



Labor rights of undocumented workers in Spain

ACCCEM 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.

ACCSEM IS PRESENT IN:



SPANISH'S NUMBERS

The evolution of the Immigration

- Until 1985
- 1985 – 1995
- 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)

Application	Positive	Negative	Resolutions	Pending	Social Security Affiliation
691.655	573.270 (79.9%)	115.149 (21,1%)	688.419 (100%)	3.236	550.136

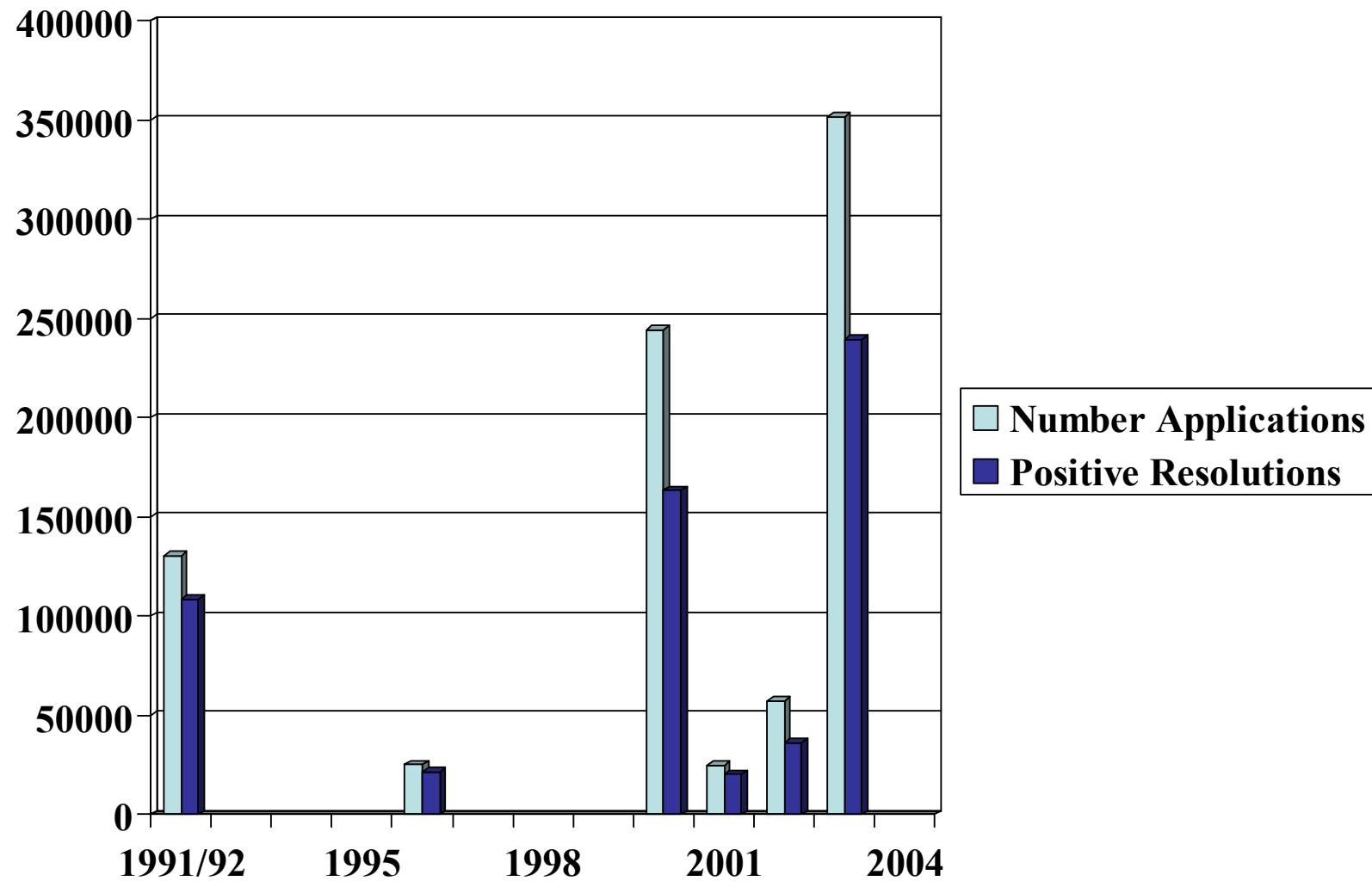
PER COUNTRY

Ecuador	122.636
Rumania	95.993
Morocco	64.697
Colombia	48.355
Bolivia	37.286
Bulgary	21.316

Argentine	20.307
Ukraine	18.652
Uruguay	9.165
Pakistan	7.844
Others	103.885

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