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Abstract:

While labor migration between Spain and Morocco is a long-established practice, the migration of unaccompanied minors, children who come alone without an responsible adult, from their departure countries to Spain, began only within the last decade. The creation and enforcement of the "foreigners' law"<sup>1</sup> appear to have generated this phenomenon. Spanish law sees these children (almost all boys, and, until recently, almost all between ages 16 and 18) in two contradictory ways. They are at once minors who should be "protected," but they are also "irregular migrants" who should be sent back. This opens a window of opportunity to get legal status in ways that irregular migrants over 18 do not have, resulting in a distinct wave of child migrants who seek to enter the country, often by very dangerous methods. In the last three years, this phenomenon has been intensified by the collapse of the minors' protection system in Spain and by the state's intensified efforts to "reunify" unaccompanied minors back to their origin countries.

In just the last year or so, a very new migration phenomenon revolving around minors has suddenly begun to appear: child fostering between Moroccan minors and individuals in their social networks in Europe. This practice appears to have arisen because of a recent change in Spanish regulations governing the disposition of minors, and also in reaction to the erosion of the minors protection system. These children become the pathway of the family to establish someone in Europe, so they must attempt to attach themselves through their networks in Europe. The state has begun to close down options for gaining legal status, while at the same time keeping open certain options for children who are taken on as wards of the state while their cases can be reviewed. Children have less police control than

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<sup>1</sup> (*Real decreto 2393/2004, de 30 de diciembre, por el que se aprueba el reglamento de la Ley orgánica 4/2000, de 11 de enero, sobre derechos y libertades de los extranjeros en España y su integración social*),

adults. They can also, if less than 16, go to school, and pursue a "normal" life until their case is settled. The foreigners law insists that they stay for three years in Spain to gain legal status, and only then can they stay if they have support or employment. If, however, they are a recognized foster child, in which a judge has given responsibility for them to a fostering family (Sp: "tutela"), they can get legal status in two years, qualifying as a family member who has been brought in according to familiar reunification policy.

My work is establishing that the vital events that underlie Moroccan family reproductive patterns – births, marriage, migration -- are undergoing major transformations largely because of changes in Spanish law and practice. Based on case studies, this paper asks why this new form of migration is appearing and who these minors are. It does so by examining the structures and strategies of families back home and of the established Moroccan families in Spain that the minors attempt to join as "foster children." I also examine the changes that are produced in Morocco and also in Spain by this new "fostering" migration, in term of how these new immigrants' families, both those back home and those they seek to join, try to organize their vital events around this transcontinental boundary.