



Social Identities

Journal for the Study of Race, Nation and Culture

ISSN: 1350-4630 (Print) 1363-0296 (Online) Journal homepage: <http://www.tandfonline.com/loi/csid20>

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To cite this article: Iker Barbero (2015) Scapegoat citizens in times of austerity: the impact of the crisis on the immigrant population in Spain, *Social Identities*, 21:3, 244-256, DOI: [10.1080/13504630.2015.1058706](https://doi.org/10.1080/13504630.2015.1058706)

To link to this article: <http://dx.doi.org/10.1080/13504630.2015.1058706>



Published online: 20 Aug 2015.



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Scapegoat citizens in times of austerity: the impact of the crisis on the immigrant population in Spain

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(Received 4 August 2014; accepted 2 June 2015)

The economic crisis has not yet produced alarming cases of racism and social conflict in Spain. However, as we shall analyse, there are indications that ‘immigrants’ are considered one of the first populations to be disposed of in times of crisis. A preference for nationals is increasing among traditional parties, alongside the rise of political parties with anti-immigrant agendas. Unemployment rates among the foreign born population are disproportionate in comparison with those of the native population. Migration policies that link residence permits to the possession of an employment contract have resulted in disturbing rates of irregularity. Health regulations have been amended to prevent irregular immigrants from accessing ‘universal’ health care. Police raids occur in public places to detain and expel undocumented immigrants, and ‘hospitality’ towards irregular immigrants is considered a criminal offence by a new reform in the Penal Code. As a parallel trend that is repeated in other European countries in times of austerity, we shall identify a depletion of universal rights, detention, and deportation as alienating strategies and technologies that are used to redefine the relations between citizens and ‘others’ within the contemporary citizenship regime. Leaning on Engin Isin’s critical perspective on citizenship, this article argues that under the circumstances of crisis and austerity that harry Spain, the ‘immigrant’ is constructed as a disposable category, not only to balance the labour market and welfare state, but also to reinforce the notion of the national citizen as a subject of rights.

Keywords: citizenship; economic crisis; immigration; institutional racism; Spain

On 12 July 2012, the newspaper *El País* reported the news that in the next few hours, Marisol, a 37-year-old Ecuadorian woman, and her five children were to be evicted for the second time from the 50m², three-room *lonja*¹ she owned in Carabanchel, a suburb of Madrid. In 2007, while working as a caregiver in a home earning 900 euros with her husband earning 1500 euros as a carpenter, they contracted a mortgage of 193,000 euros, a manageable amount with their joint income. Years later, a victim of the labour crisis and separated from her husband, she receives little more than 400 euros a month in unemployment benefits and social assistance and the bank *Bankia* (which has been rescued with 22,424 million euros from the public budget) has decided to evict her without offering the option of a social housing. Marisol’s case

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is sadly a common example of the conjunction of crisis and immigration in Spain. In 2012, the Association of Registrars of Personal and Mercantile Property in Spain estimated that 25% of foreclosures related to loans to foreigners.² Among this group, Ecuadorians are the most numerous group (5.74%), followed by Moroccans (3.73%), British (2.14%) and Romanians (1.67%). The foreign population residing in Spain in 2012 only reached 12% (yet accounted for 25% of those evicted). One of the possible explanations for this data is that immigrants have been and are employed in the most precarious jobs, are thus the first victims in a labour crisis, and therefore the first to be unable to cover mortgage payments. According to the National Institute for Employment, the unemployment rate for foreigners living in Spain in early January 2013 had already reached 36.53%, well above the 24% unemployment among people of Spanish nationality. What this data confirms is the growing economic divide between the national population and immigrants.³ As Walter Actis from the research NGO *Colectivo IOE* has recently said:

(T)he biggest negative impact of the crisis on immigrant groups is related to dominant insertion forms in the labor structure ... in precarious (submerged, temporary, intermittent, part-time, etc.), with the poorest conditions of employment (remuneration, working hours, workload, etc.) and in industries based on the intensive use of cheap labor and low skilled (the paradigm is the construction but also various branches of services). (Actis, 2012)

As this author also remarks, government institutions have created what is known as the 'myth of return' in reference to a natural process of return to countries of origin as an alternative to a financially precarious situation. During the early years of the crisis, the Labour government launched several voluntary return plans sponsored and managed by organizations such as the International Organization for Migration and the Red Cross. These plans consisted of accrued and advance unemployment payments in exchange for a promise not to return for three years. The government hoped to benefit 100,000 people; however the figures provided by the National Statistics Institute described a very different situation to an exodus. The idea of staging a massive launch, as Actis describes, operates as a smokescreen to legitimize the misunderstanding and institutional neglect of a population that represents 20% of people of working age. From our point of view, there is not only a lack of understanding of the immigrant population residing and wanting to work in Spain, but also an attempt to legitimize the need to regulate areas such as health, education and security that seem to be besieged by immigrants in times of crisis. In this sense, the mythic idea of the return comes more from the political-institutional side (governments wanting to justify a budget and a policy) rather than being social fact (only few return through official procedures).

On one hand, the crisis in Spain is exposing those areas where extreme insecurity for migrants is growing, whilst on the other it shows many of the areas in which immigrants represent the scapegoats. Is this a consequence of a social-structural racism where subjects and groups struggle for the scarce goods (labour, social benefits, health assistance) on the basis of national/cultural difference (Balibar, 1991; Tagieff, 2001; Wieviorka, 1998)? Is it part of an institutional racism that projects 'national preference' measures over the immigrant population to pander to social anxieties? Unlike other European contexts such as Greece and France where there is a rise of the extreme right, the

crisis in Spain is apparently not producing alarming cases of social unrest and xenophobia. This has been revealed in separate interviews by the spokesman of *SOS Racism Madrid*, Lluç Sanchez (*Público*, 6 October 2013) and Peio Aierbe, of *Mugak, the Research and Documentation Centre on Racism and Xenophobia* (*Eldiario.es*, 18 December 2012). When asked whether it would be appropriate to say that in Spain, despite the crisis, there has been no targeted criminalization of immigrants, they similarly responded that with some exceptions,⁴ no major conflicts have been generated. In a similar sense, Professor Lorenzo Cachón in a collective book on immigration and conflict in Europe in which the conflict is studied in eight countries (Spain, England, France, Germany, Belgium, Holland, Italy and Hungary) concluded that besides some of the episodes mentioned before, it is possible to speak of no more than a low-intensity conflict in Spain (Cachón, 2011). However, these three authors and experts agree that in Spain there is an increase of institutional racism in reference to certain institutional(ized) speeches against the immigrant population in general and against specific groups in particular. As we mention below, there is a danger that social conflict may occur precisely because institutional racism is creating some of the social bases that produce them (although initially it may calm popular national preference claims).

Abdelmalek Sayad suggests that crisis situations reveal the objective truth of immigration policy, and the extent of the impact it has on all areas where immigrants exist (Sayad, 1989). One aspect is the wording of immigration laws, with encompassing liberal words such as integration, rights or recognition, and the other concerns what everyday legal and administrative application, and police practices represent. In this article we shall focus on three areas. First, we shall focus on insights provided by social perception surveys about immigration and racism. Secondly, leaning on Isin's critical perspective on citizenship as a regime of strategies and technologies of government of the self and others, we analyse the emergence of political speeches demanding national preference, the rise of anti-immigrant political parties and the reform of health regulations to prevent persons unlawfully accessing universal health care; finally we shall refer to police raids that occur in public places to stop illegal immigrants and to criminalize 'hospitality' towards immigrants. Ultimately our intention in this article is to argue that this situation perfectly meets a very specific logic: immigrants are converted into scapegoats of the crisis through the construction of the category of immigrant as incompatible with the legal, political and social Spanish and European welfare system. They are considered as 'disposable workers' who, once their services are not needed, far from offering social and labour benefits, are either returned voluntarily or involuntarily, or subjected to populist rights-depletion measures and extreme precariousness.

Governing immigration in times of crisis

Engin Isin (2002), in his work *Being Political: Genealogies of Citizenship* on the construction of political subjectivities throughout history, considers that the model of political and legal relationships between citizens, strangers, foreigners and foreign contemporary societies, as well as in other historical times, responds to what he calls 'logics of alterity'. For Isin, the relationship between these categories is not simply based on inclusion or exclusion, but in dialogical relations or modes of solidarity, agonism and alienation. The forms of political subjectivity as citizens, strangers, outsiders and foreigners, do not pre-exist by themselves but in relation to each

other. Different strategies and technologies of government construct the figure of the 'virtuous citizen' whose condition allows the determination of other groups who are considered secondary due to their lack of virtue, or even of groups or categories that naturally lack the ability to acquire these characteristics. In this context, immigrants, and especially those in an irregular situation, would be (pre-)defined in political and legal discourse as social parasites, lazy at work and antisocial in public spaces. And in this context, immigration law(s) has been historically, and is also in times of crisis, one of the main tools to build different regimes of rights and social benefits. This 'legal production of migrant illegality', as De Genova (2002) says, has a specific purpose: to submit migrants to a precarious labour system, imposed by the condition of 'deportability'. Here deportability, as a menace in every-day-life, plays the role of a technology of alterity (as Isin would say), in the sense that migrants, and specially illegalized migrants, may be deployed of civil, political, social and labour rights according to economic circumstances.

Following this, Javier De Lucas (2003) published *Blade Runner. El Derecho, Guardián de la Diferencia* [Blade Runner. The Law, the Guardian of Difference]. One of the readings that De Lucas draws in relation with the film *Blade Runner* is that Spanish immigration law's main functions are the construction and preservation of difference and otherness, in order to legitimize the policies that involve the restriction or denial of rights. First, according to this reading, immigrants are the 'replicants' from the film that will never be considered 'one of us' because they lack elements that any human being should have to be considered as such. Secondly, if they will not fulfill the social obligation that has been entrusted to them, they can be persecuted, arrested and expelled from the system. Over the past decade, the Spanish economy has been characterized by years of growth and demand for immigrant labour to cover certain sectors of the labour market that could not be covered by national workers because of high instability.⁵ The 1990s and 2000s were times when Spanish governments (following the major international institutions like the World Bank, the WTO or the EU who advocated for the elimination of barriers to the movement of workers), signed legal migration bilateral agreements with the main countries of origin. Those who migrated out of these agreements became part of a 'great reserve army' (Calavita, 2005; De Lucas, 2009). This system could be called 'the selective control of migration' (Barbero, 2010): only chosen migrants could enter the country, under certain border conditions and subject to a specific rights regime.

Nowadays, in a completely different context, there are new elements that deserve to be analysed. No one speaks anymore about home country recruitment programmes or integration policies since there are other priorities. In fact, since 2010, integration policies such as the Immigrant Integration and Support Fund (since 2004), have suffered severe social cuts or have disappeared from the State budget (Vela Diaz, 2013). Political discourses now focus on the limitation of rights (especially social and economic rights) to those immigrants who do not have a residence and work permit. However, immigration is still governed according to the strategies of control, detention and expulsion, in which immigrants continue to play a key role as what Wacquant (1999) calls *suitable enemies*, a sort of 'symbol of all social anxieties'.

Is there a social anti-immigrant perception in Spain?

As in most European countries, immigration has also been a matter of political and social interest. Now, however, in times of crisis, immigration is widely

perceived differently. It is still related to crime and to the loss of national identity, but now there is the matter of social aid competition and jobs. Specifically, longitudinal reading perception surveys periodically conducted by the Centre for Sociological Research (CIS) reveal that immigration has been considered one of the main social problems as perceived by Spanish citizens (Blanco, 2008; Cea D'Ancona, 2002; Izquierdo, 1994): added to the list of major problems in 2000, it has always been in the top five, along with unemployment, terrorism, housing and insecurity.⁶ However, at present it seems that immigration is no longer a central concern for the Spanish population. According to the study no. 2987 (May 2013) by the CIS, when asked 'What, in your view, is the main problem that exists in Spain?' Immigration is cited by only 0.2% of respondents, with major problems identified as unemployment (60%), corruption and fraud (9.3%), economic problems (11.3%), politicians in general, political parties and politics (10.5%), health (0.6%), education (0.4%), and cuts (0.3%). Nevertheless, a more in-depth reading of this apparent change of perceptions compels us to refine the previous argument. Many of the main problems in the context of the current crisis highlighted in the barometers (unemployment, the economy, the political class, health, education, etc.), as discussed below, do not remain isolated from migration. According Cea D'Ancona (2009), the main fears of the population are closely connected with an idea of the oversized visibility of immigration. The threat is linked to deteriorating working conditions due to competition for employment or for social rights and other features of the welfare state such as grants in schools or social housing: it is also worth pointing to the loss of national identity as another insecurity linked to migration because of the 'maintenance of their language and customs'.

According to the Report on the Evolution of Racism and Xenophobia 2012, published by the Spanish Observatory on Racism and Xenophobia, the crisis is definitely affecting the perception of the public towards immigration. If we look at some questions relating to health or education policies, we see that there is a strong negative view of immigration today. First, there is a trend in recent years towards a demand for a more restrictive immigration policy, as three out of four respondents viewed immigration laws as over or rather tolerant, 13% believe they are correct and only 5% believe they are very hard. Moreover, over 45% strongly agreed that 'if someone coming to live and work in Spain remains unemployed for a long time he/she should be expelled from the country'. And attached to the two previous questions, 'With regard to immigrants who are already in Spain but do not have their situation regularized', 44% would be willing to 'regularize only those who are currently working, however long their time living in Spain', 20% believe that they should be returned to their country of origin, and 17% believe that only those who have lived in Spain for several years should be regularized, working or not. Also in this vein, 70% of respondents think that 'when hiring someone, they prefer to hire a Spanish before an immigrant' and the 78% who think that immigrants take jobs away from Spanish citizens. Finally, we would like to present some examples relating to social services, so scarce in times of crisis. 50% believe that 'even if they work, immigrants are given more aid for education or health than the Spanish' (16% do not know). This draws a very specific perception of what public policies towards immigration should be: restriction and conditional adjustment to the labour market and welfare state.

Political discourses, national preference and anti-immigrant parties

Those adverse circumstances of the economic crisis that affect the population in general have led to a greater social permeability of anti-immigration speeches. Extreme right-wing political parties, such as *Falange Española*, *Derecha Navarra y Española*, *Alianza Nacional*, and *Alternativa Española*, have incorporated immigration into their traditional discourse of racial superiority. In addition to this, new parties, what Mudde named the ‘radical populist right’ (2007), have emerged – as yet parties without parliamentary representation but nevertheless electorally relevant – whose manifestos combine the view of immigration as ‘the cause of all the troubles affecting the country’ with a critique of the traditional political party system. Among these are *España 2000*, *Democracia Nacional*, and especially *Plataforma por Cataluña-PxC*. According to the RAXEN report 2011 on *Racism, Xenophobia, Anti-Semitism, Islamophobia, Neo-fascism, Homophobia and other Related Forms of Intolerance*, these parties base their discourses on spreading fear about an invasion, demanding preference for Spanish nationals in the labour market and for social rights, and the criminalization of immigrants. The crisis is fueling these parties among the working class population who perceive that immigrants get the jobs or the social assistance that they do not. The RPR discourse reaches both right wing and left wing traditional voters because they use popular language and primary feelings of people affected by the crisis.

However, apart from these discourses from right-wing and populist minority groups, it is significant to examine the discourse of the ruling elites who have had and continue to have institutional responsibilities or political positions in the major parties. Anti-immigration discourses are not new. Some of the mainstream parties have been radicalizing their own discourse in order to counteract the growing support and increase in votes for the extremist-populist parties. In the case of Catalonia, where PxC is yielding good results, the Partido Popular (PP) and Convergència i Unió (CiU) parties, both located in the conservative Catalan electoral spectrum, are focusing on the immigration issue as a problem. Joan Antoni Duran i Lleida (CiU), at a conference in Tribuna Barcelona organized by the newspaper *La Vanguardia*, expressed sentiments such as:

Immigration is a problem because there is more than we should have ... those who do not want to carry out their duty to integrate should not be here ... it is not the same for somebody who has an immigrant as domestic help at home and lives in the neighborhoods of Sarria or Pedralbes, as for those who live in a high rise block and cannot sell their apartment at the market price because every day more and more immigrants are buying at the shop next door ... It is not the same thing for those who take their child to a private school as for those who send theirs to a state school where there are many immigrant students and this slows down the overall performance of the class.

Xabier Garcia Albiol and Alicia Sánchez-Camacho, leaders of the PP in Catalonia, have further radicalized their anti-immigrant discourse. Both were involved in the distribution of propaganda with the title, ‘Is your neighborhood safe?’, which presented the Romanian community as being responsible for endangering public safety and health in their neighborhoods. Another campaign called ‘See how we think the same’, presented the party lines regarding immigration as an ideological test, with slogans linking immigration with crime, the lack of integration and the loss of identity,

and urging us ‘to select and to prioritize those immigrants who share our culture and values’. During the election campaign of 2011, the PP youth, following the Italian Lega Nord, disseminated the video game called ‘Alicia Croft’ in which Sánchez-Camacho manned a seagull (the symbol of PP) that dropped bombs specifically on ‘illegal immigrants’, among other targets. During various election campaigns, politicians have focused on the expulsion of unemployed foreigners or those accused of committing crimes. This was made clear by García Albiol: ‘Immigrants who have come to commit crime, to steal, to make life miserable for their neighbors and to take advantage of social benefits, will suffer police pressure’ (*La Vanguardia*, 15 May 2011).

Recently, the Basque section of the Partido Popular has started to link immigration with deficiencies in public services, advocating the need to give priority to Spanish nationals because of the scarcity of social resources. The PP leader Antonio Basagoiti, published a post on his personal blog entitled ‘A health service for all, but locals come first’, in which he urged people ‘to prioritize our welfare state (scholarships, social housing) in this difficult time in favor of the native population who need it most, withholding help from those who are in our country illegally’. In a similar vein, the mayor of Vitoria-Gasteiz, Javier Maroto, said at a meeting of the think-tank Forum Europa:

We must adapt our policies and laws to render incompatible those who reject our basic principles of coexistence, those who do not believe in our social model and use every subterfuge to take advantage of a system designed in solidarity. They can't be the first in the queues to claim benefits or to demand public services.

Maroto has promoted a Popular Legislative Initiative at the Basque Parliament called ‘Ayudas sí, abusos no’ (Help yes, abuse no) in order to change the so-called ‘emergency help’. This has gathered 40,000 signatures; however both in Parliament and in the streets (see Gora Gasteiz initiative for a diverse and social city) the support was very low.

There is a definite shift in the discourse of the right wing parties. The fear of RDR parties is making some PP leaders agitate against immigration as a ‘response to their voters’, as they say. Crisis, austerity and rights depletion is invoked as a counterpart of being a good citizen. The arguments of politicians are closely linked to social and legal interventions. This instrumentalization of status has its impact in public policies and legal reforms. In the next part we will analyse how irregularity is constructed as a crime that needs to be defended against on all fronts.

Irregularity, health assistance and solidarity

The bureaucracy has always been one of the tools that the state has used to exercise a tight control over the immigrant population (Barbero, 2012). To renew work and residence permits, a person must have worked for six months since the previous renewal in contract work, or have worked three months a year (if it was not the immigrant who left employment) and hold an existing contract, or continue working in the same company with which the permit was granted, or be a beneficiary of the unemployment subsidy. It is extremely hard to meet any of these requirements for a large segment of the population where unemployment exceeds 36%, almost 15% higher than for those of Spanish nationality. Hence, according to data provided by the government, work

permits have by fallen 58%. Although it is impossible to give official numbers (see Lydia Molinás article in Eldiario.es 28 May 2012), many people who were already legally resident in Spain, and may have been applying for Spanish nationality, have been unable to renew their residence permits because they have become unemployed and thus fall into a situation of irregularity (overcome irregularity) with the consequences that are detailed below.

In the current crisis, we are witnessing a series of legal reforms in health care very much related to irregularity. The logic applied consists of a systematic elimination of the rights of immigrants, especially those without permits; this logic is self-legitimated to pander to the public perception that immigration is to blame for the shortcomings of the welfare state. For instance, with the entry into force of Royal Decree 16/2012 of the Ministry of Health, irregular immigrants are not entitled to public health assistance except in the case of emergencies, pregnant women and children, seriously endangering the health of those who require care for serious diseases (HIV, diabetes, etc.). Foreigners without work permits in Spain would have to pay the bills for any health care received and pay an insurance quota of 710 euros a year to maintain health care in the public network. In a way, this reform is, first, the partial privatization of the right to health, recognized by international treaties of human rights; secondly, it aims to ease social anxiety arising from the image of the immigrant as a welfare parasite. But first and foremost, the aim of this reform is to let the immigrant population know that to be considered a 'good immigrant', they must have an employment contract, contribute to Social Security and pay taxes to support social welfare. Otherwise, according to the foreigners' law, the only alternative for social health system fraudsters would be police prosecution.

In relation to this, at a time when NGOs play an essential role, the most recent reform of the immigration law, Organic Law 2/2009, of 11 December, introduced what is commonly known as the 'crime of solidarity'. According to this, a simulated employment relationship undertaken for reasons of altruism (technically 'intention of profit'), in order to help someone obtain regularization and rights under (Article 54 (f)), is considered a breach of the law, and incurs a fine of up to 100,000 euros. Furthermore, according to the draft of the penal code reform recently approved in December 2012, to harbor and protect an undocumented immigrant is a felony, rendering humanitarian aid and acts of solidarity punishable by the law.

Insecurity, police raids and prisons

Enforcement of the immigration law is manifested in a clear and forceful manner in the ways certain populations are controlled. As has been emerging along the above lines, migrants (especially those in irregular situations or Muslims), have become one of the populations upon which a culture of suspicion, hostility and criminalization falls (Bigo, 2004; Campesi, 2007; Tsoukala, 2005). In this sense, as Palidda says, to criminalize is to consider:

that part of the people who are reported, arrested, imprisoned and found guilty are effectively the authors of crimes, but it is also likely that a part of the people who are the object of measures by the police or criminal justice system have not committed any criminal offence, and that even some among those who have been responsible for unlawful conduct may have been victims of excessive zealotry if not abuse, harassment or even arbitrary persecution. (Palidda, 2011)

In Spain, not having the required documents means more than just being in breach of administrative regulations. Remembering De Lucas, the objective Immigration Law is the construction and management of otherness. This stigmatized legal category responds to the crossing of two variables: irregularity and difference (the profession of Islamic religion, skin color, or accent). In recent years, we have seen a growing number of different types of police raid (such as Focus Plan, Café Operation, Ludeco Operation, Hermes Operation, etc) targeting people whose physical appearance shows certain racial characteristics, especially in busy areas such as bus and train stations, ethnic places (booths, mosques, etc.) and in stigmatized neighborhoods. The goal of these police identity checks is to undertake a number of detentions in order to achieve the goals established by the Ministry of Interior and issued to the police stations, as seen in the declassified police investigation of 12 November 2008 or in circular 1/2010. This last internal order stated that the police should undertake ‘preventive arrests of “paperless”, or undocumented, immigrants,’ ‘without delay’, and recommended the ‘application of the priority procedure for the expulsion of any intercepted illegal immigrant in the street.’ Besides, some kind of institutional strategy had been set in this sense during the Labour government (Cachón, 2012): the condemnation of Spain by the Human Rights Committee of the United Nations in the case of the African American Spanish national Rosalind Williams (Communication 146/2006, 17 August 2009), or the X/2012 Circular of 21 May 2012, where the General Directorate of Police ordered the practice of police identity checks to be discontinued, whilst raids are still ongoing. The *Brigadas Vecinales para la Observación de los Derechos Humanos* (Neighbourhood Brigades Observation of Human Rights), have protested that the raids and identity checks are still continuing:

Brigadas Observ DDHH @BrigadasDDHH [warning] 7.32 via @LittleBlackOwl1
Racist checking in Pacifico line 6 Platform 1. Two undercover policemen #stopredadas1:21 am – 1 Feb 13

In the years coinciding with the beginning of the crisis, the State Administration has opted widely to impose fines on those immigrants without work permits and residence in Spain, rather than moving to expulsion, the previously favoured practice. Lawyers such as Francisco Solans, spokesman of the Subcommittee on Immigration of the General Council of Spanish Lawyers, have noticed that immigrants without permits are being sued with sanctions of at least 500 euro instead of being sent back to their country of origin. The government itself has recognized that one repatriation brings a cost of 1,800 euros to the public budget, which, if multiplied by the 18,422 expulsions and returns that occurred in 2011, would have a cost of 33.2 million euro per year. In comparison, the tactic of fines would have cost an amount of just over 9 million euro. It is just a matter of accountability.

A considerable number of the detainees taken in this type of police action are transferred to *Centros de Internamiento de Extranjeros*, *CIEs* (Immigrant Detention Centers; <http://www.globaldetentionproject.org/countries/europe/spain/introduction.html>), administrative prisons dependent on the Ministry of Interior. The official aim of these prisons is to confine those immigrants awaiting deportation. According to numerous reports by the European Parliament (2007), the Andalusian Human Rights Association APDHA (2008) and the Spanish Commission for Refugee Aid CEAR (2009), these centres are places where the police have total control and result

in constant violations of the detainees' rights. For example, in May 2010, in the CIE of Zona Franca in Barcelona, Mohamed Abagui was killed as a result of being beaten by police; on 19 November 2011 in the CIE of Aluche (Madrid), Samba Martine died of AIDS without any medical assistance; and on 6 January 2012 in Barcelona, Idrissa Diallo was left to die from a suspected illness. Recently, in connection with the complaint filed by the Spanish Association for the International Human Rights (AEDIDH), the UN Working Group on Arbitrary Detention (Opinion 37/2012 of 30 August 2012), declared that the arrest and detention of the Moroccan citizen Adnam el Hadj was illegal. Adnam had been sent to the CIE of Aluche (Madrid) where on 8 May he was harassed, ill-treated and tortured, as well as being subjected to insults that were highly racist – and therefore discriminatory – including phrases such as 'you came to Spain to eat for nothing' and 'let them feed you in your own country. Fucking moor'. People become vulnerable, precisely because they become superfluous, or as De Genova (2002) says, 'deportable'.

Conclusions

The situation of immigrants has dramatically worsened as a result of the crisis, as we have seen in the unemployment figures, foreclosures, and social cuts. At the same time, immigration is employed by the most conservative and extreme right sectors as the cause of the country's main problems. In Spain, Populist Racism dominates with reference to those institutional practices with populist tendencies that are deployed to silence or meet the social perception that immigrants benefit from the welfare state, to occupy the space of the Populist Radical Right and to continue the project of 'selective immigration' of earlier times. Unlike mere populism, this new trend in anti-immigrant politics plays a key role which focuses on specific areas where immigrants have a special significance as a competitor for resources. At the same time, it is not merely 'institutional racism', although the majority occurs at institutional level. It transcends the bureaucratic field, moving to non-institutional political speeches.

As we have seen, legislation has also played a relevant role in the realization of political discourses as well as in the implementation of austerity measures directed towards unprotected collectives where immigrants are located. In this sense, one of the main conclusions that arises from this article is that political discourse and legislative reforms have fulfilled the mission of constructing second or third class citizens, 'immanent others', as Isin would say, whose rights can be suspended or depleted in case of economic necessity. These permanent others are suitable scapegoats that can be disposed of either as precarious workers or for free general dismissal; from this situation of disposability rights to health security or a fair trial can be removed because undocumented/unemployed immigrants do not meet the requirements to be accepted as a member of the citizenry.

But these laws do not serve only to do what they say: to order migration flows, grant or remove rights and, where appropriate, to expel those who do not follow that order. They also meet secondary functions, latent functions if preferred. Transcending the threat of control, detention and deportation of undocumented immigrants, the Immigration Law also sends a message to both Spanish nationals (those who have the right to vote and choose those politicians who legislate) and to the immigrant community. As discussed above, Spaniards consider immigration as one of the first factors to deal with when distributing scarce social rights and benefits. Discourses

and orders have permeated society and constructed the perception that the state is working to give preference to the Spanish. In such a way, although depletion of rights is occurring in all fields of the welfare state, Spanish citizens feel safe, or safer, when they see that others (the immigrants) will suffer more intensively from austerity measures because of being foreign. This is somehow holding back some of the latent tension existing in real life, but which can explode at any moment. At the same time, immigrants are warned that they should be confined to the social role with which they have been entrusted, eliminating any aspiration of becoming a member with full rights. As Terray says, 'It keeps the illegal immigrants in terror of being arrested, forcing them to hide, to walk close to the walls, and make no noise. It is the way that the system can work' (Terray, 2008).

The 'crisis' is not just economic, it is also political and above all, of identity. The policies of immigration and borders construct a wild Other, antisocial, criminal, even terrorist that legitimizes the emergent regime of citizenship. In any case, this new regime of citizenship that emerges in time of crisis is not only based on alienating strategies against immigrants but is also reproducing resistances, agonistic strategies enacted by a number of individuals and collective activists. In the frame of this article we need to say that the immigrant population and joint civil society has not remained untouched by the social cuts and injustices. A significant number of strategies have been developed such as the '#YoSiSanidadUniversal' campaign in favor of a universal health care that would include irregular immigrants; the Neighborhood Brigades of Human Rights, the group that fights against racist raids in the streets; or the Platform of those affected by the Mortgage PAH, that struggles against the evictions. As Engin Isin says, these acts of resistance are also forms of *being political* in times of crisis. But that is another story.

Disclosure statement

No potential conflict of interest was reported by the author.

Notes

1. A *lonja* is a space located on the ground floor of a block of flats that was originally a shop but because of the crisis of small enterprises has closed and been converted into cheap housing.
2. Due to speculative banking practices, in the early 2000s it could be easier for an immigrant to get a mortgage to buy a house than to rent it. This was because tenants in Spain used to ask for a guarantee of six months or even a year's rent, while some banks offered home loans with no down payment. Many migrants also felt pressure to demonstrate home ownership in order fulfill the rules in family reunification applications.
3. There is a differentiation between nationalities. While the unemployment rate among EU citizens is around 33%, in the case of non-EU citizens it stands at 35.61%, with Latin American immigrants at around 40% and up to 47.2% among the rest, mainly in Africa and Asia.
4. Murders of immigrants occurred in Spain, such as the Dominican Lucrecia Pérez in Pozuelo de Alarcón in 1992 or those occurring in Ejido in 2000.
5. Terray called this the 'relocation *in situ*' to refer to

the employment of undocumented migrants, employed in sectors where offshoring is physically and materially impossible: construction, textile manufacturing *pret a porter* or with certificate of origin and quality, personal care, hotels and catering, and agriculture; in our own cities, in our own countries, but with the labour conditions of Third World countries: low wages, minimized protections, no union rights, appalling working

conditions, unlimited working time, contracts not respected because the payments are always on hand, and so on. (2008, pp. 101–102)

6. Specifically, in 2005, during the incidents in the border fences of Ceuta and Melilla, immigration began to achieve prominence, passing to second place, overtaking even terrorism. In September 2006, coinciding temporally with the period when the media bombarded with news about the arrival of boats in the Canary Islands, immigration ranked as Spain's main problem for 59% of respondents.

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