



OPEN LETTER TO THE GOVERNMENT

President of the Government, H.E. Mr. Pedro Sánchez Pérez-Castejón

Minister of Social Security, Inclusion and Migration, H.E. Mr. José Luis Escrivá

Minister for Equality, H.E. Irene Montero Gil

Ombudsman, H.E. Mr. Francisco Fernández Marugán

Madrid, 11 April 2020.

"A person's identity is not the name he has, the place where he was born, or the date he came into the world. A person's identity consists simply of BEING, and being cannot be denied. To present a paper that tells us what we are called and where and when we were born, is both a legal obligation and a social necessity. No one can truly say who they are, but we all have the right to be able to say WHO WE ARE TO OTHERS. That is what identity papers are for. Denying someone the right to be socially recognized is the same as removing them from human society. Having a role to show when we are asked who we are is the least of the human rights (because social identity is a primary right) although it is also the most important (because the laws require that the individual's insertion into society depends on that role)". José Saramago 1998.

We, the undersigned migrant women's organizations, demand the approval of a **REAL DECREE OF EMERGENCY FOR THE ADMINISTRATIVE REGULARIZATION OF FOREIGN PEOPLE RESIDENT IN SPAIN**, which guarantees the equality that the Rule of Law requires for the full development of individuals, families, the community and the reconstruction of the country.

At present, it is estimated that between 400,000 and 600,000 foreigners reside in Spain in an irregular administrative situation. This estimate is the result of the difference between official statistics, such as the Municipal Register (based on the census) and the data on foreigners with residence permits, provided by the Immigration Observatory. Among the persons in an irregular administrative situation are persons affected by processes of irregularity arising from the temporary loss of employment or from their insertion in very precarious, deregulated jobs or in the submerged economy; migrant children or children born in Spain, of foreign mothers and fathers, who have not been able to regularise their situation; persons resident with less than three years of registration; persons who have been denied an application for international protection in any of its forms; persons whose application for regularisation has been slowed down due to the excessive bureaucratisation of the procedures, among others.

The systemic crisis of 2008 shattered the dreams of hundreds of thousands of people, including migrant women, who were unable to renew their residence and work permits because they lost their jobs or were expelled to work in the informal economy. It is necessary to remember that the renewal of residence and work permits requires, during the first years, a formal employment contract, as stipulated in the Law on Foreigners and the Regulations that develop it.

In many of these cases, the irregularity that these women have suffered has directly affected their children, leaving them in a situation of extreme vulnerability. Also in many cases, these



children have been born in Spain, but are not Spanish. The irregular administrative situation of minors is threatening their future and calls into question the concepts of citizenship and equal rights.

In addition to these situations of administrative irregularity and denial of equality and citizenship, there is currently a terrible health, economic, social and family crisis caused by the COVID 19, which reveals the precariousness and vulnerability of the lives of all people living in this country, but in particular that of migrant families. A significant number of migrant women work in the household and care sector, some have been dismissed immediately, others continue to carry out their work without the necessary prophylactic protection. Despite the essential place that care workers have in our society, Royal Decree 11/2020, which adopts urgent complementary social and economic measures to address COVID-19, so that "No One is Left Behind", has not taken them into account.

The approval of an emergency Royal Decree for the administrative regularization of foreigners in Spain would reduce the extreme vulnerability of migrant women in a situation of prostitution, women who are victims of trafficking for the purpose of sexual and/or labor exploitation and who suffer the consequences of greater confinement, concealment, violence and control by their exploiters. Migrant women who are locked up in their homes with abusive men, unable to report them or escape the violence.

The irregular administrative situation makes these living conditions even more difficult in that it does not allow people who are suffering from them to ask for help, for fear of being expelled. Added to this is the exponential increase in police control, which prevents undocumented migrants from taking to the streets in search of what is most essential to their lives: the purchase of food. Administrative regularization procedures have been completely paralyzed since the crisis began.

Given the harshness of these situations, we **DEMAND** the approval of a **ROYAL EMERGENCY DECREE FOR THE ADMINISTRATIVE REGULARIZATION OF FOREIGN PEOPLE IN SPAIN**, which will guarantee that no human being is left out.

Spain, as a Social and Lawful State, member of the European Union, is obliged to comply with the European Charter of Fundamental Rights, in which solidarity, equality and non-discrimination are its fundamental principles (TFEU, art.3). "More Europe" and "more community" is the government's call every day. A community is formed from the contribution of all its members, for the sake of its own social reproduction. Foreigners residing in Spain are integrated into the labour market, in sectors that today have proven to be essential for its sustainability. However, the denial of residential citizenship to a significant part of our community implies a lack of recognition of the social, economic, labor and demographic contribution that we make. It also entails a lack of recognition of rights that are fundamental, such as the right to a dignified life, the right to health, the right to live in a family, the right to be able to care for dependents within the family, the right to ensure a future for children, the right to decent work or the right to a life free of violence. The denial of fundamental rights to a part of our community is intolerable in a social and legal state like Spain.



The public authorities must promote the conditions so that the freedom and equality of the individual and of the groups in which they are integrated are real and effective; remove the obstacles that prevent or hinder their fulfilment and facilitate the participation of all citizens in political, economic, cultural and social life (article 9.2 E.C.); and remember that respect for the law and the rights of others are the basis of political order and social peace (article 10 E.C.).

The limitations imposed by the Law on Aliens on the recognition of the fundamental rights of persons in an irregular administrative situation, or the very demanding procedures for the regularization and renewal of residence and work permits, expose migrants to defenselessness, not only in the face of a pandemic -as is the case today- but also in the face of labour exploitation, gender violence, institutional violence, invisibility or xenophobia.

It is necessary for the Spanish State to implement the main instruments and tools that the constitutional order grants it, within the framework of the exceptional state in which we find ourselves, for the recognition of the residence of migrants in an irregular administrative situation, including children, based on Human Rights, the EU Treaty, the EU Charter of Fundamental Rights and the Spanish Constitution.

This extraordinary administrative regularization procedure must be approved under the criteria of urgency, simplification, flexibility and legal security.

The Government of Spain has in its hands the opportunity to be coherent and to walk a path of social justice, human dignity and equality. The current state of health emergency is making us reflect on what is really important for human beings and society and requires us to change our ways of life and production. The members of our Latin American and Caribbean Women's Network, the allied organizations and other migrant women in their personal capacity, as citizens of this country, consider that the time is now and the criterion is the safeguarding of all lives, as well as their dignity.

Red de Mujeres Latinoamericanas y del Caribe. Tatiana Retamozo Quintana, presidenta.

Asociación Servicio Doméstico Activo. Carolina Elías Espinoza, presidenta.

Asociación Malen Etxea Mujeres Inmigrantes. Jessica Guzmán Correa, presidenta.

Asociación Mujeres Pa ´ lante. Clara Romero Bateman, presidenta.

Asociación Mujeres Supervivientes de Violencia de Género. Antonia Avalos Torres, presidenta.

Asociación Casa de Colombia en España. Erika Sarmiento Castiblanco, presidenta.

Asociación de Mujeres Latinoamericana Amalgama. Iskra Orillo Valencia, presidenta.

Asociación Por Ti Mujer. Lucy Polo Castillo, presidenta.

Asociación GENERA-Red de mujeres feministas por la equidad de género en el desarrollo. Inmaculada Lozano Caro, presidenta.

Asociación Estudios y Cooperación para el Desarrollo. Silvina Monteros Obelar, presidenta.



Asociación de Mujeres de América Central. Graciela Villavicencio Suazo, presidenta.

Colectivo Brujitas Migrantes. Yamileth Chavarría Mendieta, presidenta.

La Comala, sociedad Cooperativa Madrileña. Mercedes Rodríguez Ávila

Colectivo Red de Hondureñas Migradas. Gilma Martínez Rodríguez, presidenta.

Colectivo Mujeres Migrantes Artistas y Artesanas en España. Rosalía Polo Burgos, presidenta.

Asociación Movilidad Humana, representante, Katia González

Mujeres a título individual que conforman la RED Latinas: Susana Pozo, Alicia Escobar, Patricia Ponce Pascuale, Virginia Etcheverry Guerin

Asesora Jurídica, abogada, María Alexandra Vásquez

Partner organizations:

- Asociación Dia-Dia África Libertad. Danielle Nicole Mboume, presidenta.
- Asociación de Chilenos y Chilenas en España. María Yáñez Martínez, presidenta.
- Asociación de Mujeres de América Central. Graciela Villavicencio Suazo, presidenta.
- Asociación América, España, Solidaridad y Cooperación-AESCO. Yolanda Villavicencio, presidenta
- Asociación de Investigación y Especialización Sobre Temas Iberoamericanos, Mercedes Ruiz-Giménez Aguilar, presidenta
- Activarte en Red Asociación Sociocultural y Educativa, Rita Matilde Smith García, presidenta
- ALPHYC – Asociación Intercultural de Profesionales del Hogar y Cuidados, Marcela Bahamón, representante
- ALIA – Asociación por la Igualdad de Oportunidades entre Mujeres y Varones, Dolores Vidal Conesa, presidenta
- AMESPA-Asociación de Migrantes en España, Miriam Pantoja presidenta
- Asamblea Antirracista de Madrid, Marita Zambrana, representante
- Asociación Comunidad Hondureña en España – ACHES, Yeimy Espinoza, presidenta
- Asociación Comunitaria Asociativa de trabajo solidario de España- EMCAT, Selena Garavito, presidenta
- Adoratrices, Esclavas del Santísimo Sacramento y de la Caridad, María Elisa Altadill



Ardit, Superiora Provincial

- Asociación Cultural Nativos de Macondo, Farides Osorio, representante
- Asociación DDHH de las Mujeres y Desarrollo, Elena de León Criado, presidenta
- Asociación de Artistas Latinoamericanos- AMSCALA, Mirella Armijos Gonzaga, representante
- Asociación Dona`m La Ma Pojoaju Inmigración y DDHH, Mirta Sotomayor Alvarez, presidenta
- Asociación Intercultural Candombe, Maria del Rosario Polito Rizzo, presidenta
- Asociación Juvenil Intercultural Leganés, Hayat Bentaleb el Yousfi, representante
- Asociación la Parcería, Johan Posada, representante
- Asociación Latinoamericana Huelva para todas y todos, Mery Martínez Suárez, presidenta
- Asociación Mirando por África en España, Alima Ngoutme, responsable
- Asociación por el Empoderamiento del Derecho a la Vivienda – AEDEVI, Soraya Pullaguari, presidenta
- Asociación Raíces del Ecuador, Patricio Farinango, presidente
- Asociación Social Cultural de Honduras en la Provincia de Girona, Saady Suazo, representante
- Asociación Solidaridad Esperanza, Mohssin Haddad Akni, Responsable
- Asociación Trabajadoras del Hogar y Cuidados de Zaragoza, Blenda Carolina García, presidenta
- Associacio de Cooperació al Desenvolupament Infancies i Dones del Món. Nubia Forero, presidenta.
- Associacio de Dones LÓroneta Blanca, Siyka Ivanova Mudieva, presidenta
- Batucada que Entiende, Cristina Fontenla, representante
- Calala Fondo de Mujeres. María Palomares Arenas Cabral, Coordinadora.
- Colectiva de Mujeres Refugiadas, Exiliadas, Migradas., Alba Teresa Higueta Buitrago, representante
- Colectivo Mujeres Organizadas Paraguayas en España-MOPE, representante, Lis María Mabel Román Cabrera.
- Comisión migración y antirracismo 8M, representante Viviana Dipp.
- Colectivo Al Hannan, Isabel Holgado, representante



- Colectivo Tierra Catracha, Ana Gabriela Morales, representante
- Espacio Berakah, Montse Trapero García, responsable
- Federación Estatal Plataforma Trans, Mar Cambrollé, presidenta
- Feministas Madrid por Nicaragua, representante María Eugenia Gómez López.
- Haurralde Fundazioz Euskadi, Patricia Viviana Ponce Pascuale, responsable
- Kuidamor S.Coop.Mad, Alicia Escobar Barón, presidenta
- Macarena para Todas de Sevilla, Pablo Leira Doce, responsable
- Oficina de Derechos Sociales de Sevilla, Oscar Tapia Barrón, responsable
- Organización Mundial de Abogados, comisionada en Madrid Griselda Herrera López, Abogadas Iberoamericanas.
- Plataforma Intercultural de España. Eduardo Béjar, presidente.
- Plataforma Unitaria de Auxiliares de Ayuda a Domicilio – SAD, Concepción Real, responsable
- Red Aminata, Aminata Soucko, presidenta
- Red Internacional de Abogados Eureka. Juana María Malca Leo, presidenta.
- Red internacional de mujeres en acción por los derechos humanos. Eunice Caldelas, presidenta.
- Red de Mujeres Migradas y Racializadas de Euskal Herria, Luciana Alfaro Lavado, representante
- Red ONGD de Madrid, Sonsoles García-Nieto Rivero, representante
- Teatro Sin Papeles, Camila Pinzón Mendoza, responsable