



WORKING PAPER SERIES

Temporary versus Permanent Migration

Seasonal Immigrant Workers and Programs
in UK, France, Spain and Italy

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Abstract: Programmes aimed at channelling seasonal workers to the labour market of European countries have a long tradition. Many of them started in the decades following World War II, but have changed a great deal over time, although the majority are aimed seasonal economic sectors, such as agriculture or tourism. Over the past few years reforms to these programmes have directly or indirectly promoted forms of circular migration among this kind of migrant worker. The aim of this comparative paper is to provide a detailed report outlining the policies, programs and demographic factors that drive seasonal work flows in France, the UK, Spain and Italy in the period between 2000 and 2015. This report was based on the analysis of legislation, diverse official documents produced by various agencies and institutions, as well as a review of academic literature. All available data were used to characterize the seasonal migrant workers in each country.

Keywords: Seasonal workers, agriculture, circular migration, labour rights, migration policies, Italy, Spain, France, UK.

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1. Introduction

The general objective of the TEMPER project consists of evaluating the pros and cons of different initiatives aimed at promoting circular migration, understood as a form of mobility alternative to traditional models of temporary and permanent migration. Work Package 2 pays attention to the case of flows of seasonal migrant workers, one of the categories that has raised the most interest and academic discussion in the study of circularity at the international level (Agunias and Newland, 2007; Newland, Agunias and Terrazas, 2008; Cassarino, 2008; Constant and Zimmerman, 2007; Fargues, 2008; McLoughlin and Münz, 2011; Newland, 2009; Vertovec, 2007; Wickramasekara, 2011).

The main objectives in the area of seasonal work at TEMPER are: 1) to compare the profile and mobility patterns of migrants who engage in seasonal work flows, in and out of targeted programs, in France, Italy, UK and Spain with focus on return and repeat participation; 2) to analyse the design and implementation of the seasonal programs and identify the institutional elements of the immigration policies in general and seasonal programs in particular to promote repeated circular movements; 3) to analyse the impacts of these programs and immigration policies in the protection of these type of workers' rights; 4) to identify the major actors involved in the design and implementation of these programs; 5) to examine the impacts of this type of mobility for the involved parties, with a focus on satisfaction of migrant workers, employers and local communities; and 6) to identify economic sectors and geographical areas where seasonal workers work and live.

During the first year of the project the team's efforts were directed at analysing the regulatory framework of seasonal migration and the main programmes designed and implemented to channel seasonal migrant workers in France, the UK, Italy and Spain. This analysis incorporated various activities. First of all, a legal analysis of the different regulatory frameworks on immigration was carried out, with the goal of characterizing specific regulations on seasonal migration. In addition to presenting the basic characteristics of these programmes, the analysis next focused on other aspects such as the recruitment and selection of workers or the regulation of labour and social rights. In the third place, diverse

state and social actors involved in the design and implementation of these programmes were identified, providing a good idea of the institutional dimension of this kind of migration regulation. Finally, a socio-demographic characterization of these seasonal migrant workers was carried out, including their volume, characteristics and evolution over the past decade and their geographic settlement.

This report is based on the work documents carried out by various members of the TEMPER team. In the case of France, the national report was prepared by Mélanie Jolivet-Guetta, Tatiana Eremenko and Cris Beauchemin of the Institut National D'études Démographiques (INED) and in Great Britain by Sahizer Samuk and Erica Consterdine of Sussex University. The Spanish and Italian reports were carried out respectively by Ana López-Sala and Yoan Molinero Gerbeau of the Spanish National Research Council (CSIC). The goal of these national papers was to provide a detailed outline of the policies, programs and demographic factors that drove seasonal work flows in France, the UK, Spain and Italy in the period between 2000 and 2015. The national reports were drafted following a common template aimed at guaranteeing full use of the cross-country comparison.

These reports were based on the analysis of legislation, diverse official documents produced by various agencies and institutions, as well as a review of academic literature, including several local case studies. In the case of France and Spain some work meetings were held between experts and actors, which provided extra insight to this analysis. All available data, collected and published by both prepared and published by public institutions as well as other social actors, were used to characterize the seasonal migrant workers in each country.

But how can we define seasonal work, seasonal workers and seasonal migration policies? Different glossaries and international documents offer specific definitions of this type of migrant; however, all of them coincide in highlighting the temporary nature of the work done by this kind of migrants, and in emphasizing the seasonal nature of the activity as a defining aspect of this category of migrants. EUROFOUND (European Foundation for the Improvement of Living and Working Conditions), for example, pointed out, in the European Industrial Relations Dictionary, that 'seasonal employment can be considered as a

subcategory of temporary employment distinguished by an irregular or uneven demand throughout the year involving economic sectors such as agriculture; hospitality, tourism and construction' (EUROFOUND, 2007). The OECD (Organisation for Economic Co-operation and Development) Glossary of Statistical Terms defines a seasonal migrant worker 'as a person employed by a country other than their own for only part of a year because the work they perform depends on seasonal conditions'¹ (OECD, 2008). The same definition is used by EUROSTAT (The statistical office of the European Union) Concepts and definitions database², and this definition is also used by Bilsborrow, Hugo, Oberai and Zlotnik (2007) in their report for the ILO (International Labour Organization).

IOM (International Organization for Migration) defines a seasonal worker as a 'worker who is resident in a [third country](#) but is employed in an activity dependent on the rhythm of the seasons in the territory of a Member State on the basis of a contract'. In a similar way, The ICRMW (International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families) states that 'the term seasonal migrant refers to a migrant worker whose work by its character is dependent on seasonal conditions and is performed only during part of the year'.

CEPS (Centre for European Policy Studies), in a recent report, define seasonal migration policy as 'a kind of temporary migration policy for the short-term employment of foreign workers that is expected to occur at only certain periods or seasons of the year'. It refers to the mobility of people for the purpose of working in labour sectors traditionally understood to be 'seasonal', such as agriculture and tourism (Carrera and Faure-Atger, 2010). Finally, the Directive of the European Parliament and of the Council on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers defines seasonal worker as 'a third-country national who retains his or her principal place of residence in a third country and stays legally and temporarily in the territory of a Member State to carry out an activity dependent on the passing of the seasons, under one or more

¹ See <http://stats.oecd.org/glossary/about.asp>. The original source for this term included in the OECD Glossary is 'Recommendations on Statistics of International Migration, Revision 1', *Statistical Papers, Series M*, n° 58, United Nations, New York, 1998.

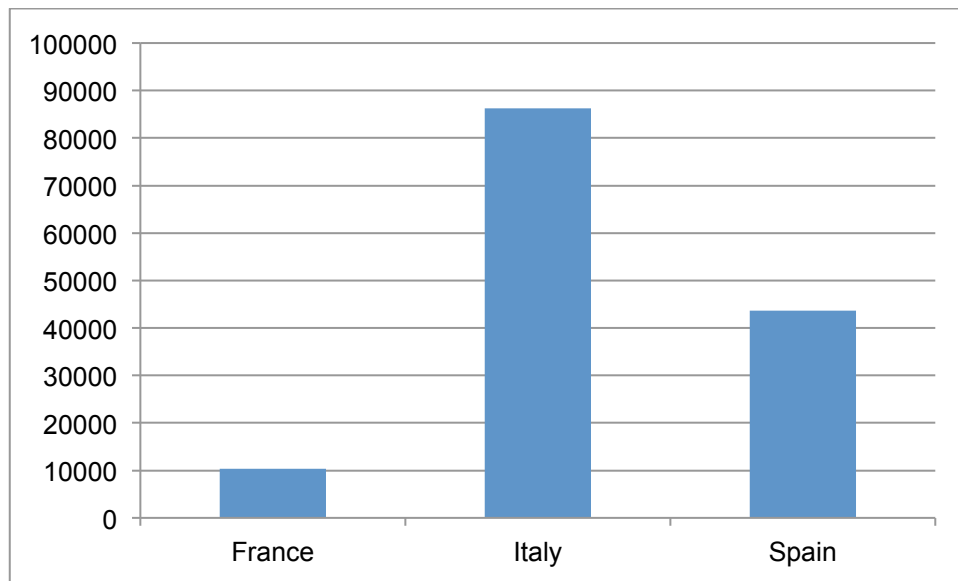
² See http://ec.europa.eu/eurostat/ramon/foreword/index.cfm?targetUrl=DSP_FOREWORD

fixed-term work contracts concluded directly between that third-country national and the employer established in that Member State' (Directive PE-CONS 113/13, 7 February, 2014).

These elements are also included in the legal national definitions of seasonal (migrant) workers. Spanish legislation usually refers to this kind of immigrants as 'seasonal or campaign workers', (*trabajadores de temporada o campaña* in Spanish). This denomination even appears before the first Immigration Law was approved in 1985 (see Order of 4 October 1979 regulating the concession of temporary work permits to foreigners). In the French Labour Code seasonal workers (*travailleurs saisonniers* in French) are considered as a subcategory of workers (nationals or foreigners) with fixed-term employment contracts (article L122-1 of the French Labour Code). The formal legal term (*lavoratori stagionali*) was introduced in 1965 to refer to those who had a seasonal work. All the national definitions present important similarities in formal terms: they all refer to a worker who retains a legal domicile in a third country but resides temporarily for the purposes of employment in a sector of activity dependent on the passing of the seasons.

According to EUROSTAT between 2008 and 2013 more than 140,000 first seasonal work permits were given to immigrants (TCN's) in France, Italy and Spain, 36% to nationals from Morocco (70% of the total in France, 20% in Italy and 60% in Spain). For this period, more than 60% of the total were issued in Italy (figure 1a). The number of permits issued annually was higher during the last years of the last decade (more 66% of the total between 2008 and 2010) (figure 1b). In the last six years, the average percentage of seasonal permits over the total of first permits for remunerated reasons amounted to 5.4% (table 2), with significant annual variations but a general propensity to decrease.

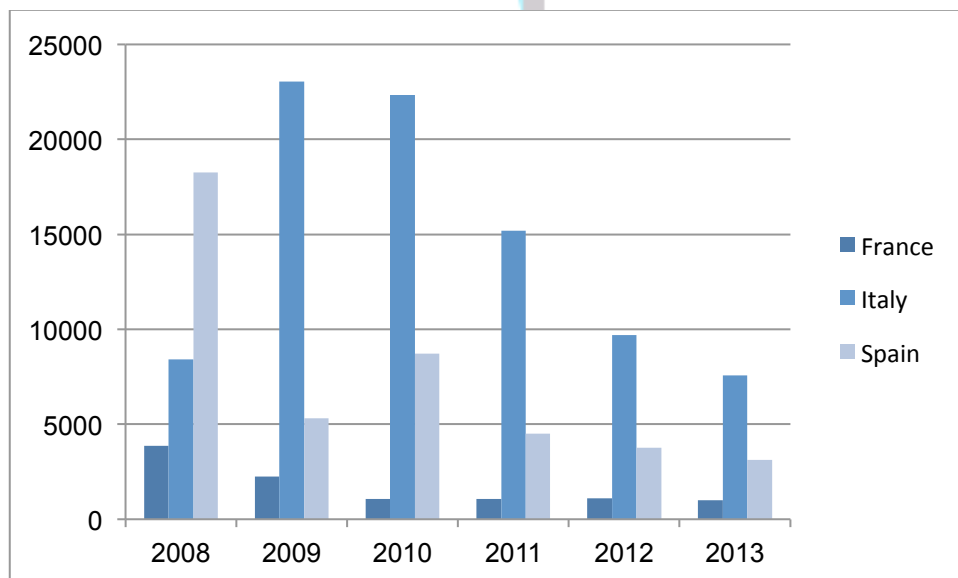
Figure 1a. First seasonal work permits issued in France, Italy and Spain*(2008-2013)



Source: EUROSTAT, First permits issued for remunerated activities by reason, length of validity and citizenship (migr_resocc) (2014)

*There is not available data on seasonal workers for UK in this source. For seasonal workers data in UK, see pg. 6 and ss.

Figure 1b. First seasonal work permits issued in France, Italy and Spain (2008-2013)



Source: EUROSTAT (2014)

*There is not available data on seasonal workers for UK in this source. For seasonal workers data in UK, see pg. 6 and ss.

Table 1. First work permits issued in France, Italy and Spain (2008-2013)

Year		Spain	France	Italy
2008	Seasonal permits	18,254	3,860	8,423
	Total First permits issued*	96,319	21,784	272,791
	%	19	18	3
2009	Seasonal permits	5,314	2,236	23,034
	Total First permits issued	102,736	20,635	235,966
	%	5	11	10
2010	Seasonal permits	8,707	1,061	22,345
	First permits issued	85,154	18,799	359,051
	%	10	6	6
2011	Seasonal permits	4,497	1,059	15,204
	Total First permits issued	90,095	18,335	119,342
	%	5	6	13
2012	Seasonal permits	3,779	1,115	9,715
	Total First permits issued	64,634	15,827	66,742
	%	6	7	15
2013	Seasonal permits	3,128	995	756
	Total First permits issued	50,171	17,480	80,726
	%	6	6	1

Source: EUROSTAT, First permits issued for remunerated activities by reason, length of validity and citizenship (migr_resocc) (2014) and First permits by reason, length of validity and citizenship (migr_resfirst) (2014)

* First permits issued for remunerated activities

2. Seasonal workers and seasonal programs in Europe. The cases of UK, France, Spain and Italy

Programmes aimed at channelling seasonal workers into the labour market of European countries have a long tradition. Many of them started in the decades following World War II,

but have changed quite a lot over time. In this section we will examine the initiatives directed at regulating the work of seasonal migrants in different countries in the last decade.

2.1. UK: A model in decline after a long tradition implementing seasonal workers programs

The UK previously operated two seasonal migration programs: SAWS (Seasonal Agricultural Workers Scheme) and SBS (Sector Based Scheme). These two programs are, however, now closed. The reason for the closure of the schemes in 2013 was that the UK government believed that, in the context of high unemployment amongst the British workforce, British and EEA (European Economic Area) workers could fill labour shortages in these sectors.

The SAWS was established after the Second World War as a cultural exchange scheme to encourage young (mostly agricultural) students from across Europe to work in agriculture in the peak seasons. However, over time the scheme evolved as a tool to meet labour demands in the agricultural sector (Spencer et. al., 2007; Anderson, 2001; Geddes and Statham, 2007; Ruhs and Anderson, 2010; Ruhs, 2005, 2013) and has mainly involved students from Eastern Europe and the former Soviet Union states (Martin et al., 2006; Devitt, 2012). Before SAWS was implemented, the EVWs (European Volunteer Workers) scheme had a similar function (to fill the gaps in agriculture); EVWs were mostly coming from Latvia as well as from Caribbean countries (McDowell, 2003).

SAWS began operating in its current form in 1990 with an annual quota of 5,500 work cards. It enabled farmers to recruit temporary overseas workers to carry out tasks of planting and gathering of crops, and also farm processing and packing tasks. The work cards issued were valid for a maximum of six months. It was a scheme, controlled by the UKBA (UK Border Agency) and managed by contracted operators, which has provided a pool of labour for the horticulture industry for the past 60 years. While working in the UK, SAWS workers pay taxes and national insurance (NFU, 2012). In 2004 the government increased the quota for SAWS as part of a wider managed migration agenda, whereby all labour immigration channels were, in terms of admission, strongly liberalized. However, following the accession to the

European Union of the so-called A8³ Central and Eastern European states in 2004, the government reduced the SAWS quotas, based on the assumption that A8 citizens would fill any labour shortages in this sector. From 2008, only citizens from the new accessing states of Bulgaria and Romania were eligible to work on SAWS. Following recommendations from the MAC (Migration Advisory Committee⁴) in 2009, the government then increased the quota again. At the beginning of the 2000s the quota was 10,000, and by the time the scheme closed in 2013 the quota was set at 21,250.

Table 2. Main changes in SAWS throughout the years (2002-2013)

Years	Main Changes
2000	Quota was 10,000
2004	Quota has increased to 25,000 after A8 countries accession to the European Union
2005	Quota was decreased to 16,250 Introduction of fines for employees who are caught employing irregularly residing immigrants
2007	40 per cent of the quota allocated to nationals of Romania and Bulgaria (A2).
2008	SAWS fully restricted to A2 Labour shortages reported The MAC recommended an increase in the quota from 16,250 to 21,250
2009	The quota was increased to 21,250 with the suggestion of the MAC
2013	Closure of the SAWS

Source: Samuk and Consterdine (2015) based on MAC, 2013.

³ States that joined the EU from Central and Eastern Europe during the 2004 enlargement. These include: Czech Republic, Estonia, Hungary, Latvia, Lithuania Poland, Slovakia and Slovenia.

⁴ The Migration Advisory Committee (MAC) is a non-departmental public body comprised of economists and migration experts that provides transparent, independent and evidence-based advice to the UK Government on migration issues.

The second program, the SBS was introduced in 2003 to address shortages in lower skilled occupations. In the inception of the scheme it covered the hospitality (hotels and catering) and the food-processing sector (including fish, meat and mushroom processing) with a quota of 10,000 for each. The SBS was originally open to all nationalities, although between 2003 and 2007 the majority of workers were coming from non-EU countries. In contrast, since 2007 the scheme was open only to nationals from Bulgaria and Romania.

Under this scheme the employees were required to be working full time and aged between 18 and 30. For those who are successful in meeting the SBS eligibility criteria, leave (to remain) is granted for a maximum of 12 months (MAC, 2013). Due to the A8 countries accession and the consequential assumption that Central and Eastern European migrants would continue to fill these jobs, in 2004 the quotas were reduced by 25 per cent to 9,000 for the hospitality sector, and to 6,000 for the food-processing sector (Hansard, 2004), and in 2005 the hospitality sector was pulled from the scheme altogether.

Table 3. Main Changes in the SBS throughout the years (2003-2013)

Years	Main Changes
2004	Quotas of each nationality to 20 per cent introduced. From 2003 to 2006, 81 to 96 per cent of SBS workers were from one of the two regions: Eastern Europe or Southern Asia (mainly Bangladeshi)
2005	Termination of the hospitality sector which accounted over 70 per cent of it
2007	Quota restricted only to Bulgarians and Romanians
2008	The quota fell almost half a per cent
2012	Only a quarter of the quota has been fulfilled
2013	Closure of the SBS

Source: Samuk and Consterdine (2015) based on MAC, 2013.

Table 4. Main characteristics of SAWS and SBS in the last decade

SAWS	SBS
An specific program for the agriculture sector	Implemented in the hospitality and food-processing sectors
Leave originally three months, extended to six months in 2003	Leave was granted 12 months
Originally all nationalities were eligible for recruitment 2007-2013 opened only to workers from Romania and Bulgaria	2003-2007 all nationalities were eligible 2007-2013 opened only to workers from Romania and Bulgaria
High variation in the annual quotas 2000: 10,000 2004: 25,000 (82% of the quota used) 2005: 16,250 (96% of the quota used) 2009: 21,250 (recommended increased by MAC)	High variation in the annual quotas 2003: 20,000 2004: 15,000 2005: 3,500 2006: 3,500

Source: Samuk and Consterdine (2015) based on MAC, 2013.

Table 5. Quota and numbers of permits under SAWS and SBS programs

	SAWS	SBS
	Permits*	Permits**
2003	n.a	7,809
2004	20,554	16,865
2005	15,611	7,401
2006	16,171	3,586
2007	16,796	1,407
2008	n.a	1,569
2009	n.a	775
2010	n.a	601
2011	n.a	787
2012	n.a	330

Source: Samuk and Consterdine (2015) based on MAC, 2013.

*SAWS work cards printed (2004-2007)

** Successful SBS permit applications (2003-2006) and number of SBS applications accepted (2007-2012).

Migrants who came to the UK under the SAWS are expected to receive the national minimum wage, called the 'agricultural minimum wage', which changes according to the work categories involved. Hourly rates were determined by the AWB (Agricultural Wages Board). Upon the responsibilities that should be shouldered by the employers are worth to mention: minimum rates of pay, paid holiday, agricultural sick pay, pay even if bad weather stops the work, night work pay, on-call allowance, and 30-minute rest breaks, if they work more than 5.5 hours a day. Employers must provide accommodation and transport.

Workers on a SBS visa could stay longer than 12 months if they proved that they could sustain themselves economically. The SBS allowed for the transition from temporary to permanent status in terms of jobs. In other words, if SBS workers completed 12 months in a workplace they would have the right to stay further if they proved that they could sustain

themselves and their dependents economically (MAC, 2013: 35). In some cases the SBS workers would work in the same firm more than a few years, but it could be out of the scheme (on casual terms) (MAC, 2013: 35). Thus, there was a fear that such temporary migration may lead to permanent residence. In contrast, those in SAWS could only stay up to six months (exceptionally in some cases up to 8 months) and subsequently most of these workers are reported (MAC: 2013) to have returned to their country of origin (especially the Bulgarians and Romanians). Contrary to the SBS, there was no opportunity for participants in SAWS to change jobs, and transition to permanency from temporariness was not allowed. After six months workers in the SAWS were allowed to stay in the country up to 12 months but were not allowed to work. Being limited by time and sector is one of the defining characteristics of the SAWS program. In other words migrants in SAWS could not access indefinite leave to remain (Spencer et al. 2007; Consterdine & Hampshire, 2014).

Although return migration is promoted by the temporary migration schemes, some researchers have shown that most temporary migrant workers will stay if they have a chance to do so (Martin, 2006). However, in the case of SAWS, the MAC observed that most of the migrant workers returned to their countries after the seasonal work is finished. There is, for instance, a very high return rate to Bulgaria and Romania (MAC, 2013). However, as the European Migration Network (EMN) report pointed out in 2011, it seems that there was a chance of repetition for the seasonal workers in the UK (EMN, 2011). In fact, the MAC emphasized that SAWS, as a program, has the highest number of returnees probably because the same migrant worker can come and work again for the same employer the next season, which is an advantage for the employer (MAC, 2013). Stakeholders including employers have informed the MAC that 50 per cent of their workers return and work again in the following year (MAC, 2013: 58). Thus, although SAWS was not designed to be a circularity policy, for many workers who returned to the same farm repetitively season after season, it has *ipso facto* become circular migration, particularly as workers were rewarded by the employer if they returned back the following year.

The rights of the migrant workers should be clearly stated and should be communicated to the migrant workers before the arrival or just after the arrival⁵. They are not allowed to work in another economic sector, and changes of employer have to be authorized by the operators. Being tied to employers has generated further criticism towards these programs. Since the employer is supposed to provide work, and accommodation, the employees are arguably too dependent on the employers. Whilst the GLA (Gangmasters Licensing Authority) has enhanced the rights of seasonal migrant workers, it is almost impossible to change employer during their period of stay. This aspect of dependence has been criticized by many scholars, as well as by NGOs, such as Justice for Migrants Workers and by unions such as United Food and Commercial Workers Union.

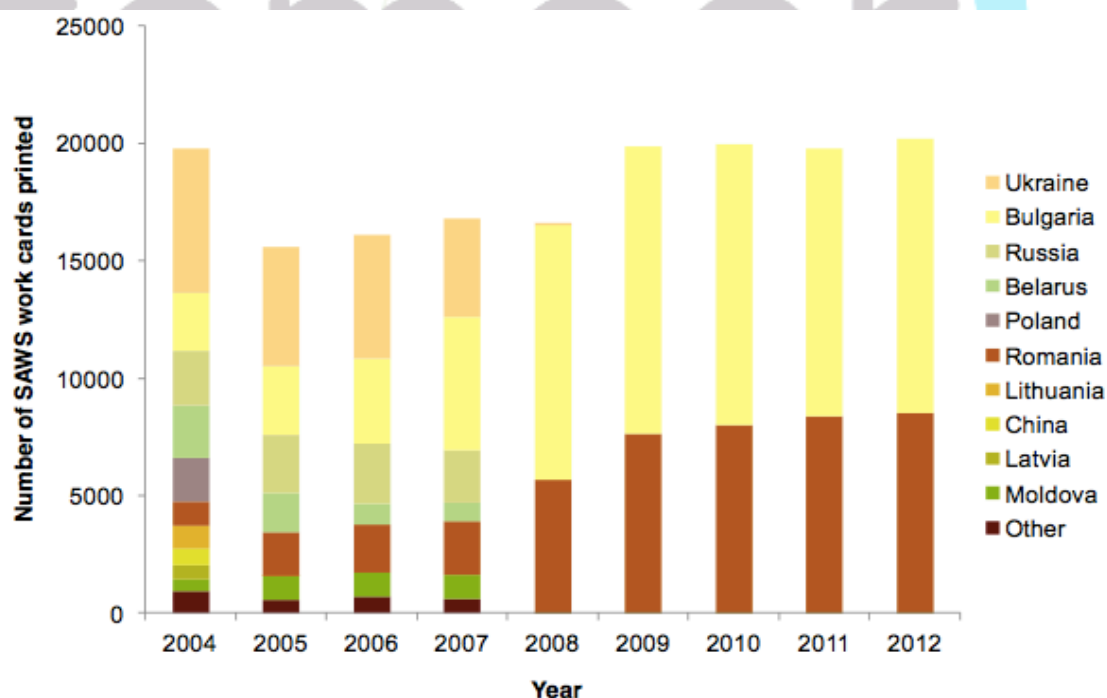
Both of these programs have encountered problems regarding the exploitation of migrant workers. The temporariness of these jobs in particular makes these workers more vulnerable and impacted in their living conditions and integration (Mayer, 2005; Rogaly, 2008; Simpson, 2011; Ivancheva, 2007; Wilkinson, 2014). In the review of the literature on seasonal workers in UK, Samuk and Consterdine argued that most of the research conducted in UK highlighted that temporariness – creating a vulnerable environment for the migrant workers – may end up in a type of permanency without rights, hence a continuation of exploitation or second-class citizenship, or no citizenship at all (Samuk & Consterdine, 2015). Those working under the SBS tended to continue working in casual and often unstable employment in order to stay longer in the UK, some overstaying and by implication becoming irregular. By contrast, those working under the SAWS program found themselves working in isolated environments, in often poor living conditions and without the ability to switch employers⁶.

⁵ Some research has been conducted on how much the migrant workers were informed before they came to the UK. Spencer et al., for example, concluded that those who speak English had more information and it was easier for them to access information compared to other groups that faced language barriers. Indeed language proves to be crucial in terms of preventing exploitation (Spencer et al. 2007).

⁶ Several studies on the seasonal programs in the UK have shown that the good and the bad worker are constructed as concepts by the employers' perspective and the creation of the particular immigration statuses explains the demand for certain nationalities and ethnicities and their positioning in particular work sectors (Simpson, 2011; Scott, 2013a, 2013b; Rogaly, 2008).

Demographic data indicate that it was first Russians, and then Ukrainians, together with other non-EEA nationalities, the groups that filled seasonal labour demands in the UK before the 2004 accession of the A8 countries (Simpson, 2011). However, following the 2004 accession, Polish migrant workers dominated the numbers, but since 2007 more Bulgarians and Romanians have been working on SAWS. According to the MAC report on seasonal migration (MAC, 2013), from 2004 to 2007 most participants in the scheme came from Eastern Europe and specifically from six source countries: Ukraine (33%), Bulgaria (23%), Russia (15%), Romania (11%), Belarus (9%) and Moldova (6%) (see figure 2). The MAC report found that the majority of the workers were between the age of 18 and 35, and that two-fifths were female. Hence, it appears that males dominate the workforce (MAC, 2013). Since 2007, as a concession to the new accession states to the European Union, the government stipulated that only migrants from Bulgaria and Romania could work on the SAWS. Like in SAWS, since 2007 only Bulgarians and Romanians were eligible to apply for a SBS visa.

Figure 2. SAWS work cards issued by nationality (2004-2012)



Notes: *For the year 2012 data are only up to 30 September 2012. We use the number of SAWS work cards to approximate the number of workers employed through the SAWS. After 2008, there were individuals within the dataset who were listed as being from a country other than Bulgaria or Romania. This amounted to a total of 111 individuals and they were not incorporated in this analysis.

Source: MAC analysis of UK Border Agency Management Information data

Source: Samuk and Consterdine, 2015.

The geographical distribution of the SAWS has been concentrated in a few regions in the Southeast and the West Midlands. The cities of Kent and Herefordshire had the highest percentage of workers on the scheme. The regions that made use of the SBS were the Northwest of England and Northern Ireland. However, the applications fell in these regions after 2007, while from 2007 to 2011 the number of successful applications in both the East of England and the South West of England increased by over 60 per cent (MAC, 2013).

Different actors have been involved in these seasonal schemes. In terms of implementation, one of the most important set of actors are the operators in charge of the control and supervision of workers and employers. They were responsible for recruiting and processing applications, ensuring that farmers provide suitable accommodation and adhere to the payments regulations (Simpson, 2011). They were also responsible for allocating work cards to individual workers before they arrived in the UK. The SAWS has been managed by nine operators on behalf of the UK Border Agency. Secondly, Gangmasters are important in terms of providing employers with labour. These labour providers have to be registered with the GLA (Gangmasters Licensing Authority). The Gangmasters Licensing Authority was established on April 2005⁷ with the primary purpose to prevent the exploitation of workers in the agricultural and food sector⁸. It is a non-departmental public body with a board of 30 members from the industry, unions (including the umbrella association Trade Union Congress) and government⁹.

A further set of actors involved in the recruitment and regulation of SAWS are the employers. Their responsibilities are tied to the rights of migrant workers. Employers' responsibilities include: a) ensuring workers' pay and working conditions meet the minimum requirements and, b) meeting the responsibilities under health and safety law. As it was

⁷ See <http://www.legislation.gov.uk/uksi/2005/448/regulation/12/made> and <http://www.gla.gov.uk/>.

⁸ The GLA has been criticized for not doing enough to regulate other sectors where there is exploitation, and critics claim that its regulatory powers are limited partly because its scarce resources (Wilkinson, 2014). Scott (2007) for example, in examining the regulatory impact of the GLA, argued that these regulations have been more symbolic rather than 'substantive rebalancing'.

⁹ UK Border Agency also conduct annual inspections on the farms and operators using SAWS workers (MAC, 2013).

mentioned previously, employers must provide accommodation and transport for the workers involved in the programs.

The closure of the programs in 2014 resulted in a heated debate in UK. The SAWS was regarded as a very effective way of alleviating labour shortages in the agricultural sector. In contrast, the SBS was deemed to be inefficient, since quotas in this program were never met and declined from 2007 to 2012. Accordingly, the closure of the SBS did not seem to be as problematic as the closure of SAWS. Research conducted by the Migration Advisory Committee (MAC) and the main agricultural employer association, the National Farmers Union (NFU), stresses that employers in these sectors are dependent on migrant labour and, in turn, the operation of the SAWS too, since the British labour force is unwilling to occupy temporary and particularly seasonal work. In sum, the MAC argued that the closure of SAWS would have negative effects on the agricultural sector in terms of labour shortages in the UK for the medium to long-term.

2.2 France: From traditional programs to new channels of recruitment.

Foreign workers occupying seasonal jobs in France arrive and work under two main programs or mechanisms: seasonal workers programs and posted workers system. The foundations of the current seasonal work program were laid out in the period after 1945. The seasonal worker program, also known as the “ONI contracts”, and later “OMI contracts”, allowed foreigners to work in France during 6 months out of 12 consecutive months¹⁰. The residence permit could be renewed the following year if the migrant returned to his/her origin country in the meantime. In 2006, the seasonal work program was redesigned, as part of a larger reform of work migration to France¹¹ (see table 1 Appendix). Foreigners with a work contract of less than 6 months can apply for a special "seasonal worker" residence permit that can last up to three years and that can be renewed. As with the previous program, the foreigner must maintain his/her main residence out of France.

¹⁰ As a part of this program several bilateral agreements were signed, for example, the French-Tunisian and French-Moroccan agreement in 1963, the bilateral agreement with Tunisia in 1988 and the bilateral agreement with Poland in 1992. Since 1976 quota of seasonal workers by region was annually fixed by a circular. In 1984 it was also signed a decree implementing the principle of the applicability of ‘the national and regional employment situation’.

¹¹ As a part of this reform in 2008 the France-Senegal agreement was signed.

With the liberalization of service provision in the EU and its application in France, there has been a diversification in the channels of recruitment and nationalities of seasonal workers (Messini 2009). A growing number of foreign workers, both EU and third country nationals, carry out seasonal jobs, especially in the agricultural and construction sector, under the status of posted workers (Le Guen 2006, Messini 2009, Bocquier 2013, Tersigni and Souchard, 2013). Posted workers are under a specific regulation: if the contracting firm is located in a European Union country, no work authorization has to be issued and the duration of the contract has a maximum of 18 months and can be renewed once¹².

In terms of rights, most of the labour and social rights are granted for foreign seasonal workers under the French legislation. The employer must respect the rules regarding the labour law and social protection and propose employment, remuneration and accommodation conditions similar to the other employees occupying the same type of job in the firm or in the labour sector¹³. During the contract of posting, the employed workers are submitted to the French norms (in particular collective labour agreements applicable to the French employees exercising a similar activity to the work made by the foreign employees). Here it prevails also the principle of equal treatment between permanent employees of the user company, and posted workers in the user company. However, the welfare costs and associated rights applied to the contracts are the ones of the countries of origin.

Legally, workers may change status and transit from the “seasonal worker” permit to another temporary permit (more permanent) if they developed family ties in France, obtaining a family residence permit. A second possibility is to obtain a temporary resident permit if they get a permanent contract with the employer for whom he/she seasonally works since a long time. Seasonal workers can also pass from a legal status to an irregular one. The most frequent case is represented by a legal entry in the French territory but no return to the origin country between the seasonal contracts (6 months per year). In this case, migrants overstaying their visa may do undeclared work during the remaining months of the year. Another irregular pathway is represented by the case of a legal entry but a job

¹² If the contract firm is in a third country ‘employment situation principle’ is applied.

¹³ Access to health insurances and unemployment benefits have several restrictions (see Baudett-Caille, 2008).

beyond the authorized hours and places, or with other than approved employers (Plewa 2009).

As a mechanism of supervision of the circularity and return of the seasonal migrant at the end of a season, the workers from countries with which France has signed bilateral agreements have to tick off in the OFII (*Office Français de l'Immigration et de l'Intégration*) office of their origin country when they return. Besides the fact of indicating an actual return, obtaining an employment contract the next year depends on fulfilling this requirement. For seasonal workers from other third countries, there is a control of the passport at the end of the period of employment when exiting the French territory. If the owner of a residence permit does not respect the initial conditions for issuing of the permit (that is to say: he is residing in France for more than 6 months or he/she entered and resided in France without any employment contract), a procedure to remove the permit can be initiated. The removal of the residence permit is accompanied by an obligation to leave the territory. However, if the foreigner continues residing in France after the expiry of his/her employment contract in the period of the 6 authorized months, the procedure to remove his/her permit cannot be initiated if the worker has a promise of employment.

The OFII offices abroad noted that the shorter the contract the higher is the rate of no-return of the agricultural seasonal workers in their country of origin at the end of their contract¹⁴. Le Guen (2005) also notes that the rate of no-return from Corsica (where there are mainly short seasonal contracts of 2 months) is 62.5% whereas it is 15.9% for “normal” contracts for Moroccan seasonal workers¹⁵. Moreover, it seems that the further is country of origin, the fewer seasonal migrants return at the end of their 6 months stays in France.

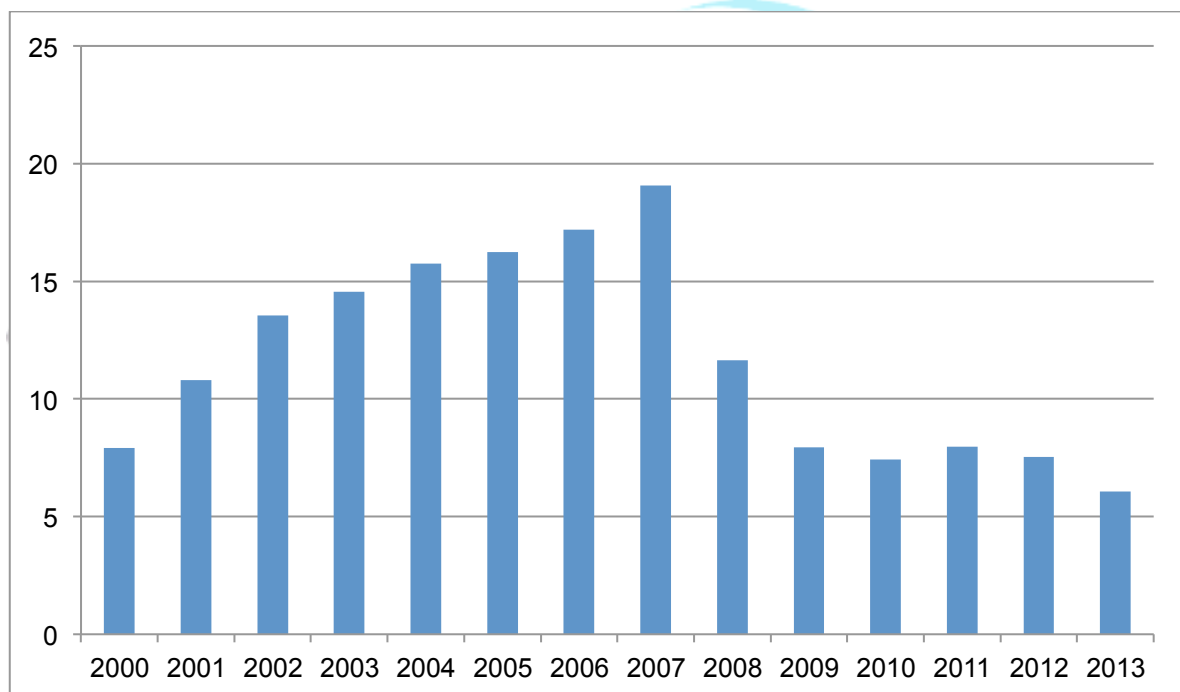
From the start of the seasonal worker program in 1945 the number of workers admitted through it increased regularly until the halt on work migration, with a maximum of 144,500 seasonal workers in 1972. Their numbers gradually decreased afterwards due to a growing regulation of work migration, but also to the changes in the agricultural sector. The number

¹⁴ Circular of March 26th, 2007.

¹⁵ See OMI, 2003.

of seasonal workers remained low throughout the 1990s (less than 10,000). Starting from 2000, the number of seasonal workers increased, reaching a maximum of 19,000 in 2007. It has been declining in the recent years, and in 2013 there were only around 6,000 seasonal workers in France. The evolution observed in the last decade is mainly due to the rapid increase in the number of Polish nationals. If we consider only third country nationals, the number of seasonal workers appears to have been relatively stable throughout the decade (see figure 3 and table 6).

Figure 3. Evolution of number of seasonal workers in France (2000-2013)*



Source: OFII. Eurostat [migr_resocc], Jolivet-Guetta, Eremenko and Beauchemin (2015).

* In thousands.

Table 6. Number of seasonal workers in France (2000-2013)

Year	Work authorisations		Residence permits
	All countries	Third country nationals*	(third country nationals)
2000	7,929	4,658	
2001	10,794	6,160	
2002	13,543	7,687	
2003	14,566	7,898	
2004	15,743	8,370	
2005	16,242	7,994	
2006	17,204	7,151	
2007	19,064	6,605	
2008	11,645	6,993	3,860
2009	7,955	7,115	2,236
2010	7,428	6,184	1,061
2011	7,962	6 263	1,059
2012	7,531	6,386	1,115
2013	6,057	6,056	995

Source: OFII. Eurostat [migr_resocc], Jolivet-Guetta, Eremenko and Beauchemin (2015).

* Authors' estimations. Excludes Poland for the years 2000-2003.

A8 and A2 accession countries in a transitional period for the years 2004-2013.

At the height of the program (1965-1972), Spanish nationals represented nine seasonal workers out of ten. After the signature of bilateral agreements with Portugal, Morocco and Tunisia, as well as Yugoslavia, there was a diversification in the origins of seasonal workers, but Spain still accounted for more than 80% of seasonal workers until 1986. Portugal and Morocco were the second and third largest countries of origin in the 1970s and 1980s. After the signature of the bilateral agreement with France in 1992, Poland rapidly became the 2nd largest country of origin (before Tunisia) and surpassed Morocco in 2005, following its entry

in the EU. A maximum of around 12,000 Polish seasonal workers in France was observed in 2007. Thus, the importance of Polish seasonal workers in the mid-2000s is a result of both the earlier bilateral agreement and the facilities for employers to recruit nationals of EU member states during the transitional period. Moroccan and Tunisian nationals account for 95% of seasonal workers from third countries in the recent period (table 7). Whereas the number of Moroccans has been decreasing over the last ten years, the number of Tunisians has progressed. Turkey and countries of former Yugoslavia had also signed bilateral agreements with France, but the number of seasonal workers from these countries remains low. The new seasonal worker residence permit (from 2008) applies to all third country nationals, except Algerians. However, data show that Morocco and Tunisia continue being the primary beneficiaries: 89% of permits delivered in the period 2008-2013 were issued to these nationals (74% of the total first permits issued to seasonal workers were given to Moroccans and 15 % to Tunisians) (table 7 and table 8).

*Table 7. Nationality of seasonal workers in France (2000-2010)**

	EU27			Third countries			
	Poland	Bulgaria	Romania	Morocco	Tunisia	Turkey	Serbia
2000	3,271			3,946	537		
2001	4,634			5,386	517		40
2002	5,856			6,732	718		58
2003	6,668			7,105	487		40
2004	7,356			7,457	582	97	47
2005	8,192			6,941	682	155	45
2006	9,943			6,169	713	98	44
2007	11,971			5,651	657	97	49
2008	3,812			5,916	811	58	52
2009		294	545	5,774	922	196	43
2010		553	691	4,943	946	141	

Source: OFII and Jolivet-Guetta, Eremenko and Beauchemin (2015).

* Work authorization

*Table 8. Nationality of seasonal workers, register permit data (2008-2013)**

Year	2008	2009	2010	2011	2012	2013	Total
Africa	3,737	2,010	939	952	985	900	9,523
- Morocco	3,628	1,235	681	679	756	673	7,652
- Tunisia	109	768	206	191	152	133	1,559
- Other Africa	0	7	52	82	77	94	312
America	5	81	20	17	58	27	208
Asia	99	107	96	82	58	51	493
Europe	17	38	4	3	9	14	85
Oceania	2	0	2	5	5	3	17
Total	3,860	2,236	1,061	1,059	1,115	995	10,326

Source: Eurostat [migr_resocc] and Jolivet-Guetta, Eremenko and Beauchemin (2015).

*Register permit data.

Table 9. First permits issued to seasonal workers in France by nationality (2008-2013).

Third country nationals (TCNs). Main nationalities. Absolute numbers and percentages.

Nationality	2008	2009	2010	2011	2012	2013	Total
Morocco (%)	94.0	55.2	64.2	64.1	67.8	67.6	74.1
	3,628	1,235	681	679	756	673	7,652
Tunisia (%)	2.8	34.3	19.4	18.0	13.6	13.4	15.1
	109	768	206	191	152	133	1,559
Mali (%)	0	0	0.1	1.5	1.2	4.1	0.7
	0	0	1	16	13	41	71
Turkey (%)	2.5	4.3	7.6	7.0	3.5	1.6	3.9
	95	97	81	74	39	16	402
Senegal (%)	0	0.1	0.9	0.1	0.3	1.3	0.3
	0	2	10	1	3	13	29
Mauritius (%)	0	0.2	3.5	5.1	3.5	1.2	1.4
	0	5	37	54	39	12	147

Bangladesh (%)	0	0	0	0	0.1	1.0	0.1
	0	0	0	0	1	10	11
Guinea (%)	0	0	0	0	0.4	0.9	0.1
	0	0	0	0	4	9	13
Haiti (%)	0	1,6	0.2	0.0	3.3	0.8	0.8
	0	35	2	0	37	8	82
Saint Lucia (%)	0.0	1.5	0.5	0	0.6	0.7	0.5
	0	34	5	0	7	7	53
Other (%)	0.7	2.7	3.6	4.2	5.7	7.3	3.0
	28	60	38	44	64	73	307
Total (%)	100	100	100	100	100	100	100
	3,860	2,236	1,061	1,059	1,115	995	10,326

Source: EUROSTAT, First permits issued for remunerated activities by reason, length of validity and citizenship
(migr_resocc) (2014)

Information regarding the male/female composition is unavailable for the entire period, but the existing evidence shows that this migrant group is predominantly male. Among seasonal worker residence permits issued in 2008, only 42 were issued to women (1.1% of the total number) (EMN France, 2010). In 2009, their number had risen (2.7% of the total). It appears that this trend continued. In 2013, women represented 10.4% of the category “seasonal and temporary workers” (of which seasonal workers constitute around 80%).

The large majority of seasonal workers in France work in the agricultural sector. Up to 2008, they represented more than 95% of seasonal workers a given year. Although this proportion has declined since the reform, they still represented 92.3% in 2012 (see table 9).

Table 10. Distribution of seasonal workers in France by type of activities (2004-2012)*

	2004	2005	2006	2007	2008	2009	2010	2011	2012
Agriculture, of which:	8,046	7,623	6,814	6,283	6,653	6,612	5,773	5,827	5,892
- Harvesting of fruits and vegetables	2,614	2,547	2,038	1,680	1,746	1,219	1,323	862	1,108
- Different agricultural work	3,918	3,416	3,596	3,498	3,646	4,557	3,377	3,668	4,014
Non agriculture	324	371	337	322	340	397	411	436	494
Total	8,370	7,994	7,151	6,605	6,993	7,009	6,184	6,263	6,386

Source: DPM (Directory of Population and Migrations), 2005, PCF EMN 2011, SOPEMI 2013 and Jolivet-Guetta, Eremenko and Beauchemin (2015).

* Work authorisations

As most seasonal workers work in the agricultural sector, they are mostly concentrated in the south of France. In 2013, 68% of workers admitted in the category “seasonal and temporary workers” (of which seasonal workers constitute around 80%) resided in just six departments: Corse (16,1%), Provence-Alpes-Côte d’Azur (29,1%), Rhône-Alpes (9,9%), Aquitaine (6,3%), Midi-Pyrénées (5,6%) and Languedoc-Roussillon (1,1,%). However, other factors also explain the concentration of seasonal workers in specific departments (for instance in Bouches-du-Rhône) where some professional associations have been more active in getting quota attributions (Le Guen 2005).

In the period 2000-2012 the number of posted workers in France increased multiplied by 20, reaching almost 170,000 in 2012¹⁶. The increase was particularly important in the years between 2006 and 2008, and in the most recent years (2010-2012) (see table 10). The entry of the new member states in Central and Eastern Europe played a major role in this evolution since these working arrangements facilitated their access to the French national

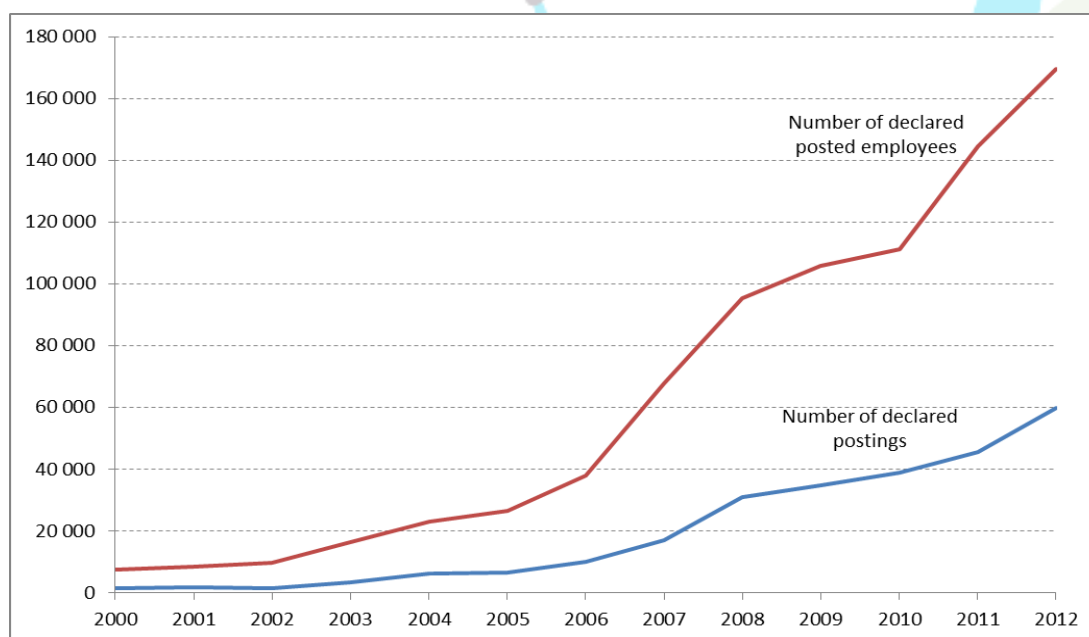
¹⁶ It is important to note that the number of posted workers is much larger as there can be several workers in the same posting). According to EUROFOND a posted worker is defined as ‘a person who, for a limited period of time, carries out his or her work in the territory of an EU Member State other than the state in which he or she normally works’ (Directive 96/71/EC). About posting of workers see *Practical Guide. The legislation that applies to workers*, 2012. Social Europe.

labour market, particularly during the transitional period when these nationals didn't have a direct access to the labour markets of EU15 member states, including France.

However, it is important to keep in mind that part of the evolution described below is also linked to the improvement of the data collection system. Firstly, whereas in the first years, not all local labour inspection agencies had responded to questionnaires, notably because some of them didn't have centralized information, the coverage of the survey has become more and more complete over the years. Secondly, although this declaration has been compulsory since 1994, foreign companies are more aware of the obligation to declare postings beforehand given the enforcement mechanisms in the legal norms (fines introduced in 2007) and the information campaigns done by the services.

The increase in the most recent years also suggests that in the context of the economic crisis, French employers may be even more tempted to resort to these workers as the costs of hiring them are lower (Jolivet-Guetta, Eremenko and Beauchemin, 2015).

Figure 4. Number of declared posting and posted employees in France by foreign companies (2000-2012)



Source: DGT (Direction Générale du Travail) (2012) and Jolivet-Guetta, Eremenko and Beauchemin (2015).

The majority of posted workers in France are EU27 citizens (87.2% in 2012). Posted workers carrying out seasonal jobs can be declared in the agricultural sector or by temporary placement agencies. These two sectors experienced the largest increase in the number of postings between 2004 and 2012¹⁷. In 2012 posted workers in the agriculture sector represented 13% of the total. Declarations of postings in the agricultural sector have the highest geographical concentration compared to other sectors: 81% are made in only 5 departments (Bouches du Rhône, Vaucluse, Loir et Cher, Indre et Loir and Finistère).

In 2012, approximately 7,500 work authorisations were issued to seasonal workers and approximately 7,800 workers were posted in the agricultural sector. Even if the duration of the jobs performed by each type of worker in France is not the same (the second category is presumably hired for a shorter time), Jolivet-Guetta, Eremenko and Beauchemin have observed that an important proportion of foreign workers performing seasonal jobs come to France under the second category, and that the historical seasonal worker program no longer represents the majority of these workers. The scheme of posted workers is also the object of many debates. Its critics have mentioned that the complexity of this sub-contracting scheme makes difficult to control and supervise the implementation of the existing labour laws (Jolivet-Guetta, Eremenko and Beauchemin, 2015; see also Directive 96/17/EC and Directive 2014/67/EU).

2.3. Spain: The design and implementation of highly supervised local experiences.

In contrast to what occurs in other European countries, Spain does not have a seasonal workers program as such, but rather a net of highly supervised, decentralized local hiring initiatives or 'experiences' for the agriculture sector that have been designed at a local scale, but supported by a complex and flexible legislative and institutional framework.

¹⁷ It is important to note that the largest share of postings in France occur in the construction sector (more than half of postings prior to 2007 and one third at present), thus in a sector where jobs are not usually defined as seasonal.

Under the Spanish Immigration and Labour laws, and migration bilateral agreements, seasonal work permits have been subjected to specific conditions and requirements in terms of duration, and the preferential countries (see table 11).

Table 11. Seasonal work permits. Main legal changes (1985-2014)

Work contract denomination		Characteristics
Law 7/1985 R.D. 1199/1986 R.D. 155/1996	Type A	<ul style="list-style-type: none"> • Campaign or seasonal activities. • Maximum duration 9 months • Obligatory return upon expiry • Non-renewable
Law 4/2000 Law 8/2000 R.D.864/ 2001	Type T	<ul style="list-style-type: none"> • Campaign or seasonal activities • Maximum duration 9 months with a 1 year • Only for workers outside of Spanish territory • Employer's obligations: organize worker's trip and pay for one of the trips (go or return), provide adequate housing to the workers. • Worker's obligations: compulsory return upon expiration of permit • Preference of workers from countries who have signed bilateral agreements with Spain

Law 14/2003 R.D. 2393/2004	Work permits of specific duration for activities related to seasonal or campaign activities	<ul style="list-style-type: none"> • Campaign or seasonal activities • Maximum duration 9 months with a 1 year period • Only for workers outside of Spanish territory
Law 2/2009 R.D. 557/2011	Work permits of specific duration for activities related to seasonal or campaign activities	<ul style="list-style-type: none"> • Campaign or seasonal activities • Maximum duration 9 months with a 1 year period • Only for workers outside of Spanish territory • Preference for workers from countries who have signed bilateral agreements with Spain • Annual number of seasonal workers hired regulated through annual ministerial orders.

Source: López-Sala, A (2015), based on ImPol (Database on Immigration Policies from the MAFE-TEMPER Projects).

Recruitment of seasonal migrant workers in countries of origin was articulated throughout the years under the 'quota policy', the standard work immigration system (known as *Régimen General* in Spanish) and the FNAAC (Framework National Agreement on Seasonal Workers for Agriculture Campaigns). This agreement created a formal channel for consensual, flexible decision making involving several public and private actors¹⁸ that was

¹⁸ This initiative clearly reflected the neo-corporatist tradition in decision making processes that inspired the entire Spanish immigration policy throughout the past two decades. Over the past decade, the annual quota of workers was decided upon by the Provincial Labour Commissions, based on employers' demand in the sector.

broadly tied to the local economic dynamics. Starting in 2000 some provinces in Southern and Northeast of Spain, such as Huelva, Lleida (Díaz et. al, 2013) or Almería (Pumares and Jolivet, 2014; Dolz, 2010), initiated their first experiences of hiring workers in their countries of origin for the agriculture sector, a sector that has experienced one of the largest deficits of workers supply in the last decades (Aznar-Sánchez and Sánchez-Picón, 2010; Jurado, 2009; Pedreño, 1999; 2003; García and Pedreño, 2002; Hoggart and Mendoza, 1999; Gertel and Sippel, 2014).

The design of these experiences established a preferential channel to recruit nationals from countries with which Spain had established bilateral immigration agreements (table 12). However, the final decision on where to hire was left to the preferences of the employers (Redondo, 2010, 2011; Moreno, 2009; Gordo, 2009; Gordo et al, 2013; Gualda, 2012; Torres, *et al.*, 2013). The profile of the selected workers (in terms of sex or previous experience in this economic sector) has been shaped also by the preferences of the employers. For example, in many cases, social stereotypes about what was considered to be a “good worker” led employers to avoid hiring several types of workers, who they consider to be problematic and untrustworthy. These stereotypes go beyond nationality and relate also to gender, for example. The preference for hiring women, especially in the strawberry sector, stems from the perception of female workers as more obedient, competent and with more qualities to work in this kind of harvest (Moreno, 2012; Reigada, 2012; Mannon, *et al.*, 2012; Redondo and Miedes, 2007; Hellio, 2014). Bilateral agreements also establish the procedures to recruit seasonal workers (Ferrero and López-Sala, 2009 and 2011), explaining the protocol to be followed in order to guarantee the participation of the authorities of the countries of origin, which will have to receive the job offers and pre-select the candidates¹⁹, as well as the compulsory creation of a bi-national committee, including representatives of

These commissions are chaired by governmental sub-delegations and include the participation of provincial bodies of the Labour Ministry, representatives of the main business organizations and trade unions from the local agriculture sector, representatives of the job inspection, law enforcement authorities, local governments and civil society.

¹⁹ ANAPEC (National Agency for Promotion of Employment and Skills) in Morocco, SENA (Servicio Nacional de Aprendizaje) in Colombia, or the National Office for Labour Migration (OMFM) in Romania, are the agencies created to this end.

the Ministry of Labour and Spanish trade unions, to supervise the selection process²⁰. The final selection is made by the employers or their representatives who visit countries of origin to participate in the selection process. These agreements also establish a procedure to facilitate the issuing of visas and work permits.

Table 12. Bilateral Labour Agreements with countries of origin signed by Spain (2001-2009)

Year	Country
2001	Dominican Republic Colombia Ecuador Morocco
2002	Poland Romania
2003	Bulgaria
2007	Mauritania
2009	Ukraine

Source: Ministry of Labour and Ferrero and López-Sala, 2009.

Since these hiring experiences were local, they allowed different forms of decentralized bi-national institutional coordination between Spanish agricultural business organizations (or their representatives) and the agencies involved in the recruitment or supervision processes in the countries of origin. Specific agreements arose from this situation, for example, between the Moroccan agency ANAPEC (*Agence nationale de promotion de l'emploi et des compétences*) and the *Fundación FUTEH* (Foundation for Foreign Workers in Huelva) or between SENA (*Servicio Nacional de Aprendizaje*) in Colombia and the *Unió de Pagesos* (Mejia, 2008; Sánchez and Faúndez, 2011).

²⁰ Different articles in Spanish newspapers have mentioned that women with family obligations in their countries of origin were preferentially hired for seasonal work, as it was more likely they would return home after their contract expired. This information has also been highlighted in the conclusions of some ethnographic research (Reigada, 2012) and has been appeared in some specialized articles (Martin, 2011), and it will be verified during the TEMPER fieldwork.

Regarding their rights and working conditions, foreign workers participating in these campaigns have been put on par with those of national workers in various aspects, including social and health rights. At the local level, the supervision of this 'equality of rights' is in hands of the local councils, often with the participation of NGOs through specific subsidies. Although the newspapers and some research have highlighted abusive conditions, particularly related to housing (FIDH, 2012; Achón, 2010, Defensor del Pueblo Andaluz, 2001), the broad supervision of the process by various actors, including unions, have contained certain forms of exploitation. However, it seems evident that the temporary status of these workers, as well as the spatially isolated agricultural working environment and the harsh physical conditions inherent in their work, make them a particularly vulnerable group.

As established by Spanish immigration legislation, the workers recruited within these 'programs' can receive a work permit for up to 9 months within a year. After the permit expires, they are required to return to their country of origin. To certify they effectively returned to their country of origin, the Spanish legislation requires them to register at the Spanish consular office that issued their visa, within one month after it expired. Failing to do so could lead to the refusal of later applications for work permits under this program. The law also establishes that workers who complied with these obligations would be given priority to in future job offers in the same economic activity.

However, once they have participated in one of these local programs and certified their return, employers can hire specific individuals again the following years through nominative hiring. When an individual worker is contracted "by name", they are directly included in the program without having to go through the selection process again, but his contract will be with a specific employer. This process has generated forms of circular migration, since it facilitates the temporary and repeated mobility of workers over several years; however, at the same time, since the continuity of the migrants within the program mainly derives from decisions by the employers, it creates highly dependent relationships²¹.

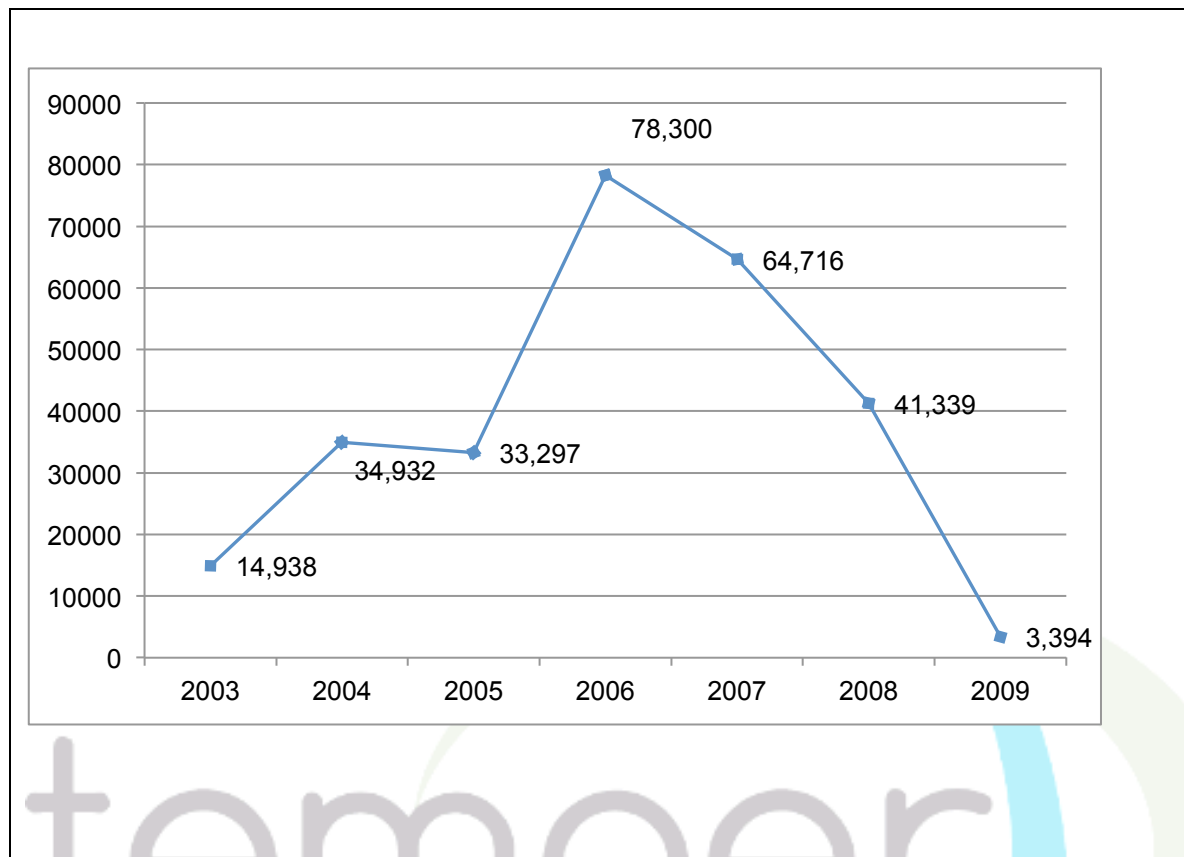
²¹ In fact, according to Spanish law, after participating in these campaigns during, first 4 years and later, after the 2011 reform, 2 years, the foreign worker could be hired regardless of the national employment situation. In practice, however, the

Finally, seasonal workers have very little possibilities to transit to a more stable residency status in Spain. Some workers from Bulgaria and Romania who had previously participated in the programmes were allowed to obtain a 'standard initial work permit' between 2007 and 2009. After becoming citizens of the European Union, nationals from Bulgaria and Romania became eligible for employment in these campaigns without having to obtain a work permit. Accordingly, it is quite likely that the mobility induced by these programmes over the past decade had ended up promoting spontaneous circular mobility among Romanians and citizens from other Eastern European countries who participated in these kinds of regulated mobility initiatives in the past, and now enjoy the right to move freely through the EU. The other potential road to stay longer in Spain after having being admitted as seasonal worker in one of these initiatives is, obviously, to become an irregular migrant and wait for the possibility to regularize the situation through the permanent regularization mechanism known as '*arraigo*', which requires proving three years of previous residence in the country, and some employment or family attachment in the country.

No official Spanish statistics have been published on seasonal foreign workers, apart from the data communicated to Eurostat since 2008. This has been a significant obstacle in carrying out a comprehensive analysis of the changes in the size and profile of seasonal migrant workers over the past decade. However, the OPI (Permanent Observatory on Immigration), which is attached to the Ministry of Labour, provided some data in 2010 (Requena and Stanek, 2010; López-Sala and Montijano, 2014) that allows us to offer a very general overview of this kind of workers between 2003 and 2009. According to these figures (see figure 5), more than 330,000 seasonal work permits were granted during those years; after a remarkable growth between 2003 and 2006, it easy to observe a gradual decline since then, which ended with a clear collapse of the system in 2008, in the outset of the economic crisis and the accession to the European Union of Romania, one of the most important sources of (seasonal) workers for the Spanish labour market.

economic crisis has greatly limited the continuity of hiring in origin in the case of workers who participated in these campaigns for several years since annual quotas are nowadays very small.

Figure 5. Evolution of permits issued to seasonal workers in Spain (2003-2009)



Source. Ministry of Labour, and Requena & Stanek (2010).

Regarding their national origins, the figures show that Romanians received most of the permits during this period, accounting for 63% of the total, followed at a distance by workers from Poland, Morocco (González and Reynés, 2011), Bulgaria and Colombia (table 13). Polish workers dominated the hiring of seasonal workers in 2003, then there was a sustained growth in the number of Romanian workers, and also an increase of Moroccans since 2006 (see López-Sala and Montijano, 2014)²².

²² It is necessary to mention that these statistics only includes nationals from non-EU countries, which is why Polish workers disappeared from the register in 2007 and Romanians and Bulgarians in 2009.

Table 13. Permits issued to seasonal workers in Spain by nationality. Main nationalities (2003-2009)

	2003	2004	2005	2006	2007	2008	2009	Total	%
Romania	5,998	19,193	23,365	57,984	50,616	55,093	0	212,249	63.03
Poland	7,729	11,438	8,934	10,758	0	0	0	38,859	11.54
Morocco	129	965	935	3,355	13,815	13,813	1,193	34,205	10.15
Bulgaria	70	1,040	1,292	6,725	7,794	6,634	0	23,555	6.99
Colombia	544	988	1,102	1,355	2,371	2,431	1,303	10,094	2.99
Other	468	1,308	2,047	2,522	4,900	4,873	1,652	1,770	0.5

Source: Ministry of Labour and López-Sala & Montijano (2014).

As we mentioned, Eurostat publishes data on first permits granted to third-country nationals disaggregated by citizenship, reason for the permit being issued and by the length of validity since 2008. According to these figures, which have been produced and communicated by Spanish authorities to Eurostat but not published or developed in any way in national publications from the Ministry, between 2008 and 2013, most of the initial seasonal permits to third country nationals were given to Moroccans, Colombians, Ecuadorans and Ukrainians. Moroccans made up almost 60% of the total in 2008 and accounted for more than 76% in 2013, representing 61% on average for the entire period; 18% of the permits were granted to Colombians and 6 % to Ecuadorians (table 14).

Table 14. First permits issued to seasonal worker in Spain by nationality (2008-2013). Main nationalities. Absolute numbers and percentages.

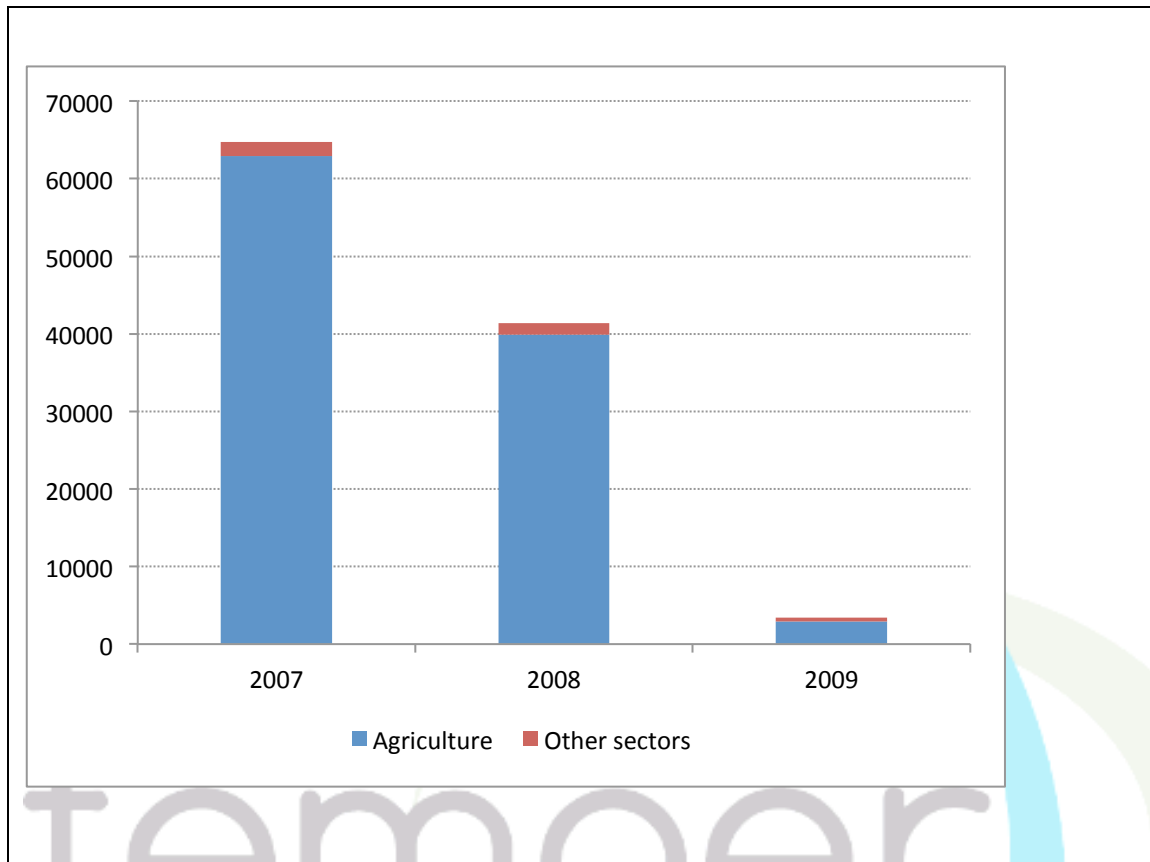
Nationality	2008	2009	2010	2011	2012	2013	Total
Morocco (%)	58.6	44.3	63.2	63.4	72.0	76.2	60.7
	10,688	2,353	5,503	2,850	2,719	2,383	26496
Colombia (%)	16.0	28.7	18.3	19.7	15.9	14.8	18.3
	2,924	1,525	1,596	887	600	464	7996
Ecuador (%)	8.0	9.9	6.4	3.7	3.0	3.0	6.7
	1,463	527	558	166	112	93	2,919

Russia (%)	0.2	0.3	0.3	2.4	2.4	1.5	0.7
	39	14	27	106	89	48	323
Ukraine (%)	5.3	2.8	2.2	1.9	2.0	1.3	3.5
	973	147	192	85	74	41	1,512
Peru (%)	2.5	3.8	2.7	1.3	1.2	0.9	2.4
	460	204	235	57	47	27	1,030
Mali (%)	0.2	0.2	0.2	0.5	0.0	0.6	0.2
	29	11	18	24	0	19	101
Uruguay (%)	0.4	0.7	0.6	2.3	1.6	0.4	0.8
	71	38	51	102	62	13	337
Senegal (%)	0.8	1.0	0.6	0.6	0.6	0.3	0.7
	153	54	56	29	21	10	323
Panama (%)	0	0.2	0.2	0.2	0.2	0.3	0.1
	0	10	18	9	8	10	55
Other (%)	8.0	8.1	5.2	4.0	1.2	0.6	5.9
	1,454	431	453	182	47	20	2,587
Total (%)	100	100	100	100	100	100	100
	18,254	5,314	8,707	4,497	3,779	3,128	43,679

Source: EUROSTAT, First permits issued for remunerated activities by reason, length of validity and citizenship (migr_resocc) (2014).

Unfortunately, the availability of information on the distribution of seasonal workers by economic sector is even more limited. Disaggregated data is only available by sector on seasonal work permits given through the quota system between 2007 and 2009. However, even in such a limited period, the data shows that the vast majority were destined for agricultural work, accounting for 97.3% and 96.5% of the total in 2007 and 2008 and 86.5% in 2009 (figure 6).

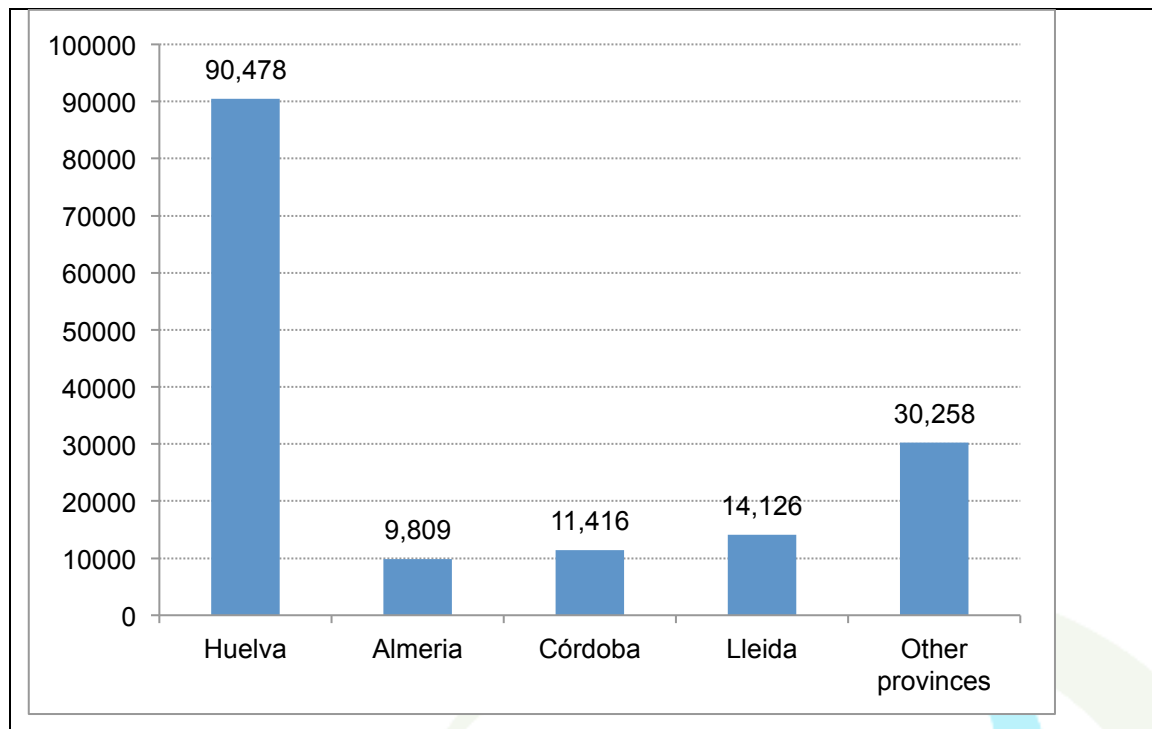
Figure 6. Distribution of seasonal workers in Spain by economic sectors (2007-2009)



Source: Ministry of Labour and Requena & Stanek (2010).

Regarding their spatial distribution, the seasonal hires in country of origin were located throughout Spain. However, they were most concentrated in four provinces: Huelva, Lleida, Almeria and Cordoba. Huelva is the main destination for these workers, accounting for 58% of recruitments in origin during the 2006-2009 period (see figure 7).

Figure 7. Distribution of seasonal work permits in Spain by province (2006-2009)



Source: Ministry of Labour, Requena & Stanek (2010) and López-Sala & Montijano (2014).

2.4. Italy: The gap between formal regulation and real practices

As in the case of Spain, there is not a specific scheme for the recruitment of seasonal workers in Italy, but a rather complex regulation framework designed over the last two decades to manage this kind of labour flows. Seasonal work is mentioned in the Italian law for the first time in 1949, but until 1965 no law specifically targeted foreign seasonal workers. In 1965 a Decree of the President of the Republic (D.P.R. 30 dicembre 1965 n.1656) regulated the circulation and stay of nationals from EEC countries in the Italian territory. This decree (article 2.3b) introduced the term “seasonal workers” (*lavoratori stagionali*) and authorized them to reside in Italy if they had a contract validated by a diplomatic or consular office or by an official Italian recruitment mission. The first real legislation on foreign seasonal workers was passed in 1995: the so-called “Dini Decree” (*Decreto-Legge 18 novembre 1995 n.489*), whose first chapter was dedicated to regulate conditions for

seasonal work. This decree also introduced a specific “quota-system”²³ for this kind of workers and defined the conditions to be admitted as a seasonal worker: third country nationals will need the entry visa and a temporary stay permit for seasonal work; then they will be allowed to stay 6 months per year in the country. Those who return to their countries of origin after the expiration of their permits will have preference over their co-nationals for entering the following year. The Dini decree also allowed converting the seasonal permit into a renewable two years stay permit if workers can demonstrate that they have a job offer for an indefinite time.

In 1988, the *Turco-Napolitano* law (*Legge 6 marzo 1998 n.40*) established the general criteria for issuing the annual quota decrees, also called *Decreti Flussi*. The *Decreti Flussi* have established how many seasonal and no seasonal permits can be issued each year, taking into account the regional needs of workforce, the country’s unemployment figures and the number of foreigners included in the dole lists. One of the main changes that the *Turco-Napolitano* law introduced was the possibility to extend the seasonal permit up to 9 months, instead of only 6 months as before. Art.20 of this law set the recruitment system for seasonal workers. Employers had to go to the Labour Ministry and present a nominative list to issue the *Nulla Osta* (seasonal work permit). In case they do not know who they are going to hire, they may request to issue an authorization to work for people registered in the lists provided by the bilateral agreements (people from countries that signed this kind of agreements may be included in recruitment lists specifying their professions and qualifications). At the same time, employers must show documents indicating where they are going to accommodate the foreign workers. The Ministry of Labour, after checking that all conditions are met, issues the authorization to work, if it is still possible within the limits of the quota. Finally, the *Turco-Napolitano* law also guaranteed the same labour conditions for foreign seasonal workers and Italian workers (see table 2 Appendix).

²³ Regional recruitment commissions in collaboration with employers, trade unions and provincial work offices must communicate to the government the needs of seasonal workforce for the next year in order to establish the quotas. Firstly they have to search for workers in the national territory, and then if it is impossible to meet the needs, authorities can issue entry authorizations for seasonal work.

In 2002, the so-called *Bossi-Fini* law (*Legge 30 luglio 2002 n.189*) established for the first time the possibility for seasonal workers to link various contracts, which would allow them to continue working in Italy up to nine months. This law also introduced the “multiannual permit”: those who came two consecutive years to do the same seasonal work may receive a multiannual permit lasting three years that allows doing the same work for the same period each year and they will only need to obtain the annual visa for entering in the country²⁴. Apart from this, the law also introduced a new obligation for the employers, who must now commit to pay the expenses for the return of their foreign workers. And finally, this reform extended the maximum duration of a seasonal permit to 9 months in all cases (table 2 Appendix).

Regarding their rights, seasonal workers have the following insurances: disability, old age and survivor’s insurance, insurance against work accidents and professional diseases, health insurance and maternity insurance. At the end of their contracts, these contributions would be transferred to the responsible institution of the country of origin of the worker or, if there are any bilateral agreements on this with that particular country, workers will receive the corresponding amount in money if they leave the country. Employers must also provide to the INPS (National Institute for Social Security) the corresponding amount of unemployment and family allowances to the National Fund for Migration Policy. The collective labour agreements have regulated in a more specific way the rights granted to seasonal workers²⁵. Researchers have focused on the labour and living conditions of seasonal workers in the Italian agriculture sector beyond formal rights. In general terms they highlighted their poor labour conditions, including very low salaries and long workdays, and the deficiencies in the accommodation equipment (Pugliese et al, 2012; Perrota, 2012; Perrota & Sacheto, 2013; Bertazzon, 2011).

²⁴ The recruitment system also changed with the creation of the *Sportelli Unici per l’Immigrazione* (Unique Counters for Immigration), the regional body in charge of managing the whole recruitment process for foreigners.

²⁵ They cannot work more than 39 hours per week, 6 hours and a half per day and 6 days per week. This is the annual media, but it can be increased depending on the needs, to 44 hours per week up to a maximum of 85 supplementary hours per year (this schedule can be changed by Provincial Collective Labour Agreements). In that case, when the activity will decrease, they have to be compensated by working fewer hours. The overtime limit is 3 hours per day, 18 hours per week, 300 hours per year. These hours have to be paid 25% more than the normal wage. Seasonal workers in the agricultural sector are allowed to have ten days of leave for marriage, three for the death of a relative and two for parenthood.

Italy has signed some bilateral agreements with third countries to regulate migration flows (table 15). Their main goal is to guarantee some privileged quota in the *Flussi* decrees to countries that agree to collaborate on avoiding uncontrolled migrations by favouring circular migration. Usually, these agreements target seasonal and no-seasonal workers²⁶ and establish some procedures to facilitate migration for labour reasons. Sometimes they provide the creation of Italian local coordination offices in these countries aimed at facilitating the coordination of policies with their governments, and to assess Italian companies that want to recruit workers in origin. Other benefits for third countries from signing these agreements are that Italy guarantees the creation in origin of free training courses on work skills and Italian language, and the government commits itself on implementing other development cooperation plans. So far Italy signed two specific agreements on seasonal work, with Albania in 1996 and Tunisia in 2000. In addition, the Italian Trade Union CGIL-FLAI (*Federazione Lavoratori AgroIndustria*) also signed a bilateral agreement with the Tunisian Trade Union, UGTT (*Union générale tunisienne du travail*) in 2013 on seasonal workers in agriculture.

Table 15. Bilateral agreements signed by Italy with third countries on work matters.

Country	Date	Name of Agreement
Albania	18/11/1996	Bilateral agreement and Protocol for the occupation of Albanian seasonal workers
Tunisia	15/05/2000	Bilateral agreement for the occupation of seasonal workers
Moldova	27/11/2003	Bilateral agreement and Protocol on labour matters
Romania	12/10/2005	Bilateral agreement on labour matters
Morocco	21/11/2005	Bilateral agreement on labour matters
Egypt	28/11/2005	Bilateral agreement and MoU for the cooperation on bilateral migration flows for work reasons
Albania	02/12/2008	Bilateral agreement, MoU and Protocol on labour matters

²⁶ Italy signed two specific agreements on seasonal work, with Albania in 1996 and Tunisia in 2000. The Italian Trade Union CGIL-FLAI also signed a bilateral agreement with the Tunisian Trade Union (UGT) in 2013 on seasonal workers in agriculture.

Moldova	05/07/2011	Bilateral agreement and Protocol on migration for work reasons
Sri Lanka	18/10/2011	Bilateral agreement on cooperation in migration for work matters
Mauritius	20/09/2012	Joint declaration of the Italian Ministry of Labour and the Mauritian Labour Ministry

Source: Molinero Gerbeau, 2015.

Obtaining statistical data on migrant seasonal workers in Italy is not an easy task. Data is included in several national reports but not on a regular basis and statistical information is very fragmented and limited. Several reports and institutions provided data on this issue: “1° Rapporto sugli immigrati in Italia” (Interior Ministry) the annual reports from the Labour Ministry (“Gli immigrati nel mercato del lavoro in Italia”), the ISTAT (Istituto Nazionale di Statistica) database and INEA (Istituto Nazionale di Economia Agraria).

In terms of distribution by nationality, the statistical information provided by EUROSTAT and ISTAT (Istituto Nazionale di Statistica) shows that during the period 2008-2013 the top five sending countries were Morocco, Albania, India, Moldova and Serbia/Montenegro/Kosovo (see table 16). The sum of these nationalities represented the 76.6% of the total in 2010, 78% in 2011 and 2012, and 80.1% in 2013. Morocco has been the top sending country in 2010, 2011 and 2013 only surpassed by India in 2012. Totals show that the majority of foreigners who came with a seasonal permit were men (76,1% in 2010, 63% in 2011, 74,9% in 2012 and 75,3 in 2013).

Table 16. First permits issued to seasonal worker in Italy by nationality (2008-2013).

Main nationalities. Percentages and absolute numbers.

Nationality	2008	2009	2010	2011	2012	2013	Total
Morocco (%)	20.7	20.0	18.8	21.4	18.7	21.2	20.0
	1,743	4,601	4,210	3,249	1,814	1,606	17,223
India (%)	22.0	17.2	15.5	21.5	19.5	21.1	18.6
	1,856	3,951	3,470	3,270	1,898	1,596	16,041
Albania (%)	16.8	19.3	18.3	15.6	16.0	15.6	17.4
	1,416	4,452	4,086	2,371	1,550	1,176	15,051
Serbia (%)	6.6	7.2	7.8	7.6	10.2	11.4	8.1
	556	1,652	1,752	1,162	995	865	6,982
Moldova (%)	6.9	13.3	14.9	12.1	11.7	9.2	12.3
	583	3,070	3,332	1,833	1,141	695	10,654
Macedonia(%)	10.1	5.7	5.8	5.2	4.7	4.0	5.8
	849	1,314	1,299	792	460	301	5,015
Ukraine (%)	3.0	3.1	3.5	3.5	4.3	3.7	3.5
	251	718	774	539	420	283	2,985
Bangladesh (%)	1.3	1.2	1.9	2.4	2.5	2.2	1.8
	111	273	428	361	243	163	1,579
Tunisia (%)	1.9	3.1	3.3	2.3	1.9	2.0	2.7
	163	709	728	356	181	154	2,291
Kosovo (%)	0.7	1.3	1.2	1.4	1.8	1.7	1.3
	57	289	258	217	172	127	1,120
Other (%)	9,9	8,7	9,0	6,9	8,7	7,9	8,5
	838	2,005	2,008	1,054	841	594	7,340
Total (%)	100	100	100	100	100	100	100
	8,423	23,034	22,345	15,204	9,715	7,560	86,281

Source: EUROSTAT, First permits issued for remunerated activities by reason, length of validity and citizenship (migr_resocc) (2014).

Table 17 shown the big difference existing between the total *Nulla Osta* requests (the employer's needs are always superior to the quota), the number of *Nulla Osta* finally issued and the number of contracts finally signed (see also table 3 Appendix). As it is shown in this table the percentage of multiannual residence permits for seasonal work is very low in general terms. Between 2008 and 2011 this percentage increased slightly (in 2011 represented 13.3% of the total seasonal permits). In 2014 this percentage is only 2.2%. This data can indirectly reflect a potential migratory circularity within the agriculture sector regulated under this specific permit.

IOM stressed in 2010 the mismatch between the number of seasonal permits issued and the number of residence permits issued. In IOM's view, this means that thousands of seasonal migrants enter the country but they do not get 'legalized' afterwards. According to IOM, this happens because usually employers are not interested in signing the contracts, as migrants are already in the country and they can hire them for much less than the legal salary by employing them irregularly (IOM, 2010). Amnesty International also explained that the inefficiency of the *Nulla Osta* request system favours irregularity. They qualified the process as 'long and bureaucratic' (Amnesty International, 2012A, p.11) because sometimes *Nulla Ostas* are issued 9 months after the request.

Top 5 regions in submitting *Nulla Osta* requests for seasonal work in 2008 were (in decreasing order): Sicily, Campania, Lazio, Puglia and Calabria. Although this ranking varied in the following years, the main change was that Calabria experienced a notable decline in the number of requests until 2011, and was then replaced by Veneto.

Table 17. *Nulla Osta* for seasonal work requests, *Nulla Osta* for seasonal work granted and residence permits issued for *Nulla Osta* for seasonal work owners in Italy (2008-2014).

	Total Nulla Osta Requests	Nulla Osta Issued	Residence Permits Issued
2008 - Seasonal Permits	88,927	37,636	22,492
2008 - Multiannual Seasonal Permits	2,385	922	665
% Multiannual permits over total	2.7	2.4	2.95
2009 - Seasonal Permits	102,700	43,015	21,722
2009 - Multiannual Seasonal Permits	4,124	1,802	1,270
% Multiannual permits over total	4	4.2	5.8
2010 - Seasonal Permits	98,423	36,417	19,752
2010 - Multiannual Seasonal Permits	5,077	2,103	1,617
% Multiannual permits over total	5.1	5.8	8.2
2011 - Seasonal Permits	71,020	28,101	13,526
2011 - Multiannual Seasonal Permits	7,885	1,561	1,801
% Multiannual permits over total	11.1	5.5	13.3
2012 - Seasonal Permits	77,407	22,806	11,632
2012 - Multiannual Seasonal Permits	728	219	572
% Multiannual permits over total	0.9	1	4.9
2013 - Seasonal Permits	40,475	11,123	8,340
2013 - Multiannual Seasonal Permits	799	110	556
% Multiannual permits over total	2	1	6.6
2014 - Seasonal Permits	31,664	9,076	5,779
2014 - Multiannual Seasonal Permits	336	138	126
% Multiannual permits over total	1.1	1.5	2.2

Source: Molinero Gerbeau, 2015 based on data directly obtained from Ministero dell'Interno.

In terms of economic sectors and using statistical information from the Italian Labour Ministry (2008-2011), the large majority of foreign seasonal workers are employed in the agriculture sector. In the industry and services sectors, seasonal workers were employed mainly as waiters (almost one third between 2009 and 2011). Low skilled workers doing cleaning services in companies and public entities, plant operators and cooks occupied the next places. Seasonal workers in the agriculture sector are located mostly in the South of Italy. Top 5 regions were (the order varies depending on the year): Sicily, Emilia Romagna, Puglia, Campania and Calabria.

Table 18. Maximum estimates of foreign seasonal workers hired in the agriculture sector, by region (2008- 2010).

	2008	2009	2010
Abruzzo	2,930	3,160	4,170
Basilicata	4,100	5,910	7,770
Calabria	10,650	11,530	12,890
Campania	15,310	14,590	14,150
Emilia Romagna	17,520	18,120	18,700
Friuli Venezia Giulia	2,000	2,070	3,340
Lazio	9,890	8,460	9,860
Liguria	1,030	1,360	1,330
Lombardy	5,920	6,010	6,020
Marche	1,760	2,040	2,540
Molise	880	550	960
Piedmont and Valle d' Aosta	7,150	6,120	6,070
Puglia	17,220	22,810	16,150
Sardegna	1,590	1,290	880
Sicily	20,250	15,380	24,140
Tuscany	9,660	11,700	9,640
Trentino Alto Adige	10,180	12,300	11,380
Umbria	4,010	6,130	3,020

Veneto	10,090	11,970	9,580
Total	152,130	161,470	162,590
Abruzzo	2,930	3,160	4,170

Source. Ministero del Lavoro e delle Politiche Sociali, 2011. Estimates are based on the annual survey taken by the Ministero del Lavoro with Employers.

There is a clear scarcity of academic literature and scientific research on foreign seasonal workers in Italy. The available studies have mostly focused to their working and living conditions. The Rosarno (Calabria) riots of 2010 called attention to the community about what was happening there and a new wave of researches began to appear, but still a majority of papers and reports only focus on human rights issues. In fact, most of the literature criticizes how the legal framework and the bureaucratic practices favour irregularity and then, to some extent, the vulnerability of seasonal migrants workers. The main issue highlighted by these reports relates to the large size irregular work in the Italian seasonal work system (INEA, 2012; ISFOL, 2014; MSF, 2005 and 2007; IOM, 2010; HWWI, 2009).

Some elements are mentioned as explanatory factors for this disparity between formal regulation and real practices. Among them, many reports blame the Italian legal system for recruitment of seasonal workers (IOM, 2010; Amnesty International, 2012a, 2012b; Brovia, 2008). IOM, for example, considers that the system favours the proliferation of informal intermediation systems, as the *caporalato*²⁷, and serious situations of worker's exploitation (IOM, 2010).

In a study about seasonal agriculture workers in Southern Italy, Filhol, mentioned that most employers argue precisely that the legal system to hire is so inefficient that they have to use other informal recruitment systems (Filhol, 2013; Brovia, 2008a). Other authors highlight

²⁷ After the 2010 riots in Rosarno, Italian public became aware of the massive extension (especially in the South of the country) of a 'mafia-kind' recruitment system called '*caporalato*'. The '*caporali*' are the intermediates that recruit irregular migrants in the parallel market for employers. They select and monitor workers, control production objectives and work rhythm. They also negotiate the salaries, accommodate workers and transport them to the work place (Brovia, 2008A). The '*caporali*' are a controversial figure. In general, they are considered as exploiters that is why in 2012, the Italian law established that *caporali*'s activities are a crime.

that the *Flussi* system is in reality a way to regularize workers (Colombo, 2012). Many of those who come with a *Nulla Osta* for seasonal work were already in the country; only a minority of seasonal workers is really hired following the legal system (see Filhol, 2013; *Ministero dell'Interno*, 2007).

3. Conclusion. Seasonal workers and programs. A comparative outline across Europe

3.1. Legal regime and programs: a "multi-layered" regulation for seasonal workers

All the destination countries (France, Italy, UK and Spain) analysed in this document have included "special" legal provisions for seasonal workers as a category itself or as a subcategory of temporary workers. As we mentioned previously the formal concept defined in national laws is quite similar across the countries, including common elements. In general terms, a seasonal immigrant worker is defined as a *third-country national* who retains a legal domicile in a third country but resides *temporarily* in the destination country for the purposes of employment in *a sector of activity dependent on the passing of the seasons*. These definitions fit well with definition in the EU directive.

The four countries have designed several legal or policy instruments and channels to incorporate seasonal foreign workers into their national labour markets.

In terms of the design and implementation of programs, there are different "levels" of formality and institutionalization in the national cases considered in this report. In UK and France, it can be seen a long-tradition of programs with high levels of formality and institutionalization after decades being immigrant destination countries and implementing proactive migration policies. The UK previously operated two seasonal migration programs: the Seasonal Agricultural Workers Scheme (SAWS) (1945-2013) and the Sector Based Scheme (SBS) (2003-2013). In France seasonal workers are under two programs regime: a) the seasonal workers program itself (1945-), and the scheme of posted seasonal workers, a

"new channel" to recruit seasonal workers that it is the object of many (and controversial) debates in France (see Directive 96/17/EC and Directive 2014/67/EU).

In the case of Spain there is not a general program for seasonal workers like those seen in other European countries. In contrast, we can only speak of the design and implementation of highly supervised and decentralized local "experiences" in several provinces and crops campaigns, some of them with great volume and continuity, supported by a complex and flexible legislative and institutional framework. In the case of Italy, there is also a complex and comprehensive legislative framework but, in practice, high levels of informal practices and recruitment have been seen in the dynamics of seasonal work.

Seasonal workers are under the provision of several legal frameworks including Immigration Law, Labour Law (social security and collective bargaining agreements in the economic sector), bilateral agreement in migration issues, etc. In this sense it is relevant to mention the complex multi-layered regulation in the case of these immigrant workers. In terms of policy instruments channelling seasonal workers have been conducted under specific programs (as in the case of UK or France), legal regulations, the so-called "general regime" and quota policies (Italy and Spain), catalogues of occupations suffering from labour shortage (France and Spain) or bilateral agreements (Italy, France and Spain). An important principle applied in the design of these multiples channels has been the protection of the national employment market. Additionally, in several cases it was applied a selective and preferential recruitment of nationals of countries with bilateral agreements (Spain) or specific national quotas (UK).

3.2. Size and basic profiles of seasonal workers' flows

Continuous legal reforms and changes in the registration system have made the available data on seasonal workers fragmented and limited, with a lack of continuity and, in some cases, very little detail. Nevertheless available statistical information let us having a basic profile of the dimensions and characteristics of this type of workers in different destination countries.

The volume of seasonal workers in UK, France, Spain and Italy throughout the last decade has been very changing. Additionally, in the last years some programs have been closed, as in the case of UK, or highly reduced in volume, as in Spain. The amount of third country nationals involved in formal seasonal programs have decreased as a consequence of both the economic crisis and the idea that "new European workers" (nationals from A8 and especially A2 countries) can fill chronic labour shortages in several economic sectors, particularly in agriculture and hospitality: as a matter of fact, the active recruitment of immigrant seasonal workers from third national countries has been replaced by more or less spontaneous migration and/or informal recruitment of nationals from recent accession countries in recent years. In sum, any analysis of seasonal workers and seasonal work in most EU destination countries has to take into account these new forms of spontaneous or induced intra-European mobility.

National statistics and data reports clearly identified the main seasonal workers nationalities in these countries: in UK, Central and Eastern European nationals (from Russia, Ukraine, Romania, Bulgaria and Poland) and Southern Asians (specially Bangladeshi); in France²⁸, seasonal workers are mainly nationals from Poland and North African countries (Morocco and Tunisia) and posted workers come from European (Portugal, Poland and Romania) and Latin American countries. In Spain, seasonal workers came from Eastern European countries (Romania and Poland), Morocco and Colombia, and in Italy from Morocco, Albania and Romania.

²⁸ In France, African posted workers represent a much smaller number, especially when compared with Latin Americans.

Table 19. Main nationalities of seasonal workers (2000-2014)

UK	France	Spain	Italy
Central and Eastern European (Russia, Ukraine, Romania, Bulgaria and Poland) and Southern Asians (Bangladeshis)	Poland, Morocco and Tunisia. Posted workers are mainly EU nationals (Portugal, Poland and Romania) and in the case of TNC's, Latin American nationals.	Romania, Poland, Morocco and Colombia	Morocco, Albania and Romania

Seasonal workers are predominantly male and can be highlighted the weak presence of women among seasonal workers in the destination countries analysed (except in the case, for example, of strawberry sector in Spain). The large majority of seasonal workers are hired in the agricultural sector (France, Italy, Spain and UK) and other sectors such as hospitality and food-processing (UK, SBS program and France, posted workers). In table 20 the geographical distribution of seasonal workers is displayed.

Table 20. Geographical distribution of seasonal workers (2000-2014)

UK	France	Spain	Italy
Southeast and the West Midlands.	Southern regions of Provence-Alpes-Cote d'Azur, Corse,	Huelva, Cordoba, Almería (Andalusia) and Lérida (Catalonia)	Puglia, Sicily and Campania.
Cities of Kent and Herefordshire	Rhone-Alpes, Aquitaine and Midi-Pyrénées.	Municipalities of Lepe, Palos and Cartaya in Huelva.	Municipality of Foggia
	Department of Bouches-du-Rhone (Provence).	Districts of Segrià, Les Garrigues, La Noguera, l'Urgell and Plá d l'Urgell	

In some cases, destination countries have implemented a preferential system for nationals from countries that have signed bilateral agreements for migration issues, or in response to foreign policy interests and (spontaneous) migration dynamics. In the case of UK, this preferential system has been focused on Eastern European nationals.

3.3. Labour and mobility rights. Promoting circular migration?

All the national reports identified a gap between “formal rights” and “rights in practice” for foreign seasonal workers. In particular, temporariness of their jobs makes these workers more vulnerable as has been emphasized in several national studies (see Spencer, 2011; Achón, 2010; Morice, 2006, etc.). Some elements mentioned as factors which limited the real rights of these workers are: a) the highly de-regularized labour market in the agriculture

and food-processing sectors; b) the remote and isolated character of agricultural environments (farms, for instance, are commonly far from cities and services); c) the limits to switch to another sector and another employer (workers are in practice highly dependent on employers creating a form of *binding system*); d) the constraints to transit to more permanent legal status; and d) language barriers of workers and difficulties to access to information on labour conditions and social services.

Additionally, as their presence is considered temporary, seasonal workers are not included as target populations in integration policies; and the programs' supervision mechanisms and the control of living and labour conditions of seasonal workers are limited and poor²⁹. In fact, the question of rights of seasonal workers became recently a key issue in the agenda of the European Union and international organizations such as ILO, due to the findings of several national and international research projects on the real labour and social conditions of seasonal workers in Europe. These studies and initiatives have fuelled the involvement of an increasing number of social and NGO's organization in the defence of rights of seasonal workers.

In formal terms, the rights and working conditions of foreign workers involved in these programs have been put on par with those of national workers in various aspects related to working conditions, such as the length of a workday, hourly wage, quality of their lodgings, the right to strike or contributions to social security. In sum, equal treatment principle between foreigners and nationals has been introduced in the regulation, but in practice, as mentioned by most of the researchers and experts on this issue, equal treatment is not real.

Legislation has also acknowledged their right to social and health services³⁰ during their residence in European countries. However, their temporary legal status limits other rights, such as the possibility of transferring to a work permit in a different labour sector, receiving unemployment payments and pensions or the right to family reunification. Employers have

²⁹ For example, in the case of France, Morice mentioned that the employees rarely receive their rights of medical coverage by the agricultural insurance. Safety standards and rules of protection against dangerous products are not often respected and occupational accidents are under declared (Morice and Michalon, 2008; Morice, 2009).

³⁰ Health insurance access can have some restrictions. For instance, in the case of France access is only guarantee if the worker has 800 hours of work in the last 12 months. These hours can have been accumulated in previous seasons.

to cover accommodation and, in some cases, travel expenses of the migrants under these programs.

What kind of institutional elements of the immigration policies in general, and seasonal programs in particular, have promoted repeated or circular migration in the case of these foreign workers? How have these policies impacted on the mobility rights of these workers?

In UK circular migration has been promoted in practice by temporary migration schemes. SAWS as a program had the highest number of returnees (50%) based on national reports (MAC, 2013), as the same migrant worker can come and work again for the same employer in the successive years once involved in the programs. Workers could only stay up to six months and return is compulsory. In contrast SBS allowed for the transition from temporary to permanent legal status. If SBS workers completed 12 months in a workplace they would have the right to stay further if they proved that they could sustain themselves economically. In sum, under the SBS immigrant worker can transit to a more permanent legal status.

In Spain it is not possible to transit to more permanent legal status but the regulation system have also promoted circular and reiterative migration. They can work up to 9 months a year in the agriculture sector, but permits are issued for an specific province. Seasonal workers must sign a return commitment, which includes registering, after they return, in the Spanish consulate in the country of origin. Once they have participated in one of these local programmes, including certifying their return, employers can hire specific individuals again the following years through nominal hires without any further selective process. Today all seasonal migrants workers under these programs are repeater (circular) after changes in the regulation of recruitment in countries of origin as a consequence of economic crisis.

In France, seasonal workers can be hired up to 6 months a year during 3 years. Seasonal workers have to maintain his main residence out of France but permits are renewable. The employer can give priority to this worker for the employment the next year. Seasonal workers may transit to a more stable permits if developed familiar links in France obtaining a

family residence permit (*vie privée et familiale*) of one year or obtaining a permanent contract. Posted workers have a special regulation in France depending on the location of the contracting firm. If the contracting firm is in an EU country, no worked authorization has to be issued. Some further research has to be achieved to have more robust conclusions on the levels of circularity in the case of posted workers in France.

In Italy, seasonal workers can be employed up to 9 months a year during 3 years. In fact, there is a multiannual permit under the denomination of *Nulla Osta Pluriennale*. Return after the end of the contract is compulsory. But the administrative system is too rigid and too slow so, in practice, high levels of informal employment of workers already living in Italy have been mentioned by the experts (Perrota, 2012; Colloca, 2010).

temper

References

Achón, O. (2010). *Contratación en origen e institución total. Estudio sobre el sistema de alojamiento de trabajadores agrícolas extranjeros en el Segriá (Lleida)*. Barcelona: Universidad de Barcelona.

Agunias, A. and Newland, K (2007): *Circular Migration and Development: Trends, Policy Routes, and Ways Forward*. Washington: Migration Policy Institute.

Amnesty International (2012a). *Volevamo braccia e sono arrivati uomini*, London.

Amnesty International (2012b). *Exploited Labour. Migrant workers in Italy's Agricultural Sector*. London.

Anderson, B. (2001). Just another job? Paying for domestic work. *Gender & Development*, 9(1), 25-33.

Anderson, B., & Ruhs, M. (eds.) (2010). *Migrant workers: who needs them? A framework for the analysis of staff shortages, immigration, and public policy*. Oxford: Oxford University Press.

Aznar-Sánchez, J. & Sánchez-Picón, A. (2000). Inmigración en tierra de emigración: el caso de Almería, *Economistas*, 18 (86), 97-114.

Aznar-Sánchez, J. & Sánchez-Picón, A. (2010). Innovación y distrito en torno a un milagro: la configuración del sistema productivo local de la agricultura intensiva de Almería *Historia Industrial*, 42, 157-193.

Baudet-Caille, V (2008). Des droits sociaux même pas saisonniers. *Plein droit*, 3, 22-25.

Bertazzon, L (2011). *Il lavoro in agricoltura: tra l'impiego di manodopera stagionale immigrate e il consolidamento del lavoro occasionale accessorio*, Venezia: Veneto Lavoro.

Bilsborrow, R, Hugo, G, Oberai, A & Zlotnik, H. (1997). *International Migration Statistics: Guidelines for improving data collection systems*. Geneva: ILO.

Breuer, Z. (2012). *Agriculture, forestry and fishing: sector skills assessment*. London. UK Commission for Employment and Skills.

Brovia, C (2008a). Sous la férule des caporali, *Études Rurales*, 182, 153-168.

Brovia, C (2008b). Dans les Pouilles, les caporali font la loi, *Plein Droit*, 78, 30-33.

Brovia, C (2008c). Les villages invisibles des saisonniers, *Campagnes Solidaires*, 228, 216-217.

Burström, B., Whitehead, M., Lindholm, C., & Diderichsen, F. (2000). Inequality in the social consequences of illness: how well do people with long-term illness fare in the British and Swedish labour markets. *International Journal of Health Services*, 30(3), 435-451.

Cassarino, J. (2008): *Patterns of circular migration in the Euro-Mediterranean area: implications for policy making*. CARIM analytic and synthetic notes. Circular migration series. Florence: European University Institute.

Carrera, A. & Faure-Atger, A. (2010). *Impact of the Seasonal Employment of Third-Country Nationals on Local and Regional Authorities*. Brussels: CEPS and European Union.

CES (Economic and Social Council) (2004). *Informe La Inmigración y el Mercado de Trabajo en España*. Madrid.

Colleo, A. et al. (2009). *L'immigrazione in Italia tra identità e pluralismo culturale*. Bologna: Ministero dell'Interno.

Colloca, C (2010). De ciudadanos a sujetos: los inmigrantes en el campo del sur de Italia, *Obets, Revista de Ciencias Sociales*, 5 (2), 221-242.

Colombo, A. (2012). *Fuori controllo? Miti e realtà dell'immigrazione in Italia*. Bologna: Il Mulino.

Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions - Posting of workers in the framework of the provision of services: maximising its benefits and potential while guaranteeing the protection of workers {SEC(2007) 747}

Consorti, P (2009). *Tutela dei diritti dei migranti*, Pisa: Pisa University Press.

Constant, A. and Zimmerman, K. (2007): *Circular Migration: Counts on Exits and years away from the host country*. SEOP Papers on Multidisciplinarity Panel data research. Berlin, DIW

Consterdine, E., & Hampshire, J. (2014). Immigration Policy Under New Labour: Exploring a Critical Juncture, *British Politics*, 9 (3), 275- 296.

Corrado, A (2011). *Clandestini in the Orange Towns: Migrations and Racisms in Calabria's Agriculture*, *Race/Ethnicity*, 4 (2), 191-201.

Crenn, C. & Tersigni, S (2014). Milieux ruraux et immigration. *Etudes de la documentation française*, 5392, 59-76.

Crenn, C (2013). Des invisibles trop invisibles? Les ouvriers agricoles marocains dans les vignobles du Bordelais, *Hommes et migrations*, 1301, 99-106.

Décosse, Frédéric (2013). Immigrés, solidarité. Histoire d'une lutte, envers un slogan. *Hommes et migrations*, 1301, 109-117.

Décosse, F. (2013). Entre "usage contrôlé", invisibilisation et externalisation. Le précarier étranger face au risque chimique en agriculture intensive, *Sociologie du Travail* 55(3), 322-340.

Defensor del Pueblo Andaluz (2001). *El alojamiento y la vivienda de los trabajadores inmigrantes en la provincia de Huelva*. Sevilla.

De Lary, H (2004). "Les accords bilatéraux en matière d'immigration conclus par la France". In *Migration et emploi. Les accords bilatéraux à la croisée des chemins*. Paris. OCDE.

Devitt, C. (2012). *Labour migration governance in contemporary Europe. The UK case*. FIERI Working Papers. LAB-MIG-GOV Project. Turin.

Díaz, J.; Márquez, J. A.; Jurado, J. M. & Gordo, M. (2013). "El principal destino agrícola de los inmigrantes extranjeros en Cataluña: la fruticultura leridana". In J. Camacho & Y. Jiménez (Eds.). *Desarrollo Regional Sostenible en tiempos de crisis*. Granada: Universidad de Granada, pp. 799-819.

Direction Générale du Travail (DGT) (2012). *Analyse des déclarations de détachement des entreprises prestataires de services en France en 2012*. Paris:

Directive 96/17/CE of the European Parliament and the Council on the posting of workers in another Member State within the framework of the principle of the provision of services.

Directive 2014/67/EU of the European Parliament and of the Council of 15 May 2014 on the enforcement of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services and amending Regulation (EU) No 1024/2012 on administrative cooperation through the Internal Market Information System ('the IMI Regulation')

Dolz, N. (2010). *El contingente de Trabajadores Extranjeros y su incidencia en la provincia de Almería*. MA Thesis. Almería: University of Almería.

EMN (2010). *Migrazione Temporanea e circolare in Italia: Evidenze empiriche, prassi politiche, attuali e opzioni per il future*. Rome.

EMN (2013). *Annual Report 2013 on Asylum and Migration Policy in Italy. Part 1*, Brussels.

EUROFOUND (2007), *European Industrial Relations Dictionary*. Dublin.

European Parliament (2014). *Directive on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers, PE-CONS 113/13, 7 February, 2014*.

European Migration Network (2011) *Ad-hoc query on Management procedures for hiring seasonal workers in the country of origin for consecutive seasons*. Brussels.

Fargues, P. (2008): *Circular Migration. Is it relevant for the South and East of the Mediterranean?* Circular Migration Series. Florence: European University Institute.

Ferrero, R & López-Sala, A. (2011). "Country report: Spain". In J. Koehler; F. Laczko; C. Aghazarm & J. Schad (Eds.), *Migration and Economic Crisis in the European Union. Implications for Policy*. Geneve: Independent Network of Labour Migration and Integration Experts (LINET). European Union and IOM.

Ferrero; R & López-Sala, A. (2009). Nuevas dinámicas de gestión de las migraciones en España: el caso de los acuerdos bilaterales de trabajadores con países de origen, *Revista del Ministerio de Trabajo e Inmigración*, 80, 119-131.

FIDH (International Federation for Human Rights) (2012). *Working Conditions on Strawberry Farms in the Huelva Province (Spain)*. Paris.

Filhol, R (2013). Les travailleurs agricoles migrants en Italie du Sud, *Hommes et Migrations*, 1301, 2013, 139-147

Findlay, A., Geddes, A., & McCollum, D. (2010). International migration and recession. *Scottish Geographical Journal*, 126(4), 299-320.

García, I. & Pedreño, A. (2002). "La inserción de la inmigración extranjera en las áreas agroexportadoras mediterráneas". In J. De Lucas, and F. Torres (Eds.), *Inmigrantes: ¿Cómo los tenemos? Algunos desafíos y (malas) respuestas*, Madrid, Talasa, pp. 98-119.

Geddes, A. and Scott, S. (2010). "UK Food Businesses Reliance on Low-Wage Migrant Labour: A Case of Choice or Constraint?". In M. Ruhs, & B. Anderson, B (Eds.), *Who needs migrant workers? Labour shortages, immigration and public policy*. Oxford: Oxford University Press, pp. 225 – 255.

Gertel, J & Sippel, S.R (2014) (Eds.), *Seasonal Workers in Mediterranean Agriculture. The social cost of eating fresh*. New York: Routledge.

GISTI (Groupe d'Information et de Soutien des Immigrés) and CODETRAS (Collectif de défense des travailleurs étrangers dans l'agriculture des Bouches-du-Rhône (2010). *Les travailleurs étrangers saisonniers : entrée en France, séjour, protection sociale : analyse, textes de référence et jurisprudence*. Paris.

González, C. & Reynés, M. (2011). Circular migration between Spain and Morocco. Something more than agricultural work? Florence: *Metoikos Project*. EUI.

Gordo, M. (2009). "La implantación de los contratos en origen en las campañas agrícolas de temporada. El liderazgo de la provincia onubense". In M. Gordo & J. Felicidades, (Eds.), *Explorando los contratos en origen en los campos españoles*. Huelva: Universidad de Huelva, pp. 119-143.

Gordo, M; Márquez, J.A & Jurado, J.M (2013). La Fundación para los Trabajadores Extranjeros en Huelva (FUTEH) y la gestión colectiva de los contratos en origen en

Marruecos" in *AGIR* (Revista Interdisciplinar de Ciencias Sociais e Humanas), vol 1, nº 1, pp. 160-195.

Gualda, E. (2008). De polacas a senegalesas: contratos en origen, sustitución étnica y segmentación del mercado agrícola onubense, *Panorámica Social* (8), 71-84.

Gualda, E. (2012). Migración circular en tiempos de crisis. Mujeres de Europa del Este y africanas en la agricultura de Huelva, *Papers*, 97 (3), 613-640.

Hellio, E. (2009). Importer des femmes pour exporter des fraises (Huelva), *Études rurales*, 182, 185-200.

Hellio, E. (2014). " We don't have women in boxes: channelling seasonal mobility of female farmworkers between Morocco and Andalusia". In J. Gertel & Sippel, S.R (Eds.), *Seasonal Workers in Mediterranean Agriculture. The social cost of eating fresh*. New York: Routledge, pp. 141-155.

Hoggart, K. & Mendoza, C. (1999). African Immigrant Workers in Spanish Agriculture, *Sociologia Ruralis*, 39 (4), 538-562.

HWWI (2009). *Stocks of irregular migrants: Estimates for Italy*. Hamburg.

INEA (2012). *Indagine sull'impiego degli immigrati in agricoltura in Italia 2010*. Rome.

INEA (2013). *Indagine sull'impiego degli immigrati in agricoltura in Italia 2011*. Rome.

IOM (2010). *Stagione Amara*. Rome.

ISFOL (2014). *Il lavoro sommerso e Irregolare degli stranieri in Italie*. Rome.

Ivancheva, M. (2007). Strawberry fields forever? Bulgarian and Romanian student workers in the UK. *Focaal, European Journal of Anthropology* (49), 110-117.

Jolivet-Guetta, M; Eremenko, T. & Beauchemin, C. (2015). WP2 Inventory Seasonal Work Programs. Case Study: France.

Jurado, J (2009). "Los nuevos paisajes de la agricultura en el litoral onubense". In M. Gordo. & J. Felicidades, J (Eds.), *Explorando los contratos en origen en los campos españoles*. Huelva: Universidad de Huelva, pp. 67-91.

Le Guen, J. (2005). *L'impact de la concurrence sur l'emploi dans le secteur agricole. Etude comparée au niveau européen*. Paris: Rapport au Premier ministre, 73.

Lenard, P. T., & Straehle, C. (2011). Temporary labour migration, global redistribution and democratic justice. *Politics, philosophy & economics*, 1470594X10392338.

López-Sala, A (2015). Seasonal Immigrant Workers in Spain. The prominence of the agriculture sector. WP2 Inventory Seasonal Work Programs. Case Study: Spain.

López-Sala, A & Montijano, E (2014), Contratación en origen de latinoamericanos en España. Un marco flexible de gestión, *Revista CIDOB d'Afers Internacionals*, 106-107, 193-213.

MAC (Migration Advisory Committee) (2013a). *Migrant Seasonal Workers: The Impact on the Horticulture and food processing sectors of closing the Seasonal Agricultural Workers Scheme and Sector Based Scheme*. London.

MAC (Migration Advisory Committee) (2013b). *Review of the impact of ending restrictions on Bulgarian and Romanian Nationals on the agricultural and food processing sectors: Call for Evidence, Herefordshire Council Response*. London.

Mannon, S, Petrzela, S; Glass, C; & Radel, C. (2012). Keeping Them in Their Place: Migrant Women Workers in Spain's Strawberry Industry. *International Journal of Sociology of Agriculture and Food*, 119 (1), 83-101.

Martin, P. (2006). *Managing Labour Migration: temporary worker programmes for the 21st century*. Paper presented at the International Symposium on International Migration and Development, Turin. 28th-30th June 2006.

Martin, P (2011), "International Labour Migration. The numbers-rights dilemma", in Koslowski, R (ed.), *Global Mobility Regimes*. Palgrave, London, pp. 201-218.

Martin, P., Abella, M. & C. Kuptsch (2006). *Managing Labour Migration in the Twenty-First Century*. New Haven: Yale University Press.

Math, A. & Spire, A (2004). Vers une immigration permanente de travailleurs temporaires. Du mode 4 de l'AGCS aux différents régimes migratoires de travailleurs détachés. *Document de travail IRES*, 38.

Mayer, R (2005). Guestworkers and Exploitation, *Review of Politics*, 67 (2), 311-334

Mayhew, K. (2010). "Migrant Workers: Who needs them? A commentary". In Ruhs, & B. Anderson, B (Eds.), *Who needs migrant workers? Labour shortages, immigration and public policy*. Oxford: Oxford University Press, pp. 53-56.

McLoughlin, S. and Münz, R. (2011): *Temporary and Circular Migration: Opportunities and Challenges*. Working Paper n° 35. Brussels: European Policy Centre.

McDowell, L. (2003). Workers, migrants, aliens or citizens? State constructions and discourses of identity among post-war European labour migrants in Britain. *Political Geography*, 22(8), 863-886.

Medici Senza Frontiere (2005). *I frutti dell'ipocrisia. Storie di chi l'agricoltura la fa. Di nascosto*. Rome.

Medici Senza Frontiere (2007). *Stagione all'inferno*. Rome.

Mejia, W. (2008), "Working Model Findings Relative to Recruitment in Colombia of Workers for Temporary and Circular Migration by the Farmers Union of Cataluna: View from the Workers' Community of Origin". *Research Group on Human Mobility*. Pereira: Colombia.

Mésini, B (2011). Enjeux des mobilités circulaires de main-d'œuvre: l'exemple des saisonniers étrangers dans l'agriculture méditerranéenne. *Méditerranée*, 2, 105-112.

Mésini, B (2013). Mobiles, flexibles et reversibles: les travailleurs saisonniers latino-américains détachés andins dans les champs de Provence. *Hommes & migrations*, 1301, 67-76.

Mésini, B (2008). Flexi-insécurité dans un secteur en tension: processus de segmentation statutaire et ethnique du marché des saisonniers étrangers dans l'agriculture, *Revue Asylon (s)*, 4.

Mezger, C. and González-Ferrer, A. (2013). *The ImPol Database: A New Tool to Measure Immigration Policies in France, Italy and Spain since the 1960s*. MAFE Working Paper, n° 34.

Ministero del Lavoro e delle Politiche Sociali (2011). *L'immigrazione in Italia: Evoluzione e Prospettive*. Rome.

Ministero del Lavoro e delle Politiche Sociali (2012). *Secondo Rapporto annuale sul mercato del lavoro degli immigrati*. Rome.

Ministero del Lavoro e delle Politiche Sociali (2013). *Terzo Rapporto annuale: Gli immigrati nel Mercato del Lavoro in Italia*. Rome.

Ministero del Lavoro e delle Politiche Sociali (2014). *Quarto Rapporto annuale: Gli immigrati nel Mercato del Lavoro in Italia*. Rome.

Ministero dell'Interno (2007). *1º Rapporto sugli immigrati in Italia*. Rome.

Molinero, Y (2015). WP2 Inventory Seasonal Work Programs. Case Study: Italy.

Moreno J. (2012). Movilidad transnacional, trabajo y género: temporeras marroquíes en la agricultura onubense, *Política y Sociedad*, 49 (1), 123-140.

Moreno, J (2009). Los contratos en origen de temporada. Mujeres marroquíes en la agricultura onubense, *Revista de Estudios Internacionales Mediterráneos*, 7, 58-78.

Morice, A. & Michalon, B. (2008). Les migrants dans l'agriculture: vers une crise de main-d'oeuvre?, *Etudes rurales*, 182, 9-28.

Morice, A (2006). Pas de séjour sans travail, ou les pièges du contrat saisonnier. *Migrations société*, 18 (107), 211-231.

Morice, A (2009). Quelques repères sur les contrats OMI et ANAEM. *Etudes rurales*, 2, 61-68.

Newland, K; Agunias, R & Terrazas, A. (2008). *Learning by doing. Experiences of Circular migration*. Washington. Migration Policy Institute.

Newland, K. (2009): *Circular Migration and Human Development*. Human Development Research Paper 2009/42. New York: United Nations Development Programme.

NFU (National Farmers Union) (2013). *Seasonal Labour Survey: Results and Analysis*. London.

OECD (2008), Glossary of Statistical Terms. Paris.

OECD (2013), *International Migration Outlook. SOPEMI: 2008-2013 Edition*. Paris.

Pedreño, A (1999). Construyendo la huerta de Europa: trabajadores sin ciudadanía y nómadas permanentes en la agricultura murciana”, *Migraciones*, 5, 87-120.

Pedreño, A (2003). "Trabajadores inmigrantes y agricultura intensiva: por qué vinieron a recolectar frutas y hortalizas a los campos del mediterráneo español y cómo fueron convertidos en fuerza de trabajo vulnerable y disponible". In A. Tornos (Ed.), *Los inmigrantes y el mundo del trabajo*. Madrid: UPC, pp. 123-146.

Perrota, D (2012). "Traiettorie migratorie nei territori del pomodoro. Rumeni e burkinabé in Puglia e Basilicata". In C. Colloca & A. Corrado (Eds.). *La globalizzazione delle campagne. Immigrati e società rurale nel Sud Italia*. Milan: FrancoAngeli.

Perrota, D. & Sachetto, D (2013). Les ouvriers agricoles étrangers dans l' Italie Méridionale, *Hommes et Migrations*, 1301, 2013, 57-65.

Plewa, P (2013). The politics of Seasonal Labour Migration in Switzerland, France and Spain, in *International Migration*, 51 (6), 101-117.

Prime Minister's Economic Office (2006). *Inmigración y economía española: 1996-2006*, Madrid.

Pugliese, E et al. (2012). *Diritti Violati: Indagine sulle condizioni di vita dei lavoratori immigrati in aree rurali del Sud Italia e sulle violazioni dei loro diritti umani e social*. Napoli: Dedalus.

Pumares, P. & Jolivet, D (2014). "Origin matters: working conditions of Moroccans and Romanians in the greenhouses of Almeria". In J. Gertel, & Sippel, S.R (2014) (Eds.), *Seasonal Workers in Mediterranean Agriculture. The social cost of eating fresh*. New York: Routledge, pp. 130-140.

Redondo, D (2009). Les contrats en origine dans la production intensive des fraises à Huelva, *Études Rurales*, 189, 169-185.

Reigada, A (2012). Más allá del discurso sobre la inmigración ordenada: contratación en origen y feminización del trabajo en el cultivo de la fresa en Andalucía, *Política y Sociedad*, 49 (1), 103-122.

Requena, M. & Stanek, M (2010). *Migración temporal y circular: evidencia empírica, políticas actuales y opciones futuras en España*. Madrid. Red Europea de Migraciones. Observatorio Permanente de la Inmigración.

Réseau européen des migrations. (2010). *Migration temporaire et circulaire : résultats empiriques, pratiques politiques et options qui se présentent*. Paris.

Rogaly, B. (2008). Intensification of workplace regimes in British horticulture: the role of migrant workers. *Population, Space and Place*, 14(6), 497-510.

Ruhs, M. (2006). The potential of temporary migration programmes in future international migration policy. *International Labour Review*, 145(1-2), 7-36.

Salt, J. & Millar, J. (2006). *Labour Market Trends*. London: Migration Research Unit. University College London. Office for National Statistics.

Saggar, S. & Somerville, W (2012). *Building a British Model of Integration in an Era of Immigration: Policy Lessons for Government*. Washington: Migration Policy Institute

Sánchez, E. & Faúndez, R. (2011), Migración laboral, temporal y circular y codesarrollo: estudio de caso de una articulación posible, *Migraciones* (30), 43-70.

Scott, S. (2007). *Temporary migrant workers and the UK's flexible labour market: shifting policy narratives and regulatory rebalancing. Migration Control and Narratives of Societal Steering*. Edinburgh: The University of Edinburgh.

Scott, S., McCormick, A. & Zaloznik, M. (2008). Staff shortages and immigration in agriculture. London: Migration Advisory Committee.

Scott, S. (2013). Labour, Migration and the Spatial Fix, *Antipode* 45 (5), 1090–1109.

Scott, S. (2013a). Migrant-local hiring queues in the UK food industry. *Population, Space and Place* 19 (5), 459–471.

Scott, S. (2013b). Migration and the employer perspective: pitfalls and potentials for a future research agenda. *Population, Space and Place* 19 (6), 703–713.

Samuk, S. & Consterdine, E. (2015). WP2 Inventory Seasonal Work Programs. Case Study: United Kingdom.

Simpson, D. (2011). *Salads, Sweat and Status: Migrant workers in UK horticulture*. Sussex: Sussex Centre for Migration Research.

Spencer, S. (2011). *The Migration Debate*. London. Policy Press

Spencer, S.; Ruhs, M; Anderson, B. & Rogaly, B (2007). *Migrants' Lives Beyond the Workplace, The Experience of Central and Eastern Europeans in the UK*. York: Joseph Rowntree Foundation

Statham, P., & Geddes, A. (2007). Elites and the 'Organized Public': Who Drives British Immigration Politics and in Which Direction?, *West European Politics* 29(2), 248-269.

Tersigni, S. & Souchard, N. (2013). Entre captation et subjectivation. *Hommes & Migrations*, 1, 89-96.

Torres, T; Allepuz, R. & Gordo, M (2013), La contratación de mano de obra temporal en la agricultura hortofrutícola española, *Ager*, 3, 1-31.

Vertovec, S. (2007): *Circular Migration: the way forward in global policy?*, International Migration Institute Working Papers nº4. Oxford.

Wickramasekara, P. (2011): “Circular migration: a triple win or dead end”, Discussion Paper No. 15, Global Union Research Network. Geneva: International Labour Organization.

Wilkinson, M. (2014). Demonizing the Other: British Government Complicity in the exploitation, social exclusion and vilification of new migrant workers, *Citizenship Studies*, 18 (5), 499-515.

Appendix

Table 1 Appendix. Legal status categories used by third country nationals to carry out seasonal jobs in France

		Foreign seasonal employee	Foreign posted employee	
Status		Temporary residence permit "Seasonal worker"	<i>Temporary placement</i>	<i>Provision of services</i>
Legal norms		Article L122-1 of the French Labour Code and 4° of the article L.313-10 of the Code for Entry and Residence of Foreigners in France and the Right of Asylum	Article L 1261-1 to L1263-2 and R 1261-1 to 1264-3 of the French Labour Code	
	Type of permit or contract	Residence permit and work authorization	No residence permit nor work authorization in France. Contracts: <i>Contract de mission</i> between the temporary work agency (established in a member state) and the employee AND <i>Contract de mise à disposition</i> between the temporary work agency and the user company (in France).	No permit nor work authorization in France; Contract between a service provider company and a beneficiary.
Conditions for the issuing of the permit OR contract	Nationality	Third Country Nationals.	ALL; They must have a valid residence permit in a EU country.	
	Contracting firms	N/A	Established in an EU country	
	Excluded nationalities	Algerians (French-Algerian agreement on December 27th, 1968) + Croatians (new member state: transitional period) + nationals from the EU, the EEE (Iceland, Liechtenstein, Norway) and Switzerland	X	

	Employment/ Tasks	Seasonal, agricultural or not agricultural work;	<p>The worker must be posted in France to carry out the same occupation as the one he was employed for in the temporary work agency.</p> <p>The employee can be recruited by the temporary work agency directly in the aim to be posted.</p>	<p>Activities of industrial, commercial, craft, liberal, agricultural nature.</p> <p>Realisation of a specific work according to the proper means and a particular know how.</p> <p>The worker must be posted in France to carry out the same occupation as the one he was employed for in the temporary work agency.</p> <p>The employee cannot be recruited by the company in the aim to be posted.</p>
	Income	>=French minimum wage (as if it is part time job)	>=French minimum wage	
	Education / Qualifications	N/A	N/A	
Right to work	Authorized duration	<p>WORK: The residence permit allows to carry out seasonal works for a duration of maximum 6 months on 12 consecutive months;</p> <p>RESIDE: the owner of the residence permit can reside in France for the periods that the permit itself establishes, which can be 6 cumulated months as a maximum (contracts of employment can be concluded successively or not, with various employers).</p>	<p>From 1 day to several months;</p> <p>The term must be fixed in the contract.</p> <p>The assignment can be renewed once, for a maximum duration of 18 months (L 1251-35 and L 1251-12 of the Labour Code).</p> <p>Between two assignments a waiting period is foreseen and calculated according to the length of the previous assignment (one-third of the total duration of the previous assignment including renewal if the assignment lasts 14 days or more; one-half of the duration of the previous assignment if the assignment lasts less than 14 days)</p>	

	Applicability of the employment situation in France	Yes (except for shortage occupations)	No
	Necessity to ask for a work authorization	Yes	No (mobility is based on employment contracts)
Right to stay	Authorized duration	6 months maximum of residence and work per year, for 3 consecutive years (3 years correspond to the period of validity of the residence permit "seasonal worker"). →The owner must maintain his/her main residence out of France (CESEDA art L 313-10 4°).	The right to reside in France lasts as long as the mission does.
	Possibility to renew	The permit: Yes, with a request 2 months before the expiry of the permit, conditioned by the same elements as the first issuing; The employment contract: Yes (with a specific renewal clause the employer can give priority to this worker for his/her employment the next year)	Yes
	Return/Circularity	The worker must maintain his usual place of residence outside France. Circularity inferred by the residence permit; Return: control of the passport at the end of the period of employment at the exit of the territory (or recording in the mission of the OFII for Moroccan, Tunisian); If the employee doesn't return after 6 months: his residence permit can be removed.	After the posting, employees return to work in the origin company.

	Signature of the CAI (<i>Contrat d'Accueil et d'Intégration</i>)	No	No	
	Medical Exam	Yes (maximum 3 months after the arrival in France), only once before the issuing of the residence permit.	YES; For the employers established in a country of the EU, the EEE or Swiss Confederation, the exam must be done in the country of origin, and must be equivalent to the one practised in France.	
	Taxes	The employer pays 50 euros by month of activity	N/A	N/A

Source: Jolivet-Guetta, Eremenko and Beauchemin, 2015.



Table 2 Appendix. Quotas, Flussi decrees and Circolari issued between 2001 and 2015 in Italy

Year	Seasonal Quota*	Decrees	Circolari**
2001	52400	Direttiva P.C.M. 2/02/2001 (Anticipation 13000 seasonal workers) DPCM 09/04/2001 (33000 seasonal Workers) D.M Lavoro 12/07/2001 (6400 seasonal Workers)	Circolare Ministero del Lavoro 23/02/2001 n.25/2001 Circolare Ministero del Lavoro 22/03/2001 n.34/2001 Circolare Ministero dell'Interno 12/04/2001 Circolare Ministero del Lavoro 18/05/2001 n.53/2001
2002	60000 - 74000	D.M. Lavoro 04/02/2002 (33000 seasonal workers) D.M Lavoro 12/03/2002 (6400 seasonal workers) D.M Lavoro 22/05/2002 (6600 seasonal workers) D.M Lavoro 16/07/2002 (10000 seasonal workers) D.P.C.M 15/10/2002 (4000 seasonal workers + 14000 for subordinate work including seasonal work, but not specifically for that)	Circolare Ministero dell'Interno 05/02/2002 n.7/2002 Circolare Ministero del Lavoro 27/02/2002 n.12/2002 Circolare Ministero del Lavoro 06/12/2002 n.59/2002
2003	68500 - 68700	DPCM 20/12/2002 (60000 seasonal workers) DPCM 06/06/2003 (8500 seasonal workers + 200 for subordinate work including seasonal work, but not specifically for that)	Circolare Ministero del Lavoro 12/02/2003 n.3/2003
2004	50000 - 86000	DPCM 19/12/2004 (Anticipation of 50000 seasonal workers) DPCM 20/04/2004 (20000 subordinate workers including seasonal workers from new EU countries) DPCM 08/10/2004 (16000 subordinate workers including seasonal workers from new EU countries)	Circolare Ministero del Lavoro 21/01/2004 n.5/2004 Circolare Ministero del Lavoro 28/04/2004 n.14/2004
2005	45000 - 124500	DPCM Extracomunitari 17/12/2004 (25000 seasonal workers) DPCM Nuovi Stati UE 17/12/2004 (79500 subordinate workers for seasonal and no seasonal work) Ordinanza PCM 22/04/2005 (20000 seasonal workers)	Circolare Ministero del Lavoro 25/01/2005 n.1 Circolare Ministero del Lavoro n.2/2005 Circolare Ministero del Lavoro 11/02/2005 n.6/2005 Circolare Ministero del Lavoro 22/04/2005 n.16
2006	80000	DPCM 15/02/2006 (50000 seasonal workers) DPCM 14/07/2006 (30000 seasonal workers)	Circolare Ministero dell'Interno 09/02/2006 n.1/2006 Circolare Ministero del Lavoro 07/03/2006 n.7/2006

			<p>Circolare Ministero dell'Interno 07/07/2006</p> <p>Circolare Ministero della Solidarietà Sociale 10/08/2006 n.24/2006</p> <p>Circolare Ministero dell'Interno 19/08/2006</p> <p>Circolare congiunta Ministero dell'Interno e Ministero della Solidarietà Sociale 24/10/2006 n.1/2006</p>
2007	80000	DPCM 09/01/2007 (80000 seasonal workers)	<p>Circolare Ministero della Solidarietà Sociale 08/03/2007 n.6/2007</p> <p>Circolare Ministero dell'Interno 08/11/2007 n.23/07</p> <p>Circolare Ministero dell'Interno 30/11/2007</p>
2008	80000	DPCM 08/11/2007 (80000 seasonal workers)	<p>Circolare Ministero della Solidarietà Sociale 18/01/2008 n. 2/2008</p>
2009	80000	DPCM 20/03/2009 (80000 seasonal workers)	<p>Circolare Ministero dell'Interno 09/04/2009</p> <p>Circolare Ministero del Lavoro 09/04/2009 n.11/2009</p>
2010	80000	DPCM 01/04/2010 (80000 seasonal workers)	<p>Circolare Ministero del Lavoro 19/04/2010 n.14/2010</p> <p>Circolare Ministero dell'Interno 19/04/2010</p> <p>Circolare Ministero degli Affari Esteri 24/04/2010</p> <p>Circolare Ministero degli Affari Esteri 27/04/2010</p> <p>Circolare Ministero dell'Interno 27/04/2010</p> <p>Circolare Ministero dell'Interno 25/05/2010</p> <p>Circolare congiunta Ministero dell'Interno e Ministero del Lavoro 18/06/2010 n.3965</p>
2011	60000	DPCM 17/02/2011 (60000 seasonal workers)	<p>Circolare Ministero del Lavoro 11/02/2011</p> <p>Circolare congiunta Ministero del Lavoro e Ministero dell'Interno 25/02/2011 n.1602</p> <p>Circolare Ministero dell'Interno 21/04/2011</p> <p>Circolare Ministero dell'Interno 12/09/2011 n.6914</p>

			Circolare Ministero dell'Interno 30/12/2011
2012	35000	DPCM 13/03/2012 (35000 seasonal workers)	Circolare Ministero dell'Interno 20/03/2012 Circolare Ministero del Lavoro 05/04/2012 n.2848 Circolare Ministero dell'Interno 20/03/2012 Circolare Ministero del Lavoro 05/04/2012
2013	30000	DPCM 15/02/2013 (30000 seasonal workers)	Circolare Ministero del Lavoro 19/03/2013 Circolare Ministero del Lavoro 26/03/2013 n.35 Circolare congiunta Ministero dell'Interno e Ministero del Lavoro 28/06/2013
2014	15000	DPCM 12/03/2014 (15000 seasonal workers)	Circolare Ministero dell'Interno e Ministero del Lavoro 03/04/2014 Circolare Ministero del Lavoro 09/04/2014 Circolare Ministero dell'Interno 01/07/2014
2015	13000	DPCM 02/04/2015 (13000 seasonal workers)	Circolare Ministero dell'Interno - Ministero del Lavoro e delle Politiche Sociali 29/04/2015 n. 2643
*As not all decrees specify the distribution of quotas between seasonal and no-seasonal workers, some years do not have a concrete figure. When there are two it's the minimum and maximum hypothesis. **It may not content all the existing <i>circolari</i> as it's extremely difficult to find them			

Source: Molinero Gerbeau, 2015.

Table 3 Appendix. Nulla Osta requests, assigned quotas, Nulla osta issued and requests of residence permits in Italy (2008-2011)

	Nulla Osta Requests to Sportello Unico				Assigned Quotas to Provincial Delegations				Nulla Osta Issued			Residence permits Requested
	2008	2009	2010	2011	2008	2009	2010	2011	2008	2009	2010	2011
Abruzzo	4,636	4,115	3,407	2,116	3,679	4,260	1,650	1,074	2,553	260	214	659
Basilicata	1,437	1,832	2,453	2,244	1,250	1,250	950	800	780	809	619	607
Calabria	8,057	7,782	4,124	1,969	5,532	5,400	1,200	767	1,629	1,136	1,463	203
Campania	10,734	10,010	12,461	15,941	9,500	7,350	7,390	7,500	2,773	1,933	2,684	3,764
Emilia Romagna	6,311	6,773	6,741	6,111	5,222	8,030	7,150	7,510	4,620	4,868	4,030	3,918
Friuli Venezia Giulia	659	596	862	423	750	700	640	100	529	484	430	97
Lazio	9,375	14,827	15,117	12,475	6,957	8,900	8,800	5,920	5,185	4,980	2,695	3,230
Liguria	401	690	990	867	370	665	822	703	285	494	395	478
Lombardy	4,963	6,325	6,341	3,903	3,500	4,226	4,400	3,164	2,413	2,674	2,186	1220
Marche	2,401	2,078	1,333	724	1,700	1,850	1,600	732	1,090	957	519	242
Molise	558	818	1,006	851	550	500	670	700	346	434	447	430
Piedmont	4,169	3,176	2,817	2,227	3,579	3,800	3,890	2,800	3,081	2,154	1,830	1,660
Puglia	8,580	11,212	11,757	8,915	6,500	6,700	3,750	4,230	2,860	3,437	1,925	1,788
Sardinia	575	250	422	322	750	700	310	165	353	72	67	96
Sicily	13,289	12,526	11,247	4,406	5,234	5,700	4,650	1,000	1,948	606	220	450
Tuscany	4,143	4,351	3,321	2,553	3,500	4,041	3,800	1,921	2,516	1,851	1,413	1,097
Trentino Alto Adige	3,043	3,111	4,186	3,841	4,000	4,000	4,500	4,300	2,808	2,803	2,456	3,327
Umbria	249	497	631	599	450	350	350	400	141	201	241	222
Valle d' Aosta	55	53	64	54	28	50	100	50	28	38	45	29
Veneto	7,679	8,396	8,156	7,416	7,044	8,900	8,820	7,600	5,562	4,477	3,773	4,195
Total	91,314	99,418	97,436	77,957	70,095	77,372	65,442	51,076	41,500	34,668	27,652	27,712

Source: Molinero Gerbeau, 2015.