart Pons (PSOE)	Left	<p>Señorías, en estos momentos 2.600.000 españoles están trabajando fuera de nuestras fronteras, mientras que aquí tenemos en estos momentos de 500 a 600.000. Imagínense ustedes lo que eso significa. El problema que tuvo España en el pasado fue precisamente la emigración, no inmigración, es decir, los que realmente tienen el problema son los países que ven cómo sus hombres y mujeres se les van, no los países que les acogen, porque las sociedades que les acogen, gracias a esas aportaciones, crecen económica y socialmente, haciendo y construyendo una sociedad mucho más plural. Fíjense ustedes en Estados Unidos. ¿Es que Estados Unidos, después de su política inmigratoria de acoger a ciudadanos de todo el mundo no es hoy una gran potencia social, económica y cultural? ¿No estamos nosotros mediatizados — tal vez demasiado — por la cultura norteamericana?</p>	15	<p>In his turno contra las emiendas of the PP, Ollart Pons, after having attacked the amendments of the PP, defends the consensuated draft law, calling it "good" and "realist". To him, the draft law also fits into the conception of immigration on a European level as a positive and contributing fact. At this point the emigration memory figures as a defence of his argument.</p>
------------	----	---	------------	--	---	-----	---------	-------------------------	------	---	----	--

14-12-1999	PR	DSC, 6. Leg., Pleno, Núm. 280 del 14.12.1999	DSC_PL_280	Toma en consideración de proposiciones de ley: -del grupo socialista del congreso, sobre modificación del Código civil en materia de nacionalidad. -del grupo parlamentario federal de Izquierda Unida, de modificación del código civil en materia de adquisición y recuperación de la nacionalidad.	Yes	G LM	Villarubia Medavilla (PSOE)	Left	Señorías, España ha sido tradicionalmente un país de emigración. Sin embargo, en las últimas décadas comienza a recibir no sólo a los españoles que retornan, sino también a refugiados e inmigrantes. Esta nueva realidad debe abordarse promoviendo la participación y el desarrollo de los derechos civiles y sociales, evitando la exclusión y la integración y el bienestar colectivo, fomentando la tolerancia y aceptando la pluralidad y la dignidad de las personas. Los nuevos ciudadanos que escogen nuestro país como nueva residencia quieren y deben formar parte de nuestra sociedad.	15067	When initiation his intervention in defence of the proposition de ley, and after having briefly characterized the PP efforts to change the corresponding legislative material as fully insufficient.
16-12-1999	PR	DSC, 6. Leg., Pleno, Núm. 156 del 16.12.1999	DSC_PS0156	Debate y aprobación de la Ley en el Senado	Yes	G LM	Joan Ollart I Pons (PSOE)	Left	Acabo esta primera intervención diciendo que es moralmente muy lamentable que se haya recurrido a estos métodos para cambiar una proposición de ley que se inspira en criterios y principios humanitarios de justicia y también de necesidad, para dar respuesta a un fenómeno que estará presente en la sociedad española del siglo XXI: la llegada de personas empujadas por el hambre, y es penoso ver cómo precisamente el gobierno de un país exportador de mano de obra ha abanderado una política regresiva, porque todavía hay más de dos millones de españoles y españolas en los confines del mundo trabajando fuera de su patria; realidad, señorías, demasiado olvidada.	7617	While denouncing the PP-changes to the draft coming from the Congress, Ollart I Pons in his first intervention questions the morals of the PP initiative.
				In the Senate's plenary debate on the law, first Merino Delgado (PP) defends the new version that has been changed considerably by PP-amendments; the reasons he brings to the fore are the europeization of immigration regulations and fact that with the changes, the situation of foreigners would be better than with the LO 7/85. Ríos Pérez makes clear that Coalición Canaria dislikes the situation of confrontation and abstains from voting in the Senate in order to call for a consensus between the two major political parties. Román Clemente (IU) attacks the changes made by the PP and repudiates responsibility for the failure to find a compromise, the PP-speaker had thrown at the parties of the left. Zubia Abaetandio (PNV) makes clear that the government plays a false game and that his party will continue to support the text agreed upon in the congress. For Convergencia i Unió, which had sided with the PP, Capdevilla Ibas explains why his party acted as it acted, working together with the PP (to save the law). Ollart Pons (PSOE) in his intervention (heavily disturbed by interjections from all sides) denounced the PP initiative as unsound, criticizing especially the way in which PP-collaborated at first but then acted against the consensus; the criticism is harsh.	Yes	G LM IM	Pedro Galván de Urzaitz (PP)	Right	[...] y emendarlo según lo que consideráramos y consideramos que es necesario, que es positivo para el conjunto de España, para el conjunto de sus autonomías, para el conjunto de sus territorios y, en todo caso, también para el conjunto de esas personas que vienen en lamentables condiciones —la gran mayoría— a nuestro país y a las que tenemos que dar acogida, y que sob podrá desarrollar una vida digna cuando, además de los derechos que les reconocemos, nuestra sociedad tenga capacidad para darlos trabajo. Señorías, estamos hablando de un asunto fundamental que se concreta en una norma que sólo será positiva si, al final, consigue un objetivo: que sea asumida por todos. No sirve una ley para unos; no sirve una ley para otros; sirve sólo una ley que pueda ser asumida por todos y que haga gala de su título: la ley de los derechos y libertades de los extranjeros en España. Porque también es cierto que éste ha sido un país cuyo conjunto humano ha tenido que salir de sus fronteras para conseguir un porvenir para sus hijos, para su futuro, y sabemos de que estamos hablando. Lo sabemos también los canarios, pues gran parte de nuestros habitantes han tenido que buscar su vida en lo que era la segunda parte de España, hace ya muchos años.	7626	In the second intervention, the PP spokesman justifies the position of his party, pointing out that the law would only be effective, if all benefit from it (accusing the draft of the Congress indirectly of being the contrary), and that this benefit would only be possible if there are possibilities to work in Spain. This argument is supported by the emigration memory.
				In the second round of interventions, Merino Delgado (PP) accuses the PSOE of being the one that has broken the consensus (while disturbed by heavy protests in the plenary). Ríos Pérez (C) defends an amendment that is directed at protecting especially the Canary Islands. Román Clemente (IU) responds to the arguments made by the PP, arguing that the PP consciously broke the consensus. The intervention of Zubia Abaetandio (PNV) goes into a similar vein. Ollart I Pons (PSOE) takes a stand that is less aggressive than in his first turn; he goes through the different points that the draft law of the Congress was to address pointing out why they were necessary. Galván de Urzaitz (PP) depicts the modifications of the law as absolutely necessary in order to deal with the situation. Merino Delgado (PP) also defends the modifications indicating that they would suit the situation better; he also accuses the PSOE of not having reformed the law while governing; a focus of his intervention is on the necessity of adapting the normative framework to the European rules. Román Clemente (IU) attacks the argumentation of Merino Delgado. Carrera I Comes (C'U) reiterates his group's commitment to a consensus and describes how his group intended to save the consensus. Ollart I Pons (PSOE) defends his groups' position, arguing that the PP went wrong in some of its prior arguments; he especially accuses them of playing false and blaming the PSOE with respect to the regularization. The as	Yes	P PE	Joan Ollart I Pons (PSOE)	Left	Finalmente quiero decirles que conozco muy de cerca el estremecimiento del inmigrante o del exiliado indocumentado cuando ve el uniforme de una policía. Lo siento mi madre cuando me llueva cogido de la mano por las calles de Francia, ella también fue exiliada e indocumentada. (Varios señores. Señores del Grupo Parlamentario Popular: ¡La hora!) Con ese pequeño apunte nostálgico a lo «Swamy», en busca del tiempo perdido o, tal vez, del tiempo recordado...	7632-7633	In his turno de portavoz, Ollart I Pons closes with a general reflection on the benefits immigration can have for a society and the moral attitude a society should display towards it. He cites the famous capture on the Statue of Liberty and goes on to give his argument a personal tone by bringing his family memory to the fore.

	PR	DSC, 6. Leg., Pleno, Núm. 283 del 22.12.1999	DSC_PL_283	Debate y aprobación definitiva en el Congreso	intervention is by Manno Delgado (PP) who refutes the arguments made before by Ollart i Pons.	Yes	P IM	Merino Delgado (PP)	Right	Yo conozco sus antecedentes — que usted me ha recordado en alguna ocasión— como hijo de exiliado político. Yo también soy hijo de la emigración interna, y sin embargo no quiero decirle aquí lo que se pasa, también a nivel interno, en determinadas épocas, porque creo que no es el momento. Este es el momento del diálogo, éste es el momento de llegar a un acuerdo en una ley que considero altamente positiva para este país.	7634	In his turno de portavoz, Merino Delgado first argues against what the IU spokesman has said and then against what Ollart (PSOE) has mentioned. In rejecting Ollart's arguments, he plays the ball back in every single argument (PSOE had governing responsibility, PSOE acted the same, etc.).
	Yes	G	López Garrido (IU)	Left	In the final debate in the Congress, the amendments of the Senate are discussed. First to speak is Rivaldiella Gracia (PSC-V) who announces that her party will vote against the amendments because of the behavior of the PP. Rodríguez Sánchez (Bloque Nacionalista Galego y Euzko Alkartasuna) makes clear that his party will also vote against the amendments, to him it is the change in the spirit of the law, now directed at control rather than integration, that leads to this decision. López Garrido (Nueva Izquierda) states the same, however focussing on the argument that the amended law would be institutional racism. Mardones Sevilla expounds that CC has decided to also vote against the amendments, the reason being that the law was modified beyond recognition. For the PNV Uria Echevarria states that her group will not vote in favor of the amended version of the law (which she qualified as to be called rather "on the limitations of the rights of foreigners") but for the law as it left Congress. Campuzano (Ciu) admits that the process of lawmaking was not according to standard, but that his party has tried everything to change the situation; as it could not do so and there was no consensus sought for by the major parties, CIU returns to the consensus text and votes against the amended version of the law. Castellano Cardallaguet (IU) starts his intervention in a highly ironic tone, accusing the government of being unconstitutional; the major part of his intervention he uses to convince the PP parliamentarians to vote in favor of the draft law. For the PSOE Fernandez Sanz disavows that the PP had ever had a migration policy, and that the parliamentarians would be cynical. This is repelled by de Grandes Pascual (P), who characterizes the amended law as an improved version and sees the guilt in the PSOE's actions; he also laments the fact that the parliament will vote against the amended law.	Yes	G	Luis Mardones Sevilla (CC)	Center	Este es el motivo de satisfacción que mi grupo pide a la Cámara que le demos también a los que han manifestado toda su intensidad dramática y de crispación, nos vengan de un continente o de otro. Nosotros en Canarias conocemos perfectamente la seriedad de la emigración, porque juntamente con Galicia, País Vasco, Andalucía y Extremadura hemos sido a lo largo de la historia, lamentablemente o también para fortuna de ellos, países que han mandado a sus emigrantes allí, y hoy día tenemos que hacer esa recuperación.	15258	Mardones Sevilla defends the vote of his party in favor of the old version of the law. He states that a society should be ashamed of itself if has migrants without papers in its midst and that the new law would change this situation. On the one hand the emigration memory is used to solidarize with those affected by the law, on the other hand, the reference to the disbalance of internal migration is used as argument in favor of his position.
	Yes	G	Fernandez Sanz (PSOE)	Left	Esta es una ley que merece ser aprobada y merece ser aprobada no sólo por los inmigrantes que han llegado a este país, ciudadanos con derechos, sino también por los españoles que con males de carrón o de lona se fueron a Europa y constantemente nos están diciendo que no quieren que los inmigrantes que vienen a España tengan el trato que algunos de ellos recibieron en países democráticos y no democráticos. En honor a esos españoles que tuvieron que emigrar, la ley tiene que ser aprobada hoy tal y como decidimos por unanimidad en el Parlamento. Con ello estaremos cumpliendo con nuestro objetivo de Estado social de derecho.	Yes	G	LMI	Left	Esta es una ley que merece ser aprobada y merece ser aprobada no sólo por los inmigrantes que han llegado a este país, ciudadanos con derechos, sino también por los españoles que con males de carrón o de lona se fueron a Europa y constantemente nos están diciendo que no quieren que los inmigrantes que vienen a España tengan el trato que algunos de ellos recibieron en países democráticos y no democráticos. En honor a esos españoles que tuvieron que emigrar, la ley tiene que ser aprobada hoy tal y como decidimos por unanimidad en el Parlamento. Con ello estaremos cumpliendo con nuestro objetivo de Estado social de derecho.	15266	In the concluding remarks of her intervention, Madoze Fernandez Sanz, after attacking the government for having acted throughout the legislative period without an immigration policy, stresses why the law should be voted for. The emigrated Spaniards serve her as direct legitimation.

9.3. The ninth legislation (2008-2011)

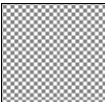



Political distribution of quotes referring to emigration memory – political spectrum

Political inclination	Left	Center	Right	Other/unknown
Number of passages referring to emigration memory	13	3	0	0

Political distribution of quotes referring to emigration memory – parties

Political party	Esquerra Republicana de Catalunya (ERC) Izquierda Unida (IU)	Entesa Catalana de Progrés	Partido Socialista Obrero Español (PSOE) (Government)	Unión Progreso y Democracia (UPyD)	Convergència i Unió (CiU)
Number of passages referring to emigration memory	6	1	6	1	2

Explanation of the source index

Colors	Sources	Memory type
 Foreigners Law	PR Parliamentary records L Legal texts L(pro) Draft legal texts	G General LM Labor Migration S Sefardíes I Iberoamerica/America Latina IM Internal Migration P Personal PE Political Exile EU Europe MO Moriscos CH Children RM Return Migration
 Asylum Law		
 Voluntary Return Plan		
 Foreigners Law II		

Initiative	Date	Source Type	Document	Source Name	Content	Description	Memory Type	Enumerator	Political inclination	Quote	Reference	Context	
	11-9-2008	PR	DSC, 9. Leg., Pleno, Núm. 25 del 11.9.2008	DSC_PL_025	Interpelaciones urgentes: Del Grupo Parlamentario Catalán (Convergència i Unió), sobre la adecuación de la política de inmigración a los cambios experimentados en la realidad normativa y económica más reciente	<p>Debate on the urgent interpellation of the CIU on immigration policy in times of crisis.</p> <p>CIU presents the interpellation (policy change needed because of <i>el hecho de habernos convertido en los últimos años en uno de principales Estados del ámbito de la OCDE con mayor número de llegadas de personas de origen extranjero</i>. Change of the law should focus on incorporating EU norms, sentences of the Constitutional Court and autonomy statutes)</p> <p>The Minister of Labor and Immigration answers (accepts the positions and suggestions of the interpellation, immigration would be not a problem but a phenomenon that has to be governed)</p> <p>CIU contests (argues that family reunification should be possible for all that have permanent residency and that small companies should have access to foreign labor)</p> <p>The Minister answers (argues that a reform has to be made because of the sentences of the Constitutional Court, but that it would be an error to fully reform the law, consensus should be sought, though).</p>	No						
	17-9-2008	PR	DSC, 9. Leg., Pleno, Núm. 27 del 17.9.2008	DSC_PL_027	Moviones consecuencia de interpelaciones urgentes: Del Grupo Parlamentario Catalán (Convergència i Unió), sobre la adecuación de la política de inmigración a los cambios experimentados en la realidad normativa y económica más reciente.	<p>Debate on the motion introduced by CIU on the immigration policy of the government and urging for a reform of the foreigners' law.</p> <p>CIU (introduces the motion and asks for all parties to support it, the government should introduce a reform of the law soon to incorporate European norms and rulings of the Constitutional Court).</p> <p>Defence of amendments: PP (<i>El Gobierno ha fomentado durante todo este tiempo la entrada ilegal de forma masiva y fraudulenta de inmigrantes en nuestro país</i>); Esquerra Republicana-Izquierda Unida-Iniciativa per Catalunya Verds (will support the motion, amendment just to make the position of the group clearer)</p> <p>Speakers turn: Grupo Parlamentario Vasco (EAJ-PNV) (will support the motion, reform urgently needed); Grupo Parlamentario Socialista (willing to accept the motion, it is in line with government policy).</p>	No						
	20-10-2008	PR	DSC, 9. Leg., Pleno, Núm. 33 del 2.10.2008	DSC_PL_033	Convalidación o derogación de reales decretos-leyes. — real decreto-ley 4/2008, de 19 de septiembre, sobre abono acumulado y de forma anticipada de la prestación contributiva por desempleo a trabajadores extranjeros no comunitarios que retornen voluntariamente a sus países de origen. (Número de expediente 130/000003.)	<p>In the discussion of the Royal Decree-law on the Voluntary Return Plan, first the Minister of Labor and Immigration, Celestino Corbacho Chaves explains why the measure is needed and then, what its content is.</p> <p>CC supports the measure; Bloque Nacionalista Galego supports the measure, but has some doubts about the government defining immigrants in a solely utilitarian way; Esquerra Republicana-Izquierda Unida-Iniciativa per Catalunya Verds is opposed to the plan, as it would make immigrants the scapegoat of the economic crisis; Grupo Parlamentario Vasco (EAJ-PNV) votes in favor of the plan, although with doubts as to whether it will work or not; Convergència i Unió supports the measure; PP does not support the measure, as it would not give any solution to the ineffective migration policy of the government;</p>	Yes	Celestino Corbacho Chaves (PSOE, Minister)	Left	<p>Pero, sin duda, es obligado referirse también a nuestro propio ordenamiento jurídico, partiendo del artículo 42 de la Constitución, que exige al Estado el desarrollo de una política que incentive el retorno a nuestro país de aquellos trabajadores españoles que tuvieron que emigrar al exterior. Un objetivo que hoy se articula a través de la Oficina del Retorno. Por todo ello, señorías, resulta evidente que la nueva medida prevista en el Real Decreto-ley 4/2008 es una medida coherente con nuestro ordenamiento jurídico y con experiencias similares de otros países, y en ningún caso puede hablarse de una iniciativa improvisada.</p>	3	When explaining why the measure was supposed to be enacted and explaining that there were precedents in Germany, but also - in reverse - in Spain.	
							Yes	Celestino Corbacho Chaves (PSOE, Minister)	Left	<p>Con ello se ofrece a los trabajadores inmigrantes desempleados una oportunidad que no solo consiste en la posibilidad de regresar a sus países de origen —igual que hicieron hace no tanto tiempo miles de españoles desplazados a países como Alemania, Suiza o Francia—, sino que también es una oportunidad de volver a su tierra con buenas expectativas de inserción laboral y social gracias a la experiencia profesional adquirida en nuestro país y, sobre todo, al estímulo económico que supone disponer de un capital.</p>	4	When pointing out that the measure means an opportunity to foreign workers.	

17-9-2009	PR	DSC 9. Leg., Pleno, Núm. 105, 17.6.2009	DSC_PL_105	<p>Debates de totalidad de iniciativas legislativas:</p> <p>— Proyecto de ley orgánica de reforma de la Ley Orgánica 4/2000, de 11 de enero, sobre derechos y libertades de los extranjeros en España y su integración social.</p>	<p>First discussion of the Foreigners Law in the Congress (<i>debate de totalidad</i>). First, the Minister of Labor and Immigration, Corbacho Chaves, introduces the law. Main reason for the government to introduce the law: <i>A lo largo de la última década la inmigración se ha convertido en un asunto central en nuestro país, por la razón de millones en marzo de 2009, si bien más de 2 millones proceden de un país comunitario</i>. He points out that this reform was elaborated together with members of civil society, reflecting thus also a societal point of view; however, he laments that the PP was not willing to work together with the government on the elaboration.</p> <p>Iniciativa Verds y Izquierda Unida defiende: its total amendment, the draft would be a step back, only a step towards the PP, not a consensus. Esquerra Republicana de Catalunya in the same line. Grupo Parlamentario Vasco (EJ-PNV) argues that the project is bad, as it would not have been agreed upon with other political parties or the civil society and defends its total amendment. Especially the fact that integration is seen from a paternalistic point of view, they argue, is dangerous. PPalso upholds a total amendment, which its speaker defends by arguing that the PSOE would with this project be merely cosmetic. Spain would not be able to take in so many foreigners any more. Coalición Canaria does not have a total amendment, but argues that it does not support the draft in its current form. Especially the unsolved issue of unaccompanied migrant children is a problem that the law has to deal with and that the government would not want to deal with. Bloque Nacionalista Galego thinks that there are many points to change. Convergència i Unió will not vote in favor of the total amendments, but will work on the draft with own amendments. PSOE defends the project but also points out that it welcomes all other groups to join in and collaborate. In the vote, the total amendments are not accepted.</p>	No					
Different dates	PR U(pro)	BOCG 9. Leg., Serie A, Núm. A-31-8, 9.10.2009	BOCG_A_31-08	<p>ENMIENDAS</p> <p>121/00032 Proyecto de Ley Orgánica de reforma de la Ley Orgánica 4/2000, de 11 de enero, sobre derechos y libertades de los extranjeros en España y su integración social.</p>	<p>Collection of all amendments to the Foreigners Law. Contains the three total amendments voted upon in the first debate in the congress</p>	No					

25.6.2009	PR	DSC_9_ Leg., Pleno, Núm. 95, 25.6.2009	DSC_PL_095	Dictámenes de comisiones sobre iniciativas legislativas: — proyecto de ley reguladora del derecho de asilo y de la protección subsidiaria.	<p>Debate and adoption of the Commission of the Interior's report.</p> <p>Nafarroa Bai is not fully happy with the draft and will maintain its amendments, especially with respect to the right to apply for asylum in a Spanish embassy; Grupo Parlamentario de Esquerra Republicana Izquierda Unida-Iniciativa per Catalunya Verds argues that the law would still be wrong, as it would be a step back compared to 1984; Grupo Parlamentario Vasco (PNV) will vote in favor, but will maintain its amendments, as not all of them are incorporated yet; Convergència i Unió argues that the draft is an improvement already and that it will vote in favor; PP shows itself satisfied with the text and will vote in favor; also: points out the consensual spirit in which the law was debated; the PSOE thanks for the collaboration and points out that the law is good and meets highest international standards after incorporating suggestions of other parties and NGOs as well as the UNHCR.</p> <p>The Minister of the Interior intervenes to thank all parliamentary groups for their collaboration and points out that the text has improved substantially.</p>	Yes	PE	Joan Tardà i Coma (Esquerra Republicana de Catalunya)	Left	<p>Señorías, a nuestro parecer, va a traicionarse la solidaridad de los pueblos del mundo con las miles y miles de personas huidas de la guerra española. Va a traicionarse a los miles de republicanos y antifascistas, también del Partido Socialista, que clamaron por la solidaridad internacional y que fueron acogidos por esta. ¿Qué hubiera pasado con esos miles de personas si Francia hubiera cerrado las fronteras? ¿Qué hubiera ocurrido si México no los hubiera acogido? Si las repúblicas americanas, en su conjunto, hubieran cerrado las puertas, hubieran contemplado la ingratitude que fue una tónica distinta a la que se ofreció en aquellos momentos. Deberíamos avergonzarnos de que el Estado español ni siquiera llegue a la suela del zapato a la Italia de Berlusconi en asilo. Mientras Italia el pasado año concedió la mitad de las peticiones de asilo, España no llegó al 5 por ciento. De las 220.000 solicitudes de la Unión Europea, España solo recibió 4.500, y de estas solo aceptaron 151. Y encima se pretende aprobar hoy una ley todavía más restrictiva, y lo más preocupante es que se va a aprobar sin que cunda el escándalo, lo que responde y denota la relativización de los valores democráticos en nuestra sociedad, absolutamente ignorante de su pasado. Ignorancia que tiene unas causas y unas responsabilidades. La causa principal no es otra que la falta de memoria colectiva sobre el pasado y los responsables, la derecha y la izquierda española, que han consolidado el modelo español de impunidad, enterrando los horrores del franquismo y creando una ficción del pasado y del presente edulcorada ante las nuevas generaciones. Quieren hacer olvidar que hace solo unos años teníamos que buscar refugio en sociedades democráticas porque aquí se encarcelaba y se asesinaba. Y esto ocurre hoy en todo el mundo. Esto es lo que hay que transmitir a las nuevas generaciones. La vergüenza actual y la de esta ley radica en el hecho de reflejar sin disimulos que el Estado español, una de las últimas dictaduras del siglo XX en la Unión Europea, es decir, una de las democracias más jóvenes, es de las primeras en apuntarse al refugio europeo. Los últimos en llegar y los primeros en bajarse. Esta es la realidad. A título de ejemplo, destacamos dos de los déficits de esta ley:</p>	33	When commencing his statement.
						Yes	PE	Merçè Pigem i Palmés (CIU)	Center	<p>En otros países —y me refiero especialmente a los nórdicos con una política de inmigración cero— la vía del asilo se ha convertido en la única vía de acceso de ciudadanos extranjeros a estos países. Este no ha sido el caso de España. En España el debate sobre el asilo no es su concepción como la puerta trasera para la entrada de inmigrantes, sino que el asilo debe servir para proteger a aquellas personas que viviendo en su país una situación de vulnerabilidad o de persecución política con riesgo para su vida puedan ser acogidos en España. No podemos olvidar a este respecto que durante una larga etapa de nuestra historia reciente España ha sido un país de exiliados. Por ello, tal como se hizo la regulación hoy vigente, en la que tuvo un papel de relevante intervención el que fue durante mucho tiempo portavoz de mi grupo parlamentario, Miquel Roca, el objetivo ha de seguir siendo que el derecho de asilo funcione y que funcione bien, no solo pero también en justa correspondencia con lo que a España le correspondió beneficiarse en el oscuro período de la dictadura en el campo de la protección internacional.</p>	35-36	When comparing the case of debates in other European countries to that in Spain.

				Yes	PE	Juan Moscoso del Prado Hernández (PSOE)	Left	Quiero destacar la importancia que tiene este proyecto de ley en materia de derecho de asilo, tanto en el marco del derecho español como en el derecho comunitario europeo. Como ya sabemos, el derecho de asilo se encuentra regulado internacionalmente a partir de la Convención de Ginebra del año 1951 y del Protocolo de Nueva York de 1967. Es evidente que los ciudadanos españoles fuimos antes que nada objeto de protección. Fueron cientos de miles los democratas españoles exiliados, desde la guerra civil, el exilio y la República, o los que huyeron de la dictadura franquista, una dictadura autoritaria. Hubo que esperar hasta la Constitución de 1978 para que España se reincorporase a la comunidad democrática de las naciones libres y para que pudiésemos comenzar a ser país de refugio y no país emisor de refugiados. Esto está en nuestra conciencia, está en nuestra historia, y por eso este país, y sin duda mi partido, siempre trabajará para ser una referencia europea e internacional en materia de asilo.	38	After pointing out the parliamentary work done until now and thanking for the collaboration
22-9-2009	PR U(pro)	BOCG, Senado, Núm. II-211, c. 22.9. 2009	Senado_II002_1C	No				Amendments to the draft passed on by the Congress.		
5-10-2009	PR	DSS, 9. Leg., Comisiones, Núm. 204, 5.10.2009	Senado_CS02_04	No				<p>Debate on the amendments of the different parties in the Senate in the Commission of Interior.</p> <p>Defending turn: GMx; Grupo Parlamentario de Senadores Nacionalistas (will vote in favor, but hopes that some amendments will be taken in, mostly because some parts of the draft would be going against the spirit of Geneva); Grupo Parlamentario Catalán en el Senado de Convergència i Unió (points out that prior talks had been held, but that there was no consensus reached as in the Congress); Grupo Parlamentario Entesa Catalana de Progrés; Grupo Parlamentario Popular; Grupo Socialista ("Señoras, en vista de que no hemos podido lograr un consenso amplio, no apoyaremos las enmiendas de los demás grupos. Vamos a intentar mantener el criterio — primer objetivo de la modificación de esta ley— de no salirnos bajo ningún concepto del margen que nos marcan las directivas europeas"; "Frustración de esta portavoz por no haber podido lograr un acuerdo, a pesar de que todos lo hemos intentado.");</p> <p>Speakers turn: Coalición Canaria (in favor of draft); Grupo Parlamentario de Senadores Nacionalistas (saddened that the PSOE seems to not be willing to improve the text further, will maintain its amendments); Grupo Parlamentario Catalán en el Senado de Convergència i Unió (not happy about the attitude of the PSOE of not wanting to substitute "woman" by "person"); Grupo Parlamentario Popular en el Senado.</p>		

7-10-2009	PR	DSS, 9. Leg., Pleno, Núm. 54, 7.10.2009	Senado_P500 54	<p>DICTÁMENES DE COMISIONES SOBRE PROYECTOS Y PROPOSICIONES DE LEY REMITIDOS POR EL CONGRESO DE LOS DIPUTADOS - De la Comisión de Interior en relación con el Proyecto de Ley reguladora del derecho de asilo y de la protección subsidiaria</p>	<p>Debate in the plenary of the Senate. First, the text is introduced by the president of the Commission of the Interior. PSOE speaks in favor of the project.</p> <p>Turn of defending amendments: GmX (Con estas 12 enmiendas tratamos de que España no dé un paso atrás en cuanto a su compromiso internacional de respetar, proteger y realizar los derechos de las personas en busca de protección internacional); Grupo Parlamentario de Senadores Nacionalistas (Dicho en palabras de la Comisión Española de Ayuda al Refugiado, CEAR, y de Amnistía Internacional — que las suscribimos y hacemos nuestras—, existen todavía disposiciones que no solo suponen un paso atrás en el actual sistema de asilo español sino que contravienen el espíritu de la Convención de Ginebra sobre el Estatuto de los Refugiados. - however, will vote favorably); Grupo Parlamentario Catalán en el Senado de Convergència i Unió (Espero que se haga un último esfuerzo para aumentar el nivel de consenso conseguido hasta ahora. A pesar de todo, con la caótica situación de negociación actual, difícilmente puede hacer más esfuerzos el partido de Gobierno.); Grupo Parlamentario Entesa, Catalana de Progrés (En este momento tenemos la convicción de que la actual propuesta vulnera elementos de legislación internacional que el Gobierno español ha firmado y que estaban, como mínimo, aceptablemente garantizados en la actual legislación sin tocarla, sin tener que tomar una iniciativa más restrictiva.); Esquerra Republicana (see quote by Botifll i Abello); Grupo Parlamentario Socialista (points out the last minute consensus (?)).</p> <p>Speakers turn: Coalición Canaria (Sin embargo, lamentamos que el espíritu de consenso que ha vivido este proyecto de ley durante su trámite en el Congreso de los Diputados casi se haya roto durante su paso por el Senado. - however, will vote in favor); Grupo Parlamentario de Senadores Nacionalistas; Grupo de Convergencia i Unió; Grupo Parlamentario Entesa Catalana de Progrés (vote in favor, but still difficult); Grupo Parlamentario Socialista (luna brevíssima intervenció per felicitar-los per el ampli consens assolit i per tots els esforços dels grups parlamentaris i per agrair el nou i millor text que s'ha aprovat); Grupo Parlamentario Popular (the text has improved in the Senate)</p> <p>Voting of the amendments</p>	Yes	P PE	Miquel Botifll i Abello (ERC)	Left	<p>Gràcies president. Quatre paraules i un poema. Els meus pares dos ciutadans catalans, molt joves, van haver de fugir de l'ocupació de Catalunya per les tropes franquistes i Xile, on ja vaig néixer els va acollir sense reticències especials, hi van fer una part de la seva vida, hi van arribar a tenir tots els drets com qualsevol ciutadà xilè... i ara nosaltres, com a país democràtic també hem de saber ser generosos i solidaris. Aquest projecte de llei d'asil que avui se'n proposa enlloc d'avançar, restringeix drets i per nosaltres Esquerra Republicana de Catalunya no és acceptable.</p> <p>Hecha la defensa técnica y política de nuestras enmiendas por el senador Nuet, decía que los senadores de Esquerra Republicana votaremos en contra de un proyecto que restringe el derecho de asilo, a pesar de que se hayan pulido algunas aristas en el Senado. Por una vez, me he permitido argumentar con una experiencia personal que ha marcado mi existencia de catalán nacido en el exilio. Para terminar, permítanme que les lea, si no me emociono demasiado, un poema que hace referencia a esa experiencia y al dolor y la esperanza de los que sufren regímenes de opresión.</p> <p>«Quins missatges frustrats // ens omplen els ulls, // Aterreix la por de tant // esbarbers, // Les punxes s'arripen // a les mans, petits martiris, // flocs de llum engrapades // mentides en cada foc lluent, // S'escaivissa l'espaït // sense fi, // les botes s'ensorren en // el llot de tants dies, // L'ordre un desgavell, un caos // de malediccions, d'enviages, // Tants morts amb ulls // oberts que ens miren, // Però encara florixen geranis // hi ha ocells que volen a // mig aire, // Avui, onze de setembre, // sols la mar ens separa.» (La señora Fernández Sanz: ¡Tradúzcalo! —Aplausos.)</p>	2560-2561
					<p>Como podrán entender, no tenía previsto empezar como lo voy a hacer. Me voy a dirigir a Miquel Botifll. Miquel: ¡o sóc un admirador de María Dolores Pradera y ¡ay una canción de María Dolores Pradera que dice: llorar no es privilegio de mujeres, pues yo he visto llorar a muchos hombres. Hoy puedo decir que he visto llorar a un hombre en esta Cámara y como hijo de represaliado franquista puedo decir que le entiendo. Pero sobre todo le quiero decir al senador que sus lágrimas dignifican la política. Muchas gracias.</p>	Yes	P PE	Josep Madoñedo i Gill (CiU)	Center	<p>2562</p>	
					<p>En la misma línea de lo que ha dicho mi compañero de grupo, el senador Botifll, al que también felicito por su emotiva intervención, he de decir que en España precisamente tenemos una tradición de peticiones de asilo político aún reciente, y me refiero a los centenares de miles de españoles que se vieron forzados al exilio después de la guerra civil y que recibieron acogida sobre todo en Latinoamérica, antes incluso que en buena parte de algunos países europeos que adoptaron una actitud más bien ambigua cuando no hostil. Fue una gran generosidad a la que el senador Botifll hacía referencia cuando hablaba de Chile. Precisamente yo quiero recordar al general Lázaro Cárdenas, presidente del Gobierno de México a la sazón, quien realmente recibió a los exiliados españoles con los brazos abiertos. España no puede olvidar esta situación, esta realidad ni, por tanto, ese derecho a la acogida precisamente por nuestra experiencia vivida, sin que por eso tenga que ponerse en riesgo la seguridad de nuestros ciudadanos ni la de nuestros conciudadanos europeos.</p>	Yes	PE I	Joan Sabaró i Borràs (Entesa Catalana de Progrés)	Left	<p>2563</p>	

15-10-2009	PR	DSC 9. Leg., Pleno, Núm. 113, 15.10.2009	DSC_PL_113	Enmiendas del Senado — Proyecto de ley reguladora del derecho de asilo y de la protección subsidiaria.	Debate in the plenary of the Congress of the amendments made by the Senate. Speakers: Grupo Parlamentario de Esquerra Republicana-Izquierda Unida-Iniciativa per Catalunya Verds (will not vote in favor); Grupo Parlamentario Vasco (will vote in favor of the amendments); Grupo Parlamentario Catalán (Convergència i Unió) (will vote in favor of the amendments); Grupo Parlamentario Popular (will vote in favor of the amendments); Grupo Socialista (will vote favorably)	Yes	PE	Joan Tardà i Coma (Esquerra Republicana de Catalunya)	Left	Entendíamos entonces que una sociedad democrática madura que quiere pasar cuentas con su pasado —y el caso español es paradigmático porque sufrimos, ya lo hemos dicho en alguna ocasión, decenas de dictadura feróz y sanguinaria—, una sociedad democrática madura como la nuestra debería ser ejemplo de aquellos proyectos de ley que tienden a regular, a legislar derechos para con nosotros mismos, los ciudadanos del Estado español, y para con el conjunto de la humanidad. Esto es preocupante. Tenemos el ejemplo muy claro, cuando en Suecia o en Francia se acogía a los soldados desertores de Vietnam o cuando Francia acogía a los refugiados antifascistas del Estado español, aquí el actual jefe del Estado celebraba sentencias de muerte en el balcón del Palacio de Oriente. Fíjense ustedes las anomalías de la historia: En Francia se acogía a los ciudadanos españoles que huían de la dictadura y, aquí, el actual jefe del Estado, al lado del dictador, celebraba —repto— penas de muerte, año 1975. Es decir, no hablemos de anomalías de la historia porque creo que, incluso, a alguien de esta Cámara no le va salir a cuenta; por ejemplo, al Partido Popular. De manera que seamos sinceros. Esta era una buena oportunidad para pasar cuentas con la historia, ser agradecidos con la historia y justos para con las víctimas de las dictaduras de los regímenes de carácter dictatorial que hay en el mundo.	4	When arguing that his party will not vote in favor of the law		
21-10-2009	PR Upro	BOCG 9. Leg., Serie A, Núm. A 31-10, 1.7.2009	BOCG_A_31-10	INFORME DE LA PONENCIA 1211/00032 Proyecto de Ley Orgánica de reforma de la Ley Orgánica 4/2000, de 11 de enero, sobre derechos y libertades de los extranjeros en España y su integración social.	Report of the working group on the draft Foreigners Law, containing the text as drafted by the working group as well as a list of those amendments that were taken into consideration and those that were withdrawn.	No	-	-	-	-	-	-	-	-
26-10-2009	PR	DSC 9. Leg., Comisiones, Núm. 395, 26.10.2009:2009	DSC_CO_395	EMITIR DICTAMEN A LA VISTA DEL INFORME ELABORADO POR LA PONENCIA SOBRE EL PROYECTO DE LEY ORGÁNICA DE REFORMA DE LA LEY ORGÁNICA 4/2000, DE 11 DE ENERO, SOBRE DERECHOS Y LIBERTADES DE LOS EXTRANJEROS EN ESPAÑA Y SU INTEGRACIÓN SOCIAL.	Discussion in the Commission of Labor and Immigration on the draft of the working group (in which: 731 enmiendas que se han trabajado, de las cuales se han admitido íntegramente 204 y han sido objeto de transacción 89) Speakers: PP, CC (fully satisfied with work of the working group), Iniciativa per Catalunya Verds-Izquierda Unida (en el trámite de ponencia se ha mejorado parcialmente la ley, y luego entraremos en detalle, pero que los elementos de fondo que nos llevaron a presentar la enmienda a la totalidad se mantienen prácticamente intactos, ya que, si bien hay mejoras, en la sustancial estos, desde nuestro punto de vista, no son suficientes... will not vote in favor), ERC (hemos avanzado un tanto, pero todavía hay algunas cuestiones en el ámbito competencial en las que nos hemos quedado cortos), Convergència i Unió (Debemos empezar por afirmar que nos sentimos satisfechos del diálogo y del trabajo que hemos tenido durante largos semanas con el Gobierno, con el Grupo Parlamentario Socialista y con otros grupos de la Cámara durante la tramitación de este proyecto de ley.), Grupo Parlamentario Vasco, PNV, Grupo Parlamentario Socialista (defendís the work done).	No	-	-	-	-	-	-	-	-

29-10-2009	PR	DSS 9. Leg., Pleno, Núm. 118, 29.10.2009	DSC_PL_118	DICTÁMENES DE COMISIONES SOBRE INICIATIVAS LEGISLATIVAS: — PROYECTO DE LEY ORGÁNICA DE REFORMA DE LA LEY ORGÁNICA 4/2000, DE 11 DE ENERO, SOBRE DERECHOS Y LIBERTADES DE LOS EXTRANJEROS Y SU INTEGRACIÓN SOCIAL.	Discussion in the Congress of the draft of the Foreigners Law as it came out of the Commission. Speakers: Bloque Nacionalista Galego (advances made, will abstain), CC (will support project), Izquierda Unida-Iniciativa per Catalunya Verds (will not support the project), Esquerra Republicana (open for dialogue but will vote against this draft), Grupo Parlamentario Vasco (EAJ-PNV) (will vote in favor), Grupo Parlamentario Popular (want to change many things still, the draft would be purely cosmetic reform), Grupo Parlamentario Catalán (Convergència i Unió) (will vote in favor), PSOE (asks for support). Vote: votos emitidos, 335; a favor, 185; en contra, 146; abstenciones, cuatro.	No														
31-10-2009	L	BOE/A-2009-17242	BOE-A-2009-17242	Ley 12/2009, de 30 de octubre, reguladora del derecho de asilo y de la protección subsidiaria.	The Asylum Law in its final form	No														
12-11-2009	PR	DSS 9. Leg., Comisiones, Núm. 237, 12.11.2009	Senado_CS0237	Dictaminar el Proyecto de Ley Orgánica de reforma de la Ley Orgánica 4/2000, de 11 de enero, sobre derechos y libertades de los extranjeros en España y su integración social.	Discussion in the Commission of Labor and Immigration of the Senate of the draft passed on to the Senate. Turn of speakers to defend their amendments: Grupo Mixto, Grupo de Convergencia i Unió, Enesa Catalana de Progrés, Grupo Socialista, Grupo Parlamentario Popular. Turn of speakers to elaborate their position: Grupo Mixto, Grupo de Convergencia i Unió (will vote in favor, the text has improved substantially), PSOE, Grupo Parlamentario Popular (the Government does not want consensus with the PP, <i>esta ley sigue sin prohibir las regularizaciones masivas, desprecando la regularización caso a caso, como recomienda la Unión Europea. Esta ley no regula el sistema de equilibrio entre derechos y deberes, que deberían incorporarse a través del contrato de integración, que ustedes no aceptan bajo ningún concepto. Esta ley limita el reagrupamiento de ascendientes, pero sigue permitiendo el reagrupamiento en cadena. Esta ley deja sin regular el arraigo y mantiene la regularización reglamentaria, que es un sistema que incumbe el efecto llamado. Esta ley no resuelve el caso de la Administración General del Estado, estado la inmigración repartida en seis ministerios. Esta ley no establece una correlación de actuación entre Gobierno, comunidades autónomas y ayuntamientos.</i> , 13)	Yes	Immigration	Arturo Bagur Meradad (GEM, PSOE)	Left											
18-11-2009	PR	DSS 9. Leg., Pleno, Núm. 60, 18.11.2009	Senado_P50060	DICTÁMENES DE COMISIONES SOBRE PROYECTOS Y PROPOSICIONES DE LEY REMITIDOS POR EL CONGRESO DE LOS DIPUTADOS — DE LA COMISIÓN DE TRABAJO E INMIGRACION EN RELACION CON EL PROYECTO DE LEY ORGÁNICA DE REFORMA DE LA LEY ORGÁNICA 4/2000, DE 11 DE ENERO, SOBRE DERECHOS Y LIBERTADES DE LOS EXTRANJEROS EN ESPAÑA Y SU INTEGRACIÓN SOCIAL.	Debate in the plenary of the Senate. First, the text is introduced by the president of the Commission of Labor and Immigration (pointing out that there were 382 amendments). Speakers: PSOE (defends the law); Grupo Parlamentario Catalán en el Senado de Convergència i Unió (defends the law); PP (the PSOE would not have wanted to work with the PP, only few of their amendments have been accepted, the law would be cosmetic reform only, vote against the law); Second round of Speakers: CC (is satisfied with the inclusion of its ideas, will vote in favor); Grupo de Convergència i Unió; PSOE (<i>esta ley persigue gestionar de forma integrada y sostenible la política migratoria.</i>); PP (<i>es una ley muy socialista, muy de Zapatero.</i>); Round of defense of amendments: Unión d el Pueblo Navarro;	Yes	G	Fernandez Sanz (PSOE)	Left											

	26-11-2009	PR	DSC, 9. Leg., Pleno, Núm. 127, 26.11.2009	DSC_PL_127	Enmiendas del Senado: — Proyecto de ley orgánica de reforma de la ley orgánica 4/2000, de 11 de enero, sobre derechos y libertades de los extranjeros en España y su integración social.	<p>Grupo de Senadores Nacionalistas; Grupo Parlamentario Entesa Catalana de Progrés (still not in favor of the law); Iniciativa per Catalunya Verds y de Izquierda Unida (still not in favor of the law and will maintain most amendments); PP; PSOE;</p> <p>Speakers turn: ?? (will vote in favor, although still problems with the law); Grupo Parlamentario de Senadores Nacionalistas; Convergència i Unió (once again defending the law); ??? (BURGUÉS BARGUÉS:) (reemos que esta ley va a permitir una mayor cohesión social que dé lugar a una sociedad que pueda proporcionar a sus ciudadanos y ciudadanas, sin distinciones, una mejor calidad de vida). PSOE; PP</p>	Yes	Arturo Bagur Mercaçal (Gmx, PSOE)	Left	<p>El efecto llamado que se ha producido y se produce en los países desarrollados sobre los países pobres es natural dadas las dificultades para sobrevivir de los habitantes del llamado Tercer Mundo. La necesidad de acoger solidariamente a estas personas tiene que ser organizada y legislada, siendo esta motivo de controversia por quienes quieren endurecer la ley para evitar mayor presencia de inmigrantes extranjeros y los que abogan —lo hemos escuchado también— por una mayor flexibilidad y tolerancia con aquellos personas que, por desgracia, precisan salir de su tierra hacia supuestos destinos más acordes con sus necesidades. Sabemos que su situación llega a ser en algunos casos muy precaria, sobre todo en los tiempos actuales, ya que vienen a ocupar —si los hay— aquellos trabajos que los habitantes de los países ricos ya no quieren ejercer. Nosotros, que hemos sido país de emigrantes, lo sabemos con certeza. Pero también es cierto que se precisa de un ordenamiento que canalice los flujos migratorios laborales y que dé cabida a la integración, organizando derechos tan básicos como la sanidad, la educación y, si es posible —cosa difícil por lo que vemos—, el acceso a la vivienda, así como el reagrupamiento familiar como un hecho imprescindible e irrenunciable. Se proponen una serie de requisitos que para algunas organizaciones endurecen esta reforma.</p>	2960-2961	
	26-11-2009	PR	DSC, 9. Leg., Pleno, Núm. 127, 26.11.2009	DSC_PL_127	Enmiendas del Senado: — Proyecto de ley orgánica de reforma de la ley orgánica 4/2000, de 11 de enero, sobre derechos y libertades de los extranjeros en España y su integración social.	<p>Final debate in the plenary of the Congress on the new Foreigners Law</p> <p>Speakers: CC, Others of the Grupo Mixto (favorable of the law); Esquerra Republicana- Izquierda Unida-Iniciativa per Catalunya Verds (both speakers argue that the law is bad and a step back from prior legislation, will vote against it); Grupo Parlamentario Vasco (Euzko Legebaitza) (No se avanza suficientemente, no es una ley progresista; es una ley de derechos...); Hemos mantenido aquí una posición curvilínea con esta ley. Iniciamos su debate o el iter legislativo de la misma presentando una enmienda de totalidad, porque nuestros principios o los fundamentos ontológicos de lo que aquí presentó el Gobierno eran manifiestamente contradictorios con nuestra posición ideológica en relación con el fenómeno de la extranjería y de la inmigración. Después, la creación de enmiendas que mejoraban las aristas más antidemocráticas de la ley modificó nuestra posición, y llegamos a votar si al dictamen que se aprobó en el Congreso de los Diputados. Se mejoró algo en el Senado, pero no se mejoró aquello sobre lo que estamos focalizando de forma específica nuestra posición política en este momento. Nuestra desafección de la ley dimana de la imposibilidad de corregir algo que es tan fácil como mantener y no levantar esa enmienda, que es la que ustedes van a hacer, porque han pedido ya la votación separada de la enmienda 212 con una intención daleosa que a uno le cabe inbuir cuál es, que es su levantamiento, su desaparición del texto de proyecto. Esto va a provocar que no solo mantengamos una posición crítica con esta ley, sino que nos desvinculemos de cualquier tipo de paternidad, incluso con los mejores producidos. Además la vamos a combatir.); Grupo Parlamentario Catalán (Convergència i Unió) (thinks that the law has improved substantially, the opposing groups are not offering alternatives); PP (laments that the PSOE did not search a pacto de estado with the PP); PSOE (defends); Minister of Labor and Immigration.</p>	Yes	Joan Tardà i Coma (Esquerra Republicana de Catalunya)	Left	<p>Miren, hay democracias en las que cuando aquí se mataba por ser democrática, allí se asumían cosas muy altas de solidaridad; hay democracias en las que cuando aquí los trabajadores se velan condenados a emigrar, allí los sindicatos, la clase obrera trabajaba para que los recién llegados tuvieran todos los derechos sociales y de ciudadanía. Luego hay democracias, como la democracia española, que están obligadas a más. Cuando en Europa hay democracias que dan muestras de fatiga en la lucha por los derechos democráticos, hay democracias recién llegadas, como la democracia española, que están obligadas a más, con lo cual todavía se entiende menos que ustedes legitimen al llegar el Internamiento de estas personas en los centros hasta sesenta días; es una vergüenza; no han cometido más allá de una falta administrativa, ningún hecho delictivo.</p>	16-18	

12-12-2009	L	BOE-A-2009-19949	BOE-A-2009-19949	Ley Orgánica 2/2009, de 11 de diciembre, de reforma de la Ley Orgánica 4/2000, de 11 de enero, sobre derechos y libertades de los extranjeros en España y su integración social.	The Foreigners Law in its final form	No													
10-6-2010	PR U(pro)	BOCG, 9. Leg., Serie B, Num. B-257-1, 11.6.2010	BOCG, 9. Leg., Serie B, Num. B-257-1, 11.6.2010	Proposición de Ley de modificación de los artículos 31 bis y 59 bis de la Ley Orgánica 4/2000, de 11 de enero, sobre derechos y libertades de los extranjeros en España y su integración social (Orgánica). Presentada por el Grupo Parlamentario Popular en el Congreso.	Proposal of the reform of some articles of the Foreigners Law presented by the PP. Reason in the statement of purpose: <i>Sin embargo, el hecho de que una mujer extranjera que se encuentre en situación de irregularidad denuncie a su agrasor y se le abra un procedimiento administrativo que puede acabar en expulsión, desincentiva que las mujeres extranjeras vayan a denunciar.</i> Short text.	No													
8-2-2011	PR	DSC, 9. Leg., Pleno, Num. 220, 8.2.2011	DSC, Pl_220	Toma en consideración de proposiciones de ley; del Grupo Parlamentario Popular en el Congreso, orgánica de modificación de los artículos 31 bis y 59 bis de la ley orgánica 4/2000, de 11 de enero, sobre derechos y libertades de los extranjeros en España y su integración social	Debate of taking into consideration of the PP proposal on the reform of the Foreigners Law.	No													
4-4-2011	PR U(pro)	BOCG, 9. Leg., Serie B, Num. B-257-11, 4.4.2011	BOCG, B_257-11	ENMIENDAS E ÍNDICE DE ENMIENDAS AL ARTICULADO - Proposición de Ley Orgánica de modificación de los artículos 31 bis y 59 bis de la Ley Orgánica 4/2000, de 11 de enero, sobre derechos y libertades de los extranjeros en España y su integración social.	Amendments to the PP's proposal	No													
23-5-2011	PR U(pro)	BOCG, 9. Leg., Serie B, Num. B-257-12, 23.5.2011	BOCG, B_257-12	INFORME DE LA PONENCIA - Proposición de Ley Orgánica de modificación de los artículos 31 bis y 59 bis de la Ley Orgánica 4/2000, de 11 de enero, sobre derechos y libertades de los extranjeros en España y su integración social.	Report of the working group on the draft Foreigners Law, containing the text as drafted by the working group.	No													
25-5-2011	PR	DSC, 9. Leg., Comisiones, Num. 778, 25.5.2011	BOCG, B_257-1	Emitir dictamen a la vista del Informe elaborado por la ponencia sobre: Proposición de ley orgánica de modificación de los artículos 31 bis y 59 bis de la Ley Orgánica 4/2000, de 11 de enero, sobre derechos y libertades de los extranjeros en España y su integración social. Presentada por el Grupo Parlamentario Popular en el Congreso.	Debate in the Commission of Labor and Immigration of the Congress on the draft presented by the working group. Speakers: PP, Grupo Parlamentario de Esquerra Republicana-Izquierda Unida-Idatwa per Catalunya Verds, PNV, CIU, PSOE	No													
7-6-2011	PR	DSC, 9. Leg., Pleno, Num. 249, 7.6.2011	DSC, Pl_249	Dictámenes de comisiones sobre iniciativas legislativas: Proposición de ley orgánica de modificación de los artículos 31 bis y 59 bis de la Ley Orgánica 4/2000, de 11 de enero, sobre derechos y libertades de los extranjeros en España y su integración social.	Debate and adoption of the Commission of Labor and Immigration in the plenary of the Congress.	No													

20-6-2011	PR	DSS, 9. Leg., Comisiones, Num. 538, 20.6.2011	DSS_C_09_53_8	Dictaminar: Proposición de Ley Orgánica de modificación de los artículos 31 bis y 59 bis de la Ley Orgánica 4/2000, de 11 de enero, sobre derechos y libertades de los extranjeros en España y su integración social.	Debate in the Commission of labor and Immigration of the Senate on the draft presented by the Congress.	No															
22-6-2011	PR	DSS, 9. Leg., Pleno, Num. 127, 22.6.2011	DSS_P_09_12_7	DICTÁMENES DE COMISIONES SOBRE PROYECTOS Y PROPOSICIONES DE LEY REMITIDOS POR EL CONGRESO DE LOS DIPUTADOS - De la Comisión de Trabajo e Inmigración en relación con la Proposición de Ley Orgánica de modificación de los artículos 31 bis y 59 bis de la Ley Orgánica 4/2000, de 11 de enero, sobre derechos y libertades de los extranjeros en España y su integración social.	Debate in the plenary of the Senate on the draft that had gone through the Commission. The draft is presented and then, due to the general agreement on the matter, adopted without vote.	No															
14-7-2011	PR	DSC 9. Leg., Pleno, Num. 262, 14.7.2011	DSC_PL_262	Enmiendas del Senado – Proyecto de Ley orgánica de modificación de los artículos 31 bis y 59 bis de la Ley Orgánica 4/2000, de 11 de enero, sobre derechos y libertades de los extranjeros en España y su integración social.	Debate on the amendments of the Senate and adoption of the text. All speakers thank for the consensual spirit in which the draft was elaborated both in the Congress and the Senate.	No															
28-7-2011	L	BOE-A-2011-12962	BOE-A-2011-12962	Ley Orgánica 10/2011, de 27 de julio, de modificación de los artículos 31 bis y 59 bis de la Ley Orgánica 4/2000, de 11 de enero, sobre derechos y libertades de los extranjeros en España y su integración social.	The Foreigners Law in its final form.	No															

