ACCEM is an NGO that dates from 1951. Its purpose is to provide social services and to perform the social and legal actions that will benefit asylum seekers, refugees, displaced and migrants in Spain.

Labor rights of undocumented workers in Spain

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ACCEM IS PRESENT IN:
SPANISH’S NUMBERS

The evolution of the Immigration

– Until 1985
– 1995 – 1999
– 1999 – 2006
  • 2000: 900,000 registered foreigners
  • 2002: 2,000,000 (4.7%)
  • 2005: 3,730,000 (01.12.05) – (8.5%)

Volume of irregular immigration
Residence Authorizations (31.12.05): 2,738,732
DATA OF 2005 REGULARIZATION PROCESS

(until 31 December 2005)

<table>
<thead>
<tr>
<th>Application</th>
<th>Positive</th>
<th>Negative</th>
<th>Resolutions</th>
<th>Pending</th>
<th>Social Security Affiliation</th>
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</thead>
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<tr>
<td>691.655</td>
<td>573.270</td>
<td>115.149</td>
<td>688.419</td>
<td>3.236</td>
<td>550.136</td>
</tr>
</tbody>
</table>
## PER COUNTRY

<table>
<thead>
<tr>
<th>Country</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ecuador</td>
<td>122.636</td>
</tr>
<tr>
<td>Rumania</td>
<td>95.993</td>
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<tr>
<td>Morocco</td>
<td>64.697</td>
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<td>Colombia</td>
<td>48.355</td>
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<td>Bolivia</td>
<td>37.286</td>
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<td>Bulgaria</td>
<td>21.316</td>
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<td>Argentine</td>
<td>20.307</td>
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<tr>
<td>Ukraine</td>
<td>18.652</td>
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<td>Uruguay</td>
<td>9.165</td>
</tr>
<tr>
<td>Pakistan</td>
<td>7.844</td>
</tr>
<tr>
<td>Others</td>
<td>103.885</td>
</tr>
</tbody>
</table>
OTHER INDIVIDUAL LEGAL CHANNELS FOR REGULARIZATION

• Labor roots “arraigo”
• Personal roots “arraigo”
• Family Links
• Reasons of International Protection
• Humanitarian Reasons
  – Victims of clandestine immigration
  – Victim of racists crimes, discriminatories or domestic violence.
  – Medical illness supervene
• Collaboration with the authorities – public interest or national security.
I. Rights of Undocumented Immigrants. General Context.

- Connection among the Administrative Regulation, the Spanish Constitution, The Workers' Statute with the Social-Labor Rights
- Individual Labor Rights versus Collective Labor Rights
- Case-Law:
  - Labor Roots “arraigo”
  - Inadmissible dismissal
### Number of Concrete levels of rights

#### UNDOCUMENTED IMMIGRANTS

**Irregular Stay:**
- Right and Duty to an education, free and compulsory (below the age of 18)
- Right to urgent health assistance
- Right to effective Judicial protection
- Right to urgent and free legal assistance (entry denial, devolution or expulsion, asylum procedure)
- Right minimum social benefits

**With Official Town Census Record:**
- Right to ordinary health assistance
- Right to help for housing (very urgent and only temporary)
- Right to urgent and free legal assistance

#### Legal Residence:
- Right To Work
- Right To Social Security
- Right To Family Reunification
- Right To Freedom Of Movement
- Right To assembly, manifestation, syndication and strike