

**UPDATE 11: *THE 2008/2009 FINANCIAL CRISIS:*  
*SPAIN'S VOLUNTARY RETURN PROGRAM: EARLY MECHANISMS AND EARLY*  
*RESPONSES***

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On November 11, 2008 Spain authorized a voluntary return program (VRP), allegedly to shield foreign workers from recession. As of May 2009 it was difficult to judge to what extent the VRP protected migrants. It is possible that we will not know it for at least a year after the first migrants left, because of the complexity involved in assessing such ambitious program objectives. Judging the extent to which VRPs benefit or harm migrants requires longitudinal inquiry into the economic, social and political status of migrants and their families over several years following their departure, rather than a sole demonstration of how many left.

Given the short time frame against which Spain's VRP could be assessed as of May, 2009, the goal of this paper is not to evaluate it, but to explain its rules (part 1) and the feedback by the principal actors concerned: the countries of origin (part 2); as well as migrants and their employers (part 3). Since both rules and the degree of cooperation among the actors concerned may change, the paper is only one of the many blocks of knowledge necessary to construct a more solid understanding of VRPs. Various forms of VRPs have been gaining in popularity as receiving countries found migration management to be difficult, whether in the context of sudden crises, such as the 1973-74 oil shocks or 2008-09 recession, or incrementally unfolding cleavages, such as unexpected outcomes to migration policy. In this respect, while VRPs have (re)gained popularity in the context of a financial crisis, they are likely to play an important role as long as democratic countries grapple with the challenge of irregular migration.

**THE PRINCIPLES OF SPAIN'S 2008 VOLUNTARY RETURN PROGRAM**

The candidates for Spanish VRP had to be the citizens of a country which: (1) had a social security agreement with Spain and (2) was not a member of EU, European Economic Area or Switzerland. The first condition aimed to ensure that workers would be able to collect the departure bonuses once they returned home. The second condition aimed to prevent the workers from returning to Spain after having collected the bonus.<sup>1</sup> The Ministry of Labor reserved the right to extend program eligibility to the citizens of countries with which Spain did not have bilateral social security agreements, as long as these countries could guarantee the payment upon return. According to these two principles, the VRP applied to citizens of Argentina, Australia, Brazil, Canada, Chile, Colombia, Dominican Republic, Ecuador, United States, Philippines, Morocco, Mexico, Paraguay, Peru, Russia, Tunisia, Ukraine, Uruguay, and Venezuela ([INEM, 2008](#)).

Migrants who wished to participate in the program had to be eligible for unemployment benefits, which meant that the value of departure incentives decreased the more unemployment benefits they had already collected. When unemployed migrants use up their unemployment benefits, they become illegible for the program. Thus, while the VRP was budget-friendly, it limited itself to assisting those migrants who were from the very outset of the crisis willing to leave Spain. The program was ill-prepared to attract undecided migrants, not to mention those who regarded repatriation from Spain as the last resort.

Even those migrants who were a priori ready to return found it difficult to depart right away, because of the time required to pay off loans; sell property and equipment; become released from housing contracts; as well as to find new housing, jobs and schools for children in the country of origin. The single workers with families back home were least constrained by those preparatory chores, but entire families required both time and assistance, particularly if one spouse continued to work, children were attending school and family members in the countries of origin could not provide job and housing. Unlike the two other major VRPs authorized in Europe as of May 2009 – the French and the Czech- the Spanish VRP did not provide any return incentives for family members.

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<sup>1</sup> the citizens of EU, EEA and Switzerland could not be prohibited from re-entry to Spain, therefore they were not eligible to participate in the program.

Once migrants committed themselves to voluntary return, they received one way tickets, €50 per person for travel to the port of departure as well as 40 per cent of the unclaimed unemployment benefits available to them. In exchange, they had to depart Spain within 30 days after receiving the 40 per cent payment. They could change their mind before receiving the 40 per cent payment but not after. Once in the country of origin, the returnees must personally report to the Spanish embassy or consulate to surrender any documents linking them to Spain (work and residence permits, national identity number card, social security card, health care card etc.) to Spanish diplomatic mission abroad. The mission authorized Spanish Employment Service (ES) to pay the remaining 60 per cent of migrants' unemployment benefits within 30 to 90 days following migrant return. The 40 per cent was exempt from taxes in Spain, but not all bilateral social security agreements guaranteed that taxes would not be levied in the countries of origin.

Moving migrants home requires considerable psychological, administrative and financial assistance. As of May 2009 the Spanish authorities did not provide migrants with either counseling or administrative or financial assistance, thereby making it more difficult for migrants to leave and for the countries of origin to receive them. According to the Ecuadorian Migration Office, it may cost over €5000 in shipping costs for a family moving back to Ecuador with some tools and a vehicle, the equivalent of an accumulated average unemployment benefit. The money spent on transportation of belongings decreased the ability of returned migrants to invest at home.

## **THE COUNTRIES OF ORIGIN**

The governments of economically, politically and socially stable countries favored permanent return of their migrant workers. By contrast, the governments of the countries which were yet to achieve such stability generally preferred migrants to maintain strong links with the homelands, so as to support the homeland through remittances and investment, while maintaining residence in Spain. However from the Spanish perspective, it was not the citizens of the former but the latter countries which needed to depart first. On the one extreme of sending countries' responses to the Spanish VRP, Romania demonstrated high interest in expanding the program to its citizens because it viewed the EU investment funds as much more valuable than

remittances. On the other extreme, Morocco maintained skepticism about return migration because of the importance of remittances, the paucity of investment and severe unemployment pressures.

The returnees (participating in the Ministry of Labor VRP) were prohibited from reentry to Spain for three years following departure. Migrants suspected that the three year ban aimed to make them settle in the countries of origin, because of the high costs of moving back and forth. The lessons from the French 1977 program revealed that Portuguese and Spaniards who had departed home on voluntary return bonus had returned to France illegally prior to the 1982 legalization (Weil, 1991: 327). Many migrants wished they had a trial period to return to Spain if the conditions at home were not propitious for resettlement.

The ban on return to Spain was one reason why the labor program did not apply to the EU citizens. With no internal controls and the EU right to reside anywhere in the EU, it would be impossible to extend the program to e.g. Romanians. The Romanian government was nonetheless interested in extending the voluntary return to its citizens because emigration had debilitated its ability to attract foreign investment and make the most of post-EU accession development funds. The Romanian government lacked funds to motivate its citizens to come back so the Spanish voluntary return program would have been very helpful, particularly following the abrogation of transitional labor market mobility periods for the citizens of Romania (and Bulgaria) on the Spanish labor market ( January 1, 2009). Some Romanians who had lost their jobs in Spain returned home spontaneously but were thought to soon re-enter Spain after realizing that the employment prospects in Romania were illusory.

Given the Spanish government's reluctance to include Romanians in the program, the Romanian government continued to curtail Spanish employer demand for seasonal workers. While Romanian government viewed the economic crisis in Spain as an opportunity for national development, Morocco and Ecuador viewed Spain's VRP with caution due to their weakened capacity to integrate returnees. The non-EU countries faced a dilemma between accepting the returnees and acquiescing to their downward labor mobility from year-long or full time jobs to seasonal jobs and part-time jobs in Spain. Since the Spanish VRP did not include any training or job creation provisions, the non-EU countries expected the program to increase unemployment pressures and interrupt remittances flows. While they supported spontaneous return of their

citizens, and even supported it with customs exemptions and other minor post-return assistance measures, they considered a sudden wave of return migration a major obstacle to development, particularly in the context of the crisis.

The non-EU countries of origin were interested in the social and economic well-being of their citizens. But their reception resources were limited, particularly if migrants were to come home en masse and all at the same time. The onset of the economic crisis further debilitated their reception capacities, not only because they were affected by the crisis too, but also because they had to prepare to receive their emigrants from other countries besides Spain. From the Spanish perspective, if all of the unemployment benefits-eligible Moroccan, Ecuadorian and Colombian workers were to depart, their countries of origin would need to receive around 36 000, 21 000 and 11 000 returnees respectively. However, from the Moroccan, Ecuadorian and Colombian perspective, the numbers of returnees were significantly larger given the simultaneous voluntary return program in France as well as spontaneous and forced returns of their diasporas from other countries. The countries of origin were careful about return migration already before the crisis. Had Spanish officials taken it into consideration, they would have been able to build policy based on more realistic assumptions. But they had not. Hence a perception of uncooperativeness of the countries of origin arose when the program started.

The differences in the interpretation of VRP by Spain and the countries of origin were perhaps most clearly expressed in the Ecuadorian Office of Migration conceptualization of VRP (Plan Retorno Voluntario: Digno y Sostenible). The Ecuadorian VRP clearly stated that voluntary return (1) must not infringe on migrants' dignity and will; (2) does not have to be physical; (3) does not have to be permanent; and (4) must be sustainable ([SENAMI, 2009b](#)). In other words, according to Ecuadorian understanding of VRP, migrants should not be subject to any pressure (e.g. program deadline); could maintain their residence in Spain while strengthening the links with Ecuador through remittance transfers, investment; should be able to circulate back and forth between Spain and Ecuador; and if they decide to settle back in Ecuador, they should be offered enough time, financial and professional support to ensure that they would be financially and socially stable enough not to want to re-emigrate to Spain again.

Despite divergent conceptualizations of VRP, Ecuador developed the most Spanish VRP-friendly set of reception policies, as compared to the two other countries with the largest number of migrants eligible to return (Morocco and Colombia). The Ecuadorian Welcome Home plan

(Bienvenidos a Casa) consisted of: (1) duty exemptions on household and professional equipment brought from abroad; (2) a housing loan; and (3) business start-up funds.

Ecuadorian migrants who lived abroad for at least one full year could be exempt from duty on home appliances, tools and machinery valued up to \$4000. Additionally, they could import one car worth up to \$15 000 ([SENAMI, 2009a](#)). Migrants who were going to return anyway welcomed the duty exemption, but those undecided considered it too modest given the high shipping costs and other fees involved.

Ecuadorian returnees who did not own a house in Ecuador could also apply for a housing loan of up to \$50 000. Some migrants preferred for the loan not to tie them to the government-approved construction companies, as some regarded these companies to be slow and sell houses at inflated costs ([Migrante Ecuatoriano, 2009](#)). Migrants could apply for a housing loan prior to arrival in Ecuador. But given the time necessary to construct a house, some migrants did not want to depart until the houses are almost complete, and if the crisis was over by the time a house was built, they would rather continue to reside in Spain while using the house in Ecuador as an additional source of income. Housing subsidies are crucial in encouraging migrants return, but they can work well only with gradual returns over extended periods of time.

Since January 2007, returning migrants who resided abroad for at least one year could also compete for “Cucayo” occupational project development grants. This initiative inspired the most optimism among Ecuadorian migrants abroad and as long as the budget remains generous it is likely to help returning migrants start a business upon return home. Time will show whether it would also encourage more undecided migrants to return. The grant aimed to help Ecuadorians develop a new or support an already existing occupational project. Ideally, the project should create jobs for others, concern agriculture, tourism, transportation, services and be innovative. The funds were expected to be complementary to those invested by migrant. In 2008 the total of \$733 000 supported 52 projects, e.g. around \$15 000 was donated to each project. The upper limit per project was \$15 000 or \$50 000 depending on whether the project had an individual/family or community character ([SENAMI, 2009c](#)). Many projects were used to support farms and grocery stores.

Even though no “overcrowding” of the same business initiatives was reported within the first two years since “Cucayo” grants were conceded, the grant selection committee planned to emphasize “original” projects in the years to come. Migrants who developed successful projects using the grants regarded project development counseling as important as financial support since no counseling was given to them in Spain and they feared they could make wrong investments upon return to Ecuador.

Similar to housing, business start-up funds also can work well as long as return migration occurs steadily, when most applicants can receive counseling and financial support, and when it is easy to prevent simultaneous mushrooming of similar projects. If all 30 000 UB-eligible Ecuadorians were to depart from Spain right away, as Spain officials wished, most likely many would have reentered irregularly. The results of the 1982 regularization in France demonstrated that many of those who had left France benefitting from *aide au retour* returned unable to integrate themselves in their home societies and labor markets in the context of heightened return migration (Weil, 1991: 327).

To assist migrants in making a return decision, the Ecuadorian government endowed its cultural institutes in Spain—Casas Ecuatorianas - with a financial and administrative capacity to keep the diaspora informed about what could they expect in Ecuador following return. The Casas facilitated contact between migrants and potential employers in Ecuador, provided information on educational reinsertion of migrant children, and assisted migrant families with some administrative tasks associated with departure. The Casas staff attempted to give migrants the most realistic information necessary to make a decision. They did not aim to convince migrants to come back if migrants would be worse off in Ecuador than in Spain. Migrants who decided not to come back could use Casas to maintain links not only with Ecuadorian culture but also with families left behind, e.g. through on-line video conferences. The Casas offered a number of other social and professional services thus helping migrants to remain in Spain while maintaining links with Ecuador. The citizens of other countries could also benefit from advice necessary to make an objective decision whether to return or stay. Usually these consultation services were provided by migrant organizations, NGOs, churches, mosques and the IOM. Consequently, despite the Spanish government’s denial of consultation services, migrants had

channels necessary to verify economic and social conditions in the countries of origin prior to departure.

## **MIGRANTS AND EMPLOYERS**

Ecuadorian (Rumiñahui) and Moroccan (ATIME) organizations were skeptical whether the Spanish VRP would be able to attract many Ecuadorians and Moroccans given what it offered and what it expected migrants to give up. They held that the bonus should be larger and there should not be a prohibition upon re-entering Spain. They emphasized that the countries of origin were not prepared to offer returning migrants sustainable sources of income and housing.

According to Dora Aguirre, the president of Rumiñahui, even those migrants who collected up to €7000 in unemployment benefits would still find it difficult to depart Spain ([El Mundo , 2008b](#)). While most Ecuadorians had originally planned to return home, their attitudes have changed the longer they stayed in Spain. In this respect, the post-Cold War migrants to Spain did not differ much from the postwar migrants to France or Germany: they underwent what W.R. Böhring (1984: 79-86) described as maturing of migration streams, and required a more complex policy built on the assumption that some would leave while others would not; facilitating their reintegration in the homelands as well as their full integration in the host society.

In a survey conducted by Colectivo IOE prior to the financial crisis, Ecuadorian migrants said that they prolonged their stay in Spain because of: better living and working conditions (26%), relocation of family to Spain (23%), initial steps made towards settlement (16%), hopes for social and labor mobility (10%), perception of better future for children (9%), overall satisfaction with life in Spain (8%), economic stability (6%), social benefits (2%). By contrast, those who planned to return to Ecuador were motivated by: the separation from family (41.4%), nostalgia and loneliness (26%), dissatisfaction with life in Spain (14.7%), perception of ameliorated working and living conditions at home (7.9%), dissatisfaction with the migration project (5.6%), and the difficulty of legalizing status (3.8%) ([Colectivo IOE, 2007: 156-157](#)).

Despite the Ecuadorian government efforts to facilitate return migration, Ecuadorian migrants doubted that employment opportunities at home would improve in the near future. Even

if Ecuador could attract foreign investment the way Mexico did, it would first occur in areas with decent infrastructure and only then in rural and geographically isolated areas from which many migrants came. Even if maquiladoras sprung up in Ecuador, the work on an assembly line would mean downward labor mobility for many Ecuadorians who had worked in Spanish services. The Cucayo business-start up fund constituted an important incentive to return, but those Ecuadorians who were not sure whether they wanted to return or not, preferred to first receive funding, before making a haphazard decision to leave Spain.

According to a preliminary survey conducted by ATIME among 360 Moroccans residing in Spain in November 2008, only 10% regarded the program attractive while 83% did not; 78% of respondents said that they would not want to give up the right to enter Spain within three years for what was being offered, while only 8% would; 11% considered the voluntary return bonus as a last resort, if their situation in Spain deteriorated; 44% thought Spain should provide additional economic incentives to voluntary return; 43% did not think it was necessary. However only 13% of those who thought an additional bonus would be necessary thought it should be less than €20 000 ([ATIME, 2008](#)), thereby reflecting migrants' doubts about the ability to quickly find decent work in Morocco following return.

Even when unemployed, some migrants could be better off in Spain than in their countries of origin. Spanish law provided migrants with services such as free health care, free education for children, re-qualification programs, regardless of legal and employment status. Furthermore, the crisis had a milder effect on demand for workers in unstable jobs and the informal economy. Thus, as long as foreign migrants were willing to accept difficult work for low pay, they had an alternative to return. The longer migrants stayed in Spain, the more rights they were afforded. The voluntary return program promised that after a three year long stay at home, migrants would be able to claim the period of legal residence in Spain to adjust their status. However, to return migrants would have to apply for new visas and these were not guaranteed. There was a lot of confusion about what the Minister of Labor's "zero migration policy" would mean.

The Minister of Labor considered the program to be consistent with Spanish policy on labor migration, as it enforced the principle that migrant workers be admitted in view of the ability of the Spanish labor market and society to integrate them. According to the Minister, just

as it was legitimate to expand foreign worker admissions when the economic situation was favorable, it was legitimate to limit them, when the economic situation worsened. The Minister explained that the new economic scenario, characterized by a significant growth of unemployment, required that national labor reserve, be it Spanish or legally-resident foreign nationals, be given priority in employment. Only when these sources are exhausted, should employers be permitted to bring workers from outside of Spain: “It does not make sense to bring foreign workers from abroad if there are some 2.5 million unemployed available in Spain” said the Minister indicating further that he would propose to reduce admissions of foreign workers in 2009 to almost zero ([MTAS 2008](#)).

In December 2008, the Spanish government prepared a new draft of the Foreigner’s Law. Among other aspects, the draft aimed to strengthen the nexus between foreign worker admissions and the ability of the Spanish labor market and society to integrate them. This meant that a number of exceptions to this rule stemming from non-labor market reasons, such as family reunification or application for asylum, were going to be curtailed severely. Whatever the final draft of the law was going to be, migrants feared it was going to make re-entry more difficult, even for those who would strategically leave behind a family member in Spain. Even migrants who lost their jobs believed that they should stay to make it easier for their children (whether already residing in Spain or still abroad) to obtain jobs in Spain.

Before the economic crisis, migrants had been able to reunite with their families after one year. Family reunification was considered the most important factor in migration to Spain in recent years. In 2007, 128 161 persons came to Spain through family reunification (España, 2009: 4). The new family reunification provisions would require that only permanent residence permit holders be entitled to bring their families in, so as to ensure that those who receive them in Spain would have sufficient funds to support them. The draft of the new law also aimed to lower migrants working age from 18 to 16 years old and to facilitate reunion with the family members holding long- term residence work permit elsewhere in the EU (España, 2009: 10). While most migrants did not find voluntary return attractive, the policy could potentially appeal to those approaching retirement age, as such individuals often have the largest accumulated unemployment benefits and are the least likely to find a new job in Spain.

Similar to migrant organizations, labor unions also feared that immigrants had not earned enough in unemployment benefits and that the three year prohibition to reenter Spain would discourage even those with highest savings from participating in the VRP. According to labor unions' estimates, most migrants could claim nine months of unemployment benefits, so in the best scenario an unemployed person who is eligible to €900 a month would receive an approximately €100 voluntary return benefit. On the other hand, those who saved more substantial amounts should not be encouraged to leave, because they probably had integrated themselves well in Spanish economy and society ([Del Barrio, 2008](#)).

Both labor unions and migrant organizations also agreed that the Spanish government should encourage investment in migrants' homelands to provide migrants with durable employment opportunities following return. Alternatively – labor unions claimed –the Spanish government should facilitate migrants' settlement given how much they had contributed to the Spanish economic boom.

Employers who depended on foreign workers preferred that the government did not incentivize migrants to leave or curb new admissions. They claimed that any unexpected decrease in labor supply would penalize Spanish businesses without necessarily helping the Spanish unemployed. Farmers and growers argued that despite the economic crisis, they continued to find it difficult to attract Spanish workers.

Soon after migration curbs were announced in September, the president of Spain's largest agricultural organization – COAG - met with the Minister of Labor to request that the agricultural sector be exempted from the recruitment curb. According to the president of Huelva's COAG branch, in the 2008/2009 season, Huelva strawberry employers needed 6 000 planters and 35 000 harvesters. In September 2008, Huelva employers interviewed some 800 registered unemployed and only two per cent demonstrated interest in taking up job offers. In the COAG president's opinion, the potential for activating workers available in Spain or in the enlarged EU was very low, because these workers had already gotten used to work in less strenuous construction, industry and services ([El Mundo, 2008 a](#)).

The Minister of Labor agreed that the strawberry sector would need foreign workers. For this reason, he assured farmers that seasonal jobs would continue to be exempted from labor market test. Year round jobs were potentially more appealing to Spanish and legally resident foreign workers. The Ministry of Labor promised to develop a plan to help the unemployed re-

train. COAG's pleas for continued admission of seasonal workers to Spanish strawberry agriculture were supported by the Moroccan Minister of Labor. At a meeting with his Moroccan counterpart, on February, 12, 2009 the Spanish Minister announced that Moroccan strawberry pickers could count on 18 000 jobs during the 2009 harvest (MTAS, 2009).

## **SUMMARY**

The paper reviewed the early principles of Spain's VRP and the early responses the program generated among the countries of origin, migrants and their employers.

### *The principles of Spain's VRP.*

In order to qualify, the candidates for VRP had to be the citizens of a non-EU country which had signed bilateral social security agreement with Spain. As of April 2009, the citizens of nineteen countries were eligible, including Morocco and Ecuador, but also the United States and Australia.

The main incentive to return – repatriation bonus- was tied to unemployment benefits accumulated by a migrant. This had two implications. First, undocumented migrants or those who had exhausted their unemployment benefits by the time the program went into effect were not provided with any incentives to return. Second, the program was most appealing to those migrants who could depart immediately, e.g. those without family in Spain.

As of April 2009 the Spanish VRP did not provide any specific incentives to return except free transportation and the repatriation bonus. Given the economic and social integration of migrants with Spanish society, many migrants may not be willing to depart unless they are granted additional incentives. The EU countries of origin, particularly Romania, were able to provide them. But most of the non-EU countries, except Ecuador, found it difficult to encourage migrants' return.

### *Reactions by the countries of origin.*

The new EU states, such as Romania were very interested in VRP, because they suffered from labor shortages and could provide jobs to returners. The EU countries however, were not eligible for the program due to the freedom of labor mobility and the impossibility of preventing

their citizens from returning to Spain within the stipulated three years following departure. By contrast, the non-EU countries were skeptical about VRP, because, unlike the EU countries, they had labor surpluses and found it difficult to provide jobs that would appeal to returning migrants.

VRPs revealed a conflict of interests between Spain and the countries of origin regarding return migration. Spain's objective was to repatriate en masse and right away. The countries of origin were able to receive small numbers and over an extended period of time. Ecuador provided the most comprehensive incentives to return compared to other non-EU countries of origin. But despite the economic incentives provided by Ecuadorian authorities, even Ecuador was unable to accept as many returnees and in such a short period of time as Spain hoped for.

#### *Reactions by migrants and employers.*

The prohibition to return to Spain within three years constituted the most important disincentive to repatriation. Many migrants who decided to return home did so for other than economic reasons. Migrants who decided to prolong their stay in Spain considered the crisis to be temporary and thus unworthy of giving up the right to reside and work in Spain. Some of those who decided to return left a family member behind in Spain.

Not all sectors and jobs were affected by the economic crisis to the same extent. For instance, seasonal agriculture continued to experience labor shortages despite the crisis, because of the unappealing working conditions. With relatively generous unemployment benefits and the possibilities for informal employment, Spanish workers are likely to continue to shun certain jobs and employers in those jobs are likely to continue to demand workers. The 2009 quota reduced admissions of new temporary workers admitted on one year long work permits from 15 731 to 901, but left seasonal admissions uncapped ([España, 2009](#)). The persistence of labor demand in the most shunned jobs will result in downward labor mobility of those migrants who decide to settle, but would provide an alternative to repatriation from Spain.

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