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## **The Role of the State in Influencing African Labour Outcomes in Spain and Portugal**

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## **The Role of the State in Influencing African Labour Outcomes in Spain and Portugal\***

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The literature on recent trends in immigration in Europe has stressed the change in migration balances in Southern Europe, from centres of emigration to immigration (Salt, 1992; King and Rybczuk, 1993; Montanari and Cortese, 1993; Pugliese, 1993; King and Black, 1997). This literature generally considers Italy, Greece, Portugal and Spain as a relatively homogeneous European geographical region (or at least one sharing remarkably common features). Not only for immigration studies, but for other types of research, trends in the economies and the political circumstances of these Southern European countries have been studied as elements in a similar historical processes (see Williams, 1984; Hudson and Lewis, 1985; Hadjimichalis, 1987; Loughlin, 1993; Montanari, 1993; Mingione, 1995; Sapelli, 1995; Ethier, 1997 for different examples of common 'Southern European' approaches). However, Italy, Greece, Portugal and Spain are far from constituting a 'unified' geographical entity (and within each of them, especially for Italy and Spain, regional differences are substantial). This paper argues that immigration is one process for which dissimilarities by nation are remarkable.

The control of border, immigration, asylum seeker and naturalisation policies affects the very definition of the state, in the sense that they define who is allowed to stay and/or work within its borders, either as a national or as legal resident (even as a visitor). The set of laws that relate to immigration, refugee status and naturalisation vary from state to state, even inside the European Union. Indeed, efforts toward harmonising immigration regulations for third country nationals (let alone naturalisation) have so far been limited (Callovi, 1992; Convey and Kupiszewski, 1996; Leisink, 1997). However, nowadays all EU countries have similar restrictive immigration laws, with Southern European ones being the last to introduce such measures (Costa-Lascoux, 1989; Kastoryano, 1989; Marie, 1996). These developments have led some commentators to argue that there are different categories of citizens in the EU, with legally-resident third country nationals having restricted citizenship rights (Hammar, 1990). In this context, political rights, social security benefits, access to public housing, public health systems or state education may apply differently to home nationals, other EU residents, non-EU legal residents and (non-EU) illegal residents. In other words, whereas legal workers have the 'right' to work (subject to certain conditions, in

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several cases), other rights are more limited. The extent to which these 'other rights' are granted to non-EU legal residents depend on each state's decisions.

Literature has commonly compared immigration regimes across countries (e.g. Cornelius *et al.* 1994) or over time (e.g. Castles and Miller, 1993). In an attempt to find similarities over such varied political agendas, Freeman (1995) has distinguished three immigration settings with share common trends: the English-speaking settler societies (namely, Australia, Canada, New Zealand and the USA), the European states with post-colonial and guestworker migrations (Belgium, Britain, France, Germany, the Netherlands, Sweden and Switzerland), and southern Europe (Greece, Italy, Portugal and Spain). For this last group of countries, Freeman (1995) argued that there are two significant circumstances in which political responses are fashioned. The first is the near complete absence of any institutional mechanisms or administrative experience for planning or regulating immigration. The second is the decisive influence of the European Union on immigration decisions across these countries. More rarely has literature explored incidence of policies on immigrant labour outcomes. From a theoretical point of view, Portes and Böröcz (1989) established a typology of contemporary immigration in advanced societies. According to these analysts, labour outcomes are as dependent on the immigrant class of origin as on the host country ('context of reception' in their terminology). Contexts of reception are defined as "[...] the stance of host governments, employers, the surrounding native population and the characteristics of the pre-existing ethnic community, if any" (Portes and Böröcz, 1989: 618). In adverse contexts, the 'natural' outcome for unskilled workers is incorporation in secondary labour markets. From a more empirical standpoint, Reitz (1998) has argued that immigration policy (amongst other institutional factors) is a key element in understanding why Canadian and Australian immigrant wages are on average higher (relative to natives) than their US counterparts. Earnings are the main indicator for neo-classical studies to measure success in host labour markets (see, for instance, Carliner, 1980; Grossman, 1982; Borjas, 1987). Such an approach is impossible for the Iberian countries, as information on earnings are not disaggregated by immigrant country of origin, race or nationality in Portugal or Spain (Mendoza, 1998). Other comparative research measures 'success' in host labour markets in terms of upward occupational mobility as well as wages. Thus Dawkins *et al.* (1992) and Borjas (1993) found that Australian and Canadian immigrants, respectively, were placed in a better position in labour markets than the US ones. In their explanations, both analysts agreed on the selectivity criteria on Australian and Canadian immigration policies (which favour entry of professionals and high-skilled workers) as a main reason for dissimilarities in labour market outcomes. Similar to these studies, this paper explores links between immigration policies and African labour outcomes in two national settings. Substantial to this argument is the analysis of levels of schooling before and after emigration. Levels of schooling is a relevant issue for neo-classical theories, as this theoretical position holds that there is a close connection between workers' investment in human capital (i.e. years of schooling, on-the-job training and job experience) and labour market outcomes (see, for instance, Sjaastad, 1962; Becker, 1964). In deciding investment in human capital, workers balance the costs (e.g. time or money) and the benefits (e.g. better career prospects) associated with any investment. The performance of immigrants in a host labour market is held to be a result of both investment in destination-specific human capital (Borjas, 1982; Bauer and Zimmermann, 1994) and the transferability of human capital between regions (Chiswick, 1978). Here it is argued that such 'transferability' (if it exists) relies strongly on the role of the state in a host country. In contrast with neo-classical approaches, segmentation theory holds that labour markets are divided, such that access to jobs with better pay and working conditions is restricted to a limited number of workers, who are distinguished by class, ethnicity, age and gender (e.g. Doeringer and Piore, 1971; Reich *et al.*, 1973; Burchell and Rubery, 1994). Following this line of thought, immigrants occupy the least desirable, unstable, short-term jobs in host labour markets (Piore, 1979; Portes, 1981). Even if foreign-born workers occupy secondary jobs in Iberia, the argument put forward here is that immigrant labour outcomes are not only the result of the segmented nature of labour markets, but also of institutional factors, amongst which the immigration policy plays a leading role.

The paper observes African labour outcomes in the light of different immigration policies of Portugal and Spain. The comparison between Portugal and Spain illustrates two 'sensibilities' to immigration. Thus the paper first examines recent trends in the immigration policies of Spain and Portugal. Here the circumstances in which a non-EU national is allowed to work legally are reviewed for both countries. Using interview responses from African workers, employers and key local informants in three Iberian regions (namely, Girona in northern Catalunya, Algarve in southern Portugal and the Península de Setúbal on the Lisbon outskirts), the paper secondly explores consequences of different immigration policies on the incorporation of African workers in two host labour markets. It concludes that the action of the state is a key element in explaining dissimilarities in African patterns of employment in Portugal and Spain.<sup>1</sup>

## Iberian responses to immigration

### Spain

The Spanish Parliament approved the Foreigners' Act [*Ley de Extranjería*] in 1985.<sup>2</sup> This new *Ley* stated in its introduction that there had not been a similar immigration Act since 1852. To implement it, subsequent laws were approved by the Government in 1986,<sup>3</sup> which were modified for European Union nationals in 1992<sup>4</sup> and then substituted by a new set of rules in 1996.<sup>5</sup> In parallel with this new legislative framework, in 1991 the Government created a new administrative body, the Foreigners' Bureau [*Oficina de Extranjeros*], to be opened in each province. This was intended to simplify administrative procedures by concentrating in one body what had previously been scattered across units in the Ministry of the Interior and the Ministry of Labour and Social Security.<sup>6</sup> In line with the Treaty on European Union and the Schengen Convention, new visa procedures for entry into Spain were introduced for nationals of several countries; amongst them, Maghreb nationals (i.e. Moroccans, Tunisians and Algerians), who needed a visa to enter Spain after 15 May 1991.<sup>7</sup>

Spanish immigration rules clearly distinguish between legal residence with or without work. Obtaining a residence permit which also permits the holder to work in Spain is crammed with difficulties

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<sup>2</sup> *Ley Orgánica 7/1985 (1.7.1985), sobre derechos y libertades de los extranjeros en España.*

<sup>3</sup> *Real Decreto 1119/1986 (26.5.1986) por el que se aprueba el Reglamento de ejecución de la Ley Orgánica 7/1985.*

<sup>4</sup> *Real Decreto 766/1992 (26.6.1992) sobre entrada y permanencia en España de nacionales de estados miembros de las Comunidades Europeas.*

<sup>5</sup> *Real Decreto 155/1996 (2.2.1996) por el que se aprueba el Reglamento de ejecución de la Ley Orgánica 7/1985.*

<sup>6</sup> *Real Decreto 1521/1991 (11.10.1991) sobre creación, competencias y funcionamiento de las oficinas de extranjeros.*

<sup>7</sup> Visa requirements do not apply to travellers to the (Spanish) African enclaves of Ceuta and Melilla. These requirements also do not affect either the nationals of those countries who are living legally in another EU state or are in possession of a visa from another EU state, when travelling across Spain (Lirola Delgado, 1993).

(Cornelius, 1994; Huntoon, 1998). Thus, for the compulsory visa for non-EU nationals who want to be employed in Spain, the would-be worker must submit an application alongside a job offer that has been made by a Spanish employer. This application must be made to the Spanish consulate of her/his origin country. Spanish consulates send it to the Ministry of Foreign Affairs in Madrid,<sup>8</sup> which asks for a report from the Ministry of Labour and Social Security in the province in which the worker wants to work.<sup>9</sup> This report must spell out that there are no locally-registered unemployed Spaniards, EU nationals or other non-EU legal residents who can undertake the activity or profession in the application.

In parallel with this ordinary system, there is a *quota system*, which provides a second way of obtaining initial permits. This was originally organised so as to channel new inflows toward labour shortages in the country. Lack of success during the first (1993) campaign of quota allocations led to an opening of the quota to illegal residents in 1994.<sup>10</sup> Under certain circumstances, this new procedure established that immigrants did not need a visa (i.e. legal entry into Spain) to legalise their work (and residential) status.<sup>11</sup> Thus the number of accepted applications within the quota system went up from 5,220 in 1993 to 25,604 in 1994 (Table 1). But quotas are not only about numbers. They also adjust the allocation of new work permits by economic sector and province annually, depending on provincial labour market trends, as well as formerly distinguishing by nationality of origin<sup>12</sup> (Cachón Rodríguez, 1995). For instance, whereas the 1994 and the 1997 quotas foresaw the possibility of jobs in construction, it was concluded that there were no labour shortages in the sector in 1993 and 1995. By contrast, since the scheme started in 1993, there have always been places for unskilled jobs in farming, the domestic sectors and other unskilled services (Table 1).

Finally, a third way of obtaining an initial work permit for (illegal) residents in Spain is through *legalisation processes* (also called amnesties). Legalisation has been a powerful tool in Spanish immigration policy and it has even been suggested that legalisation is the dominant policy instrument in the country (Freeman, 1995). There have been three amnesties through the period 1985-1996. Both the 1985-86 and the 1991-92 processes were open to all illegally resident workers and their relatives. Yet the 1996

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<sup>8</sup> Border control and immigration policies are the exclusive competence of the Spanish Government. The administration of these policies is undertaken at the provincial level, so implementation may vary from one province to another. Thus, in the case of the Catalan province of Girona, the administration of the system was known, amongst immigrants and immigrant organisations, as being more 'flexible' than the Barcelona one (as seen, for example, over procedures on issuing residence permits). At the time of my fieldwork in Girona (July-December 1995), the four Catalan provinces were implementing a policy of co-ordinating administrative procedures on work and residence permits.

<sup>9</sup> The Ministry of Labour and Social Security may ask the employer to announce job vacancies in the local employment office.

<sup>10</sup> The failure of the quota system to bring new workers into Spain resulted from the small number of job offers employers made. This is an essential pre-requisite for immigrants to obtain legal entry. Aprell Lasagabaster (1994) has outlined three main reasons for the low number of job offers in the 1993 quota: (i) employers had to pay the return ticket of the employee; (ii) high unemployment in Spain; and (iii) the presence of illegal workers in Spain.

<sup>11</sup> In the case of Girona, exemption of visa was granted to those with three years of (illegal) residence in the country in 1995. Many documents (e.g. a bank account) were accepted to prove residence.

<sup>12</sup> Because it was considered a discriminatory practice by the Spanish Government, the quota has not been broken down by nationality since 1997 (Fuente, 1998).

legalisation was mainly aimed at those who had lost their own residential status in Spain. For all three, no visa of entry was required to gain legality. The three amnesties were brought about by changes in immigration policies. Thus the 1985-86 legalisation process was passed after the approval of the 1985 Foreigners' Act; the 1991-92 preceded the implementation of the quota system which started in 1993; and the 1996 legalisation followed the change in the residence and work permit procedures.

Under the 1985-86 process, 38,181 foreigners legalised their work/residence situation in Spain. There were 19,452 new legal residents (without the right to work) and 18,729 legal residents who were allowed to work (Aragón Bombín and Chozas Pedrero, 1993). Yet the 1985-86 amnesty has been considered to be unsuccessful, since only 39% of almost 39,000 who were legalised still held a legal permit in Spain in 1989 (Colectivo IOÉ, 1992; Izquierdo Escribano, 1992; Aragón Bombín and Chozas Pedrero, 1993). This low renewal rate was because 41% of the permits issued in this process were for stays of three months or less (Izquierdo Escribano, 1992). Focusing on the 18,729 work and residence permits, almost half were for self-employed activities (Ministerio de Trabajo y Seguridad Social, 1989). However, the importance of self-employment in the 1985-86 was the result of this employment status being an acceptable entry point for unemployed Africans to obtain legalisation (Izquierdo Escribano, 1991).

Under the 1991-92 legalisation process, the number of accepted permits soared to 109,135 for work and residence, plus 5,889 for residence (Aragón Bombín and Chozas Pedrero, 1993). There are substantial differences between the 1985-86 and the 1991-92 amnesties. In 1991-92, the work permits were for one year and allowed work in two professions (and two economic sectors) across the whole of Spain. The second point of difference is the number of accepted applications for self-employed work. In 1991-92, this constituted about 10% of work (and residence) permits (Ministerio de Trabajo y Seguridad Social, 1993). This figure looks more realistic in terms of labour market demand than the 50% in 1985-86, as there is real demand for street-hawking, gardeners and home care activities in Spain (these are the three main 'self-employed' jobs in the 1991-92 legalisation; Santos, 1993a). A similar concentration by occupation was recorded for employees, with 68.6% of the total number of permits for hired work allocated to four occupations. To be specific, 21,694 permits were granted for the domestic sector, 16,736 for agricultural labourers, 14,228 for construction workers, and 11,182 for unskilled work in accommodation industries and restaurants (Aragón Bombín and Chozas Pedrero, 1993).

Whatever the means used to obtain a first work permit (i.e. ordinary system, quota system or legalisation), in order to renew it, non-EU workers need both a hired contract and her/his social security contributions paid (Cornelius, 1994). Up to June 1996, this has to be done at least annually until the worker obtains a five-year permit, which was only obtainable after five years of legal work for Africans.<sup>13</sup> Furthermore, those on one-year (or less) work permits face labour mobility restrictions, both in geographical and in occupational terms.<sup>14</sup> This is to say that non-EU legal workers cannot move freely

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<sup>13</sup> Since June 1996, a non-EU workers may be granted a permanent residential status in Spain after six years of legal work (five years for Latin Americans, Andorrans, Filipinos, Equatorial Guineans, non-Spaniards who are legal residents in Gibraltar, Ceuta and Melilla, and people of Sephardi or Spanish origin) This constituted the most remarkable difference with the old (1986) rules.

<sup>14</sup> First work and residence permits are for a specific employer. Its maximum length is nine months. When renewed, a non-EU legal worker obtains a permit that allows work in a specific profession, activity sector and province. The maximum length of this permit is one year. According to the rules in operation during my fieldwork, a five-year permit (which has no restrictions in terms of geographical or occupational mobility) was granted after five years of legal work. For Latin Americans, as well as other 'favoured' nationalities and groups (which excludes the nationalities that were studied for this project, Moroccans, Senegalese and Gambians), the time required for a five-year permit was of

within Spanish labour markets for their first five years (three years, according to the new June 1996 rules). The difficulties of renewing these permits are recognised by trade unions and non-governmental organisations. These sources have estimated that half of those who legalised their status in the 1991-92 legalisation process had not renewed their permit by 1995 (Pérez Oliva, 1995). Furthermore, after the 1996 legalisation, which allowed around 25,000 to regain legality, there were 42,872 applications for the 1998 quota (against the 28,000 jobs that were offered by the Government for this year; Fuente, 1998).

#### Portugal

Like Spain, the last 20 or so years of democratic rule in Portugal have been characterised by substantial changes in naturalisation and immigration policies. Thus, long before Spain, and occasioned by the end of the colonial empire in Africa, a new Portuguese nationality law was passed in 1975.<sup>15</sup> This restricted nationality to the residents in the ex-colonies of Portuguese ancestors.<sup>16</sup> Likewise non-Portuguese origin immigrants who lived in the current territory of the Republic of Portugal at the independence of their country of origin needed a five-year period of residence in the country prior to 25 April 1974 to obtain citizenship (Ramos, 1976). In 1981, a new nationality law was approved.<sup>17</sup> The main legislative change was the complete abandonment of the *jus soli* principle, with children of non-Portuguese nationals born in Portugal being considered foreigners from 1981. The 1994 amendment of the 1981 law hardly modified the legislative framework. The only remarkable change under the 1994 legislation was that the new law established tougher criteria for nationals of non-Portuguese speaking countries to naturalise.<sup>18</sup>

For immigration policies, Portugal was a pioneer amongst Southern European countries, with a law package being passed in 1981.<sup>19</sup> This established a typology of residence permits which are still in place, as well as the administrative procedures to regulate the entry, stay and expulsion of foreigners. As a consequence of the Treaty on European Union and the Schengen Convention, two new immigration laws were passed in 1993 in order to put the Portuguese legislative framework in tune with the country's international agreements. The first was aimed at non-EU nationals.<sup>20</sup> The second centred on EU

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three years of legal work. After June 1996, three years of legal work (two years for 'favoured' nationalities and groups) are necessary for obtaining a three-year permit that allows free mobility across provinces and economic sectors.

<sup>15</sup> *Decreto-Lei 308-A (24.6.1975)*

<sup>16</sup> The Law extended Portuguese nationality to some special cases (e.g. those with a special link with Portugal).

<sup>17</sup> *Lei 37/81 (3.10.1981). Lei da Nacionalidade.*

<sup>18</sup> *Lei 25/94 (19.8.1995)*. Until 1994, six years of legal residence were necessary to naturalise as a Portuguese citizen for all foreigners. From 1994, six years remained for those from Portuguese speaking countries (namely, Angola, Brazil, Cape Verde, Guinea Bissau, Mozambique, and São Tomé and Príncipe), but 10 years are now needed for nationals from other countries (Ministério da Administração Interna, 1995a).

<sup>19</sup> *Decreto-Lei 264-B/81 (3.9.1981)*.

<sup>20</sup> *Decreto-Lei 59/93 (3.3.1993)* and *Decreto Regulamentar 43/93 (15.12.1993)*.

citizens.<sup>21</sup> Finally, to give legal status to previously illegal residents, two legalisation processes (1992-93 and 1996) were passed.<sup>22</sup>

Portuguese legislation on non-EU immigration is less strict and less complicated than Spanish law (see Marie, 1996, who compares the procedures for the acceptance of entry and stay of non-EU workers across the EU countries). The following points capture the essence of the Portuguese system:

- 1) As in Spain, EU nationals (and their families) are granted a five-year EU national card, which is renewable automatically (unless they are in the country on fixed-term employment).
- 2) Unlike Spain, non-EU nationals need to apply for a residence permit (but not for a work permit). The three types of permits that exist are annual, temporary (which is for five years, but can only be applied for after five years of legal residence) and life (which can be applied for after twenty years of legal residence).<sup>23</sup>
- 3) To obtain an initial (annual) residence permit, immigrants need to apply for a visa in their countries of origin. For the concession of the visa, the would-be resident must make clear her/his financial situation and justify her/his accommodation in the country. These two last conditions also apply for renewals. In order to justify their financial situation, potential employees need a pre-work contract (or an employer's letter). For self-employed workers and employers, proof of the financial resources that are available to set up a business is required. Finally, professionals must obtain acceptance of their diplomas by Portuguese institutions (e.g. Universities) in order to obtain a residence permit. There are three main differences with the Spanish system:
  - a) There is no consideration of registered unemployment when deciding on acceptance (i.e. immigrants can obtain work in sectors of activity or occupations for which there are officially registered Portuguese nationals or legally resident immigrants).
  - b) Residence permits allow workers to move freely within Portuguese labour markets both in geographical and occupational terms from the first permit.
  - c) There are no distinctions between permits for self-employed activities and hired work in Portugal.
- 4) Finally, and similar to Spain, the 1992-93 and 1996 legalisation processes (or amnesties) denotes that this practice has considerable importance in Portugal's immigration policy. Immigrants who wanted to legalise their residential status under these processes were not asked to produce the visa that allowed them to enter the country. Immigrants were granted one-year permits. Procedures for renewing permits for those who obtained their legality through an amnesty are similar to those for the general system.

Under the 1992-93 process, 39,166 immigrants saw their residential status pass from illegal to legal (Table 2). This figure is similar to the 35,082 who legalised their status in the 1996 amnesty (Table 2). In

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<sup>21</sup> *Decreto-Lei 60/93 (3.3.1993)*.

<sup>22</sup> *Decreto-Lei 212/92 (12.10.1992)* and *Lei 17/96 (24.5.1996)*.

<sup>23</sup> There are work permits in Portugal, but they are exclusively issued for temporary work. Under Article 18 of the 1993 Act, they are restricted to those who want to work for a maximum of 90 days. Under Article 32, work permits may be extended by a further 60 days (Ministério da Administração Interna, 1995b).



both cases, African nationals from the ex-colonies (nowadays PALOP countries) <sup>24</sup> constituted more than half of those legalised (72.3% in 1992 and 66.7% in 1996), with Angolans being the main nationality in both processes. The importance of Angolans reflects the ongoing consequences of decolonisation, as 61% of *retornados* [return migrants from Africa] came from Angola (Dubois, 1994). In all, 12,525 Angolans legalised their residence in 1992-93, although the number of legally resident Cape Verdeans was five times greater than the legal Angolan population in 1992 (Table 2; Instituto Nacional de Estatística, 1994). These data suggest that there has been a notable incidence of long-term illegality, which is significantly constituted by Angolan nationals. Indeed, the 1992-93 legalisation process was introduced to give legal status to the PALOP nationals who had entered the country before 1 June 1986. In this way, the Portuguese government recognised an irregular situation which was caused partly by the decolonisation process, as well as stabilising the social standing of these immigrants (perhaps fearing longer term social problems).

### **Immigration policies compared**

The last section described Portuguese and Spanish immigration policies, in which there are similarities. Clearly both countries have progressively implemented more restrictive practices. Legalisation processes have also been a recurrent element in the more or less improvised Iberian (or even Southern European) immigration policies (see also Freeman, 1995). Yet Portugal and Spain also have contrasting political answers to immigration and naturalisation. For Portugal, once the obstacle of obtaining a visa is overcome, non-EU nationals enjoy the right to move freely in labour markets, both in terms of geographical and occupational mobility. The legislative framework considers immigrants as residents, not purely workers. The Portuguese solution responds to both its longer tradition of immigration (especially from ex-colonies) and its links with the African origin countries (for an overview of the economic and commercial interests of Portugal in PALOP countries since 1973, see Ferreira, 1994). This picture contrasts with the Spanish answer to immigration. In general terms, this sees immigrants as temporary guest workers (Santos, 1993b; Cachón Rodríguez, 1995; Huntoon, 1998). Reflecting this philosophy, the Spanish residential permit system distinguishes between permits with or without work. As for those on a joint one-year (or less) residence and work permit, considerable geographical and occupational constraints apply. Spanish immigration policy is more restrictive than is Portugal's: whereas the Portuguese legislative framework puts constraints on entry (through visa requirements), the Spanish framework puts constraints on both entry and residence. Whether differences in legislative approaches impinge on African labour outcomes is another matter.

### **Immigration policies and incorporation of Africans into Iberian labour markets**

This section focuses on the analysis of the results of two interview surveys on African-born workers and employers in Portugal and Spain. The survey of African employees was carried out between July and December 1995 in the Catalan province of Girona and between January and June 1996 in Algarve and the Peninsula of Setúbal in Portugal. In all, 69 workers of African origin were interviewed in Portugal, all of whom came from former Portuguese colonies (mainly from Cape Verde and Angola). In Spain, 87 of those interviewed came from Morocco and 64 from The Gambia or Senegal. The province of Girona was selected due to the share of African workers in its labour force, which is the highest for all Spanish provinces (Ministerio de Trabajo y Seguridad Social, annual). Moreover, unpublished municipal work permit data provided by the Girona Office of the Ministry of Labour and Social Security showed that

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<sup>24</sup> PALOP refers to *Países Africanos de Língua Oficial Portuguesa* [African countries with Portuguese as an official language]. These countries are Angola, Cape Verde, Guinea Bissau, Mozambique, and Sao Tomé e Príncipe.

Africans work in municipalities with contrasting labour force characteristics. Clustering the municipalities according to their employment structure (as identified through the 1991 Spanish Census), four types of economic places were defined (agricultural, manufacturing, tourism-dominated and diversified centres). This four-type classification was used as the survey framework in my fieldwork in Girona. This indicated that the interviewed group provided a reasonable reflection of the variety and character of African employment. Similarly to Girona, the Algarve region has the highest percentage of foreigners in its population, with African nationals experiencing a substantial growth over the 1980s and 1990s (see Instituto Nacional de Estadística, annual). Yet, unlike Girona, the economic structure of the region municipalities, as identified through 1991 Census, is oriented to either agriculture or tourism-related activities (including here construction), with the already scarce manufacturing base of the area decreasing over the 1980s and 1990s. Beside African nationals and African-born populations are concentrated on tourism-dominated areas (rather than on inland farming municipalities). In order to broaden the employment base that was investigated in Portugal, two localities in the manufacturing-oriented Península de Setúbal were also examined. The sampling procedure used for selecting African-born workers was snowballing. This started with interviews with key informants (i.e. immigrant groups, local social service agencies, trade unions and employer organisations). In all, 20 key informants in Spain and 15 in Portugal were interviewed for this project. They provided me with first interviewees (in some cases, municipal officials gave me lists from local registration information, although others would or could not provide such lists). When the African-born worker survey was concluded, a second survey on employers was carried out in the same municipalities of Girona, Algarve and the Península de Setúbal from July to October 1997. Interviews were done in sectors with high immigrant employment, but the survey covered specific firms in which the number of African-born workers was either low or non-existent. Thirty-two employers in farming, in construction, in accommodation and in two manufacturing industries (ceramics and metallurgical firms) were interviewed in Girona. For Portugal, 20 interviews with employers were concentrated on construction, accommodation and metallurgical industries. Further information on the methodology can be found in Mendoza (1998). Through the analysis of these two surveys on African employees and employers, the relevance of the state in determining African labour patterns is highlighted. In particular, this is shown by identifying how the labour market outcomes of those interviewed contrasted with their levels of formal education and previous labour experience. The underlying assumption is that the state either eases or hampers transferability of skills and knowledge between countries.

### **Spanish immigration policy and African labour outcomes**

The interview survey on African immigrants in Girona clearly indicates that there is a weak relationship between levels of formal education and job skills. Thus almost 80% of Africans with at least secondary school diplomas do an unskilled job (Table 3).<sup>25</sup> Furthermore, 11 out of 19 on skilled manual work had not obtained a primary school certificate. Table 3 also shows that self-employment is a rare occupation for African interviewees in Spain. When Africans are in self-employed work, schooling does not look to be of any relevance, as all four in this employment category had not attended any course of formal education. This weak relationship between years of schooling and African labour outcomes relates to the fact that the current work and residence permit regulations restrict access to skilled work for non-EU nationals. Thus quota system allocations are for unskilled occupations (in certain economic sectors) where there are thought to be labour shortages. In other words, regardless of an immigrant's formal

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<sup>25</sup> I agree with Beechey (1988) that skills have at least as much to do with ideological or social constructions as with complex, technical competences. Aware of this point, a skilled job is here taken to be one that requires a special knowledge, either through training, experience or qualification, for its fulfilment, irrespective of the (negative) social value that may be attached to it. For instance, in farming, there are skilled jobs like being a foreman or a tractor driver. In the case of construction, all worker categories, except labourer, are considered skilled.

education, the state limits her/his job opportunities. In this sense, farming alone constituted a third of accepted applications in the 1994 quota and 40% of the 1995 one (see Table 1). Not surprisingly, given these figures, the seven skilled African farm workers constituted a third of the skilled workers of my survey (Table 4). These seven skilled Africans were a flexible workforce who did an array of tasks over the agricultural cycle. The point to stress here is that access to skilled tasks (or more accurately doing both non-skilled and skilled jobs) is the result of Africans being employed for the same agricultural employer for a substantial length of time (it is not a transferability of skills between countries). Indeed, differences between African and Mediterranean agriculture were stressed by interviewed immigrant workers. As an often quoted example, trees are not pruned in West African agriculture. However, farm labouring offers few attractions for Spanish workers, as is widely demonstrated in the literature (Brandes, 1976; Greenwood, 1976; Naredo, 1986; Enciso Rodríguez and Sabaté Prats, 1995; García-Ramon *et al.*, 1995). As a consequence, African immigrant workers often end up working for long periods for the same farm employer, learning skilled tasks required for Mediterranean agriculture over time. As one social worker who was responsible for several rural municipalities in Girona explained: "No one wants to work in farming. Middle-class urban values have quickly spread to the countryside. People want to be doctors, teachers, professionals, whatever - not agricultural employees". It is on this account that immigration rules accept non-EU nationals for farm jobs in Spain. In this way skilled work in agriculture does become available for some Africans, after a substantial length of time with an employer.

Current work and residence permits not only restrict access to skilled work, but also makes it more difficult to gain entry into certain economic sectors. This is the case for manufacturing. Work permits for new entrants in Spanish labour markets are highly conditioned by quota system allocations (the main way of entry into legal work in the country). First permits are only for a specific economic sector and province. Restrictions on worker occupational and geographical mobility are lifted as a non-EU worker stays longer legally in the country. So non-EU workers who obtain and renew a permit to work in one sector (often agriculture) can later transfer to manufacturing. This is confirmed by my survey results which found that 67 out of 151 interviewees declared that their first job in Spain was in farming. For only six was this the case for manufacturing. By contrast, at the time of interview, 38 were employed in farming and 25 in manufacturing. The point to stress is that the state not only restricts access to skilled work, but also to certain economic sectors. This is done against employers' wishes. In this regard, interviews with manufacturing employers made it clear that there were local labour shortages which were not being filled by Spanish workers. Illustrating this, an employer in a metallic door firm that gave work to 10 non-EU workers (out of 100 employees) said:

"There are no good welders or painters in La Bisbal [a medium-sized manufacturing-based town in Girona]. Our main competitor is in Barcelona. They do not have problems hiring skilled workers. There are plenty of them in the Metropolitan Area of Barcelona. The immigrant population has been of great help in the expansion of our firm. Our staff has grown from 40 in 1990 to almost 100 in 1997, as we are increasingly selling in international markets. In the beginning immigrants who came in search of work were poorly prepared. But nowadays there are good trained workers. In our firm, we have Moroccans, Filipinos and one Gambian"

In short, the pattern of incorporation of African workers in Spanish labour markets is related to the nature of the skilled tasks that are available for them in the country, which are restricted to manual occupations in short supply locally. It follows that Africans in skilled work are generally in slots in labour markets for which there are no available Spanish workers (and not a result of immigrants' years of schooling). This is, in fact, the philosophy of the Spanish immigration policies. Even in low numbers, Africans are nonetheless found in jobs that are supposed to be restricted to EU nationals (e.g. skilled jobs in manufacturing). This occurs after years of residing in the country, and after being successful in obtaining and renewing a work and residence permit for jobs which are

available for non-EU nationals. In other words, current immigration policies make the transference of formal education levels (or even manual skills) between Africa and Spain rather cumbersome (if not impossible for highly educated immigrants).

### **Formal education level, immigrant labour outcomes and the Portuguese state**

Unlike Spain, there is a slight tendency for more qualified jobs to go to African-born workers with higher levels of formal education in Portugal. Thus six out of the 14 who had at least secondary school diplomas were involved in professional or clerical jobs (Table 3).<sup>26</sup> Of the remainder, four were in skilled manual work and a further four were engaged in unskilled work. Even for the four unskilled workers with at least secondary education, there were three women who were pursuing education, so unskilled work was a way to support their studies and not a final labour outcome (interviews 188, 189 and 221; see Table 5).

Decisive in this pattern is the role of the state. As a clear example of this, an ad-hoc board for accepting the diplomas issued by the Portuguese administration in Africa [*Quadro Geral de Adidos*] was created after the independence of the ex-colonies (Pires *et al.*, 1987; Rocha-Trindade, 1995). This eased the 'transference' of qualifications from Africa to Portugal until the mid-1980s, when the *Quadro* disappeared. For instance, Ms. Cardoso (interview 174, Table 5) was a nurse in the Luanda Hospital (the Angolan capital).<sup>27</sup> When the civil war started, she and her husband decided to move to Portugal. They lived in a hotel which was paid for by the IARN [*Instituto de Apoio aos Refugiados Nacionais*, which was created to deal with the refugee crisis, see also Lewis and Williams, 1985] from February 1976 to January 1977. In this time, she applied for the acceptance of her nurse's diploma and her marriage (this was crucial to apply for Portuguese nationality, as her family was not originally from Portugal, but her husband's was). In November 1976, she started work in the Faro Hospital as a fixed-term employee, although the equivalence decision had not arrived. When the *Quadro* accepted her diplomas in 1977, she became a permanent employee in the Faro Hospital. This case contrasts with another nurse (interview 179). Ms. Funes finished her course in 1977 in Angola. The certificate she obtained was issued by the Angolan Government. This was not automatically accepted in 1982, when she arrived in Portugal. For this reason, Ms. Funes had to follow a one-year course before starting work as a nurse in the country. This highlights that, under certain conditions, the Portuguese state has accepted diplomas issued in African countries. When acceptance of certificates or diplomas is granted, professionals from other countries can work in Portugal.

Nurses are not an isolated case as this pattern applies to a broader range of professions, where there are labour shortages (in the low unemployment context of Portugal). A similar pattern is seen in the employment of Ms. Soares (interview 162) in public administration. She finished secondary school in Guinea Bissau in 1986. Through a co-operation programme between Guinea and Portugal (for specific details of the conditions and types of grants from Portuguese institutions, see França, 1992), she went to Lisbon at the end of secondary school. After a failed course in Lisbon University, she found her current job in Faro. Ms. Soares has been successively employed on a clerical job for the last five years. This case highlights that, through 'co-operation' programmes, Africans can study, and later work, in Portugal. As the President of the Guinea-Bissau Association [*Associação de Solidaridade Guineense*] stated in interview, "[...] the Africans that you can see at

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<sup>26</sup> Thirteen employees and one self-employed worker in charge of an import-export business.

<sup>27</sup> The family names used in this paper are pseudonyms.

universities came to Portugal through co-operation exchanges with their countries of origin. They are not second generation". However, whether through acceptance of African diplomas or through special programmes, the evidence shows that there are openings for African immigrants in professional and clerical jobs.

In contrast with these white collar jobs, there was a remarkable proportion of unskilled workers, amongst those African-born workers interviewed in Portugal. This looks to be related to many Africans in Portugal having low levels of schooling. To be specific, 29 out of the 40 unskilled workers who were interviewed had not finished their primary education. These data suggest that unskilled labour outcomes in Portugal are mainly occasioned by low levels of formal education. This situation is similar to that found by Zimmermann (1994), who showed that the slight wage progression of Turkish workers in West Germany was due to (low) levels of education and job skills. Likewise, for immigrant women in the USA, Schoeni (1998) argued that disparities in completed years of schooling explains a substantial share of differences in labour market outcomes between Latin Americans and other immigrants. The idea that Africans in Portugal possess few years of formal schooling is supported by census data. In this regard, Esteves (1991) showed that Africans from the (PALOP) ex-colonies had the lowest formal education levels amongst foreigners who lived in Portugal in 1981. To be specific, 80% of Africans from the PALOP countries had a maximum of four years of schooling [*quarta classe*]. More recently, the presidents of both the Guinea-Bissau and the Cape Verde associations told me that education was a priority for their associations. As an illustration, the President of the Guinea-Bissau Association [*Associação de Solidaridade Guineense*] concluded that:

"[...] we've got training courses for young people because the bulk of African youngsters do not finish their nine years of compulsory schooling. Almost none of them reaches university [...] The educational situation of Africans in Portugal is a serious problem"

The point to stress here is that African labour outcomes are likely to have a correspondence with formal education levels. Unlike Spain, the Portuguese administration does not hamper the transference of education qualifications from Africa to Portugal. Indeed, as told by interviewed scholars, universities enjoy substantial autonomy to accept diplomas or certificates that are issued abroad. Since unemployment is not taken as a discriminatory element, the acceptance of diplomas is the only requisite for immigrant professionals to enter Portuguese labour markets. In this context, interviewed Africans feel that they can obtain a better labour market position, if they pursue further education in Portugal.

## Conclusion

Comparative research on USA, Canada and Australia policies regarding immigration reveals that the more restrictive practices of Canada and Australia were intended to select the more skilled, qualified segment of their immigrant inflows. As a result, foreign-born workers in Canada or Australia are better-off (compared to natives) in labour markets than their US counterparts (Dawkins *et al.*, 1992; Borjas, 1993; Reitz, 1998). The comparative research presented here shows the opposite trend. The more restrictive Spanish immigration policy (compared to Portugal) has a negative effect on African labour outcome. This is because Spanish law is intended to channel immigrants into the unwanted slots of the economy (*viz.* farm workers, construction labourers, domestic sector employees and unskilled workers in accommodation and restaurant firms). Supposedly the *raison d'être* of the Spanish restrictive immigration policy is high unemployment.<sup>28</sup> In this way, the state regulates immigration tightly in order to protect

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<sup>28</sup> Governments as the main reason for applying restrictive immigration policies often quote unemployment. Analysing European immigration experiences, several authors have argued that restrictions on immigration started

Spanish workers from competition for scarce jobs. However, this national legislative framework omits labour market peculiarities at the local level. Put simply, high unemployment in Spanish manufacturing and local labour shortages in the same sector are compatible, as mentioned by employers and corroborated by the immigrant survey. Whatever the reasons, the fact is that Spanish laws put Africans, as well as other non-EU nationals, in a fragile legal situation. Thus restrictions on geographical and occupational mobility apply for the first years of residence in the country. This restricts entry (and stay) in labour markets in general, and in manufacturing and service industries in particular (with the exception of unskilled tasks in accommodation industries and restaurants, as well as the domestic sector). Additionally, according to the procedures in place in my fieldwork (pre-June 1996), Africans (except from Equatorial Guinea) had to renew their annual work permit at least five times in order to secure a five-year work permit. As the Spanish immigration policies link work with residence, this means that Africans needed to secure a work contract in order to renew their legal residential status. As both the media (e.g. Pérez Oliva, 1995; Fuente, 1998) and the scientific literature have reported (e.g. Izquierdo Escribano, 1991; Colectivo IOÉ, 1992; Santos, 1993a), the passage from legality to illegality is not unusual amongst Spanish immigrants. This is consistent with Piore's (1979) and Portes' (1981) ideas on immigrant legal status, which tend to be of a tenuous nature, ranging from illegality to temporary stays. Following these authors, this legal status channels immigrant workers towards jobs in secondary labour markets. More recently, Portes and Böröcz (1989) similarly see the incorporation in secondary labour markets as the outcome for manual workers in an adverse 'context of reception'. The difference between these two approaches is that Portes and Böröcz (1989) make this labour outcome dependent on circumstances of a host country. This last idea seems to be more attractive for Spanish immigrants. Even in small numbers, and basically due to local labour shortages, the fieldwork revealed that certain skilled manual jobs are available for African workers. Were the political circumstances less rigid, immigrants may be found in more skilled manual jobs (even in the primary segment of the economy) in greater numbers.

By contrast, segmentation by origin is not that clear in Portugal. In fact, there is a slight progression in African labour market outcomes in Portugal based on human capital endowments (Table 3). Following this line of argument, the unskilled pattern of African employment in Portuguese labour markets (which applied for 66.7% of my survey) is related to low levels of schooling. This is consistent with human capital theoretical postulates that see a close connection between workers' investment in education and labour market outcomes (Sjaastad, 1962; Becker, 1964). However, the link between years of formal education and labour market outcomes occurs in a (perhaps conjunctural) favourable political and economic situation. The Portuguese state recognised the diplomas that were issued under its African administrations until the early 1980s (Lewis and Williams, 1985; Pires *et al.*, 1987). Nowadays, through co-operation programmes with the ex-colonies, there is a possibility for African students to pursue further education in Portugal (França, 1992; Rocha-Trindade, 1995). For some, this is the first step toward permanent immigration. This possibility is eased because, while Portuguese immigration policy is restrictive, as in the rest of the EU countries, once a visa is granted, gaining legal residence in the country is a less complicated process than in other EU countries (Marie, 1996). Whether this is a direct consequence of recent historical links and of low unemployment (which consequently may change), remains an open question. Indeed, Portuguese immigration and naturalisation policies have been progressively tightened. For instance, access to Portuguese nationality has been hardened since the independence of the ex-colonies. In the same way, the permanent residence status is currently reached after a longer period of time in Portugal than in Spain. In line with this, it must be noted that it is likely that the labour market conditions of non-PALOP immigrants would be more restricted (e.g. less chance that their qualifications are recognised). As well newer immigrants may be confronted with a less welcoming

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before the mid-1970s employment crisis. Thus the UK first introduced more restrictive practices into its immigration policies in 1962, long before the major downturn that began in 1973 (Coleman, 1995). Likewise, for Germany and France, Hollifield (1992) has argued that the decision to suspend worker immigration was largely by political and social considerations, rather than unemployment.

labour market situation (albeit much of this has to do with changes in the private sector, rather than state policy). Yet the point to stress here is that, unlike Spain, the state does not 'push' PALOP Africans into secondary labour markets. Were 'favourable' present-day economic circumstances (e.g. low unemployment) to change, even these Africans may face more restricted access to jobs in Portuguese labour markets (as seen in Spain).

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