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The Spanish deportation regime: unpacking hierarchies of (non)citizenship through the lens of deportabilization

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ABSTRACT

This paper examines Spain's deportation regime, offering a framework to understand how deportability is unevenly applied across migrant populations. Building on De Genova's notion of deportability and integrating dynamics of criminalization, I propose the concept of *deportabilization* to distinguish between primary deportabilization – linked to legal status, asylum, or access to nationality – and secondary deportabilization, tied to enforcement practices. The analysis shows that varying degrees of deportability are shaped not only by law and institutional practices, but also by colonial legacies and geopolitical dynamics. Findings reveal that Latin American and European nationals tend to benefit from protections that reduce deportability, while Sub-Saharan and North African migrants face heightened exclusion and control. The paper concludes by proposing three analytical categories of deportability reflecting migrants' unequal position within Spain's deportation apparatus and the stratified hierarchies of (non)citizenship: 'suitable deportees', 'potentially included' and 'undeportable others'.

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1. Introduction

In the early 2010s, influential volumes such as *The Deportation Regime* (De Genova 2010) and *The Borders of Punishment* (Aas and Bosworth 2013) significantly advanced international academic conversations on deportation. These works drew greater attention from scholars in critical migration studies, border studies, and border criminology to the way in which deportation intersects with the various dimensions of citizenship. In this respect, some years earlier, Isin (2002) had already argued that deportation, like citizenship, produce hierarchies within communities, stratifying non-citizens into distinct and unequal groups. Later, Aas and Bosworth (2013), in turn, emphasised how non-citizens are increasingly subjected to punitive measures, without the same rights and protections as citizens – thus revealing new hierarchies of citizenship and belonging.

Despite a growing body of work, studies on immigration enforcement have largely focused on a limited number of Global North jurisdictions (van der Woude, Barker, and van der Leun 2017). As a result, a significant empirical gap remains regarding how deportation is operationalised in peripheral and semi-peripheral jurisdictions.[1] In

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immigration enforcement research, these settings are often overlooked, partly because many of them only became major destinations for migration at the turn of the 21st century or even more recently. Consequently, their bordering practices frequently diverge from the more well-known immigration enforcement regimes of the Global North (Brandariz et al. 2025).

This paper addresses this research gap through an empirical case study of the Spanish deportation regime, analysing how varying degrees of deportability shape migrants' differential inclusion and exclusion. More specifically, it examines deportation policies and practices in Spain, as well as their effects on different migrant groups according to nationality. In doing so, the study reveals how deportation practices produce a hierarchy of (non)citizenship (De Noronha 2022).

Following Peutz and Genova (2010, 2) I adopt the concept of 'deportation regime' as 'a complex socio-political regime that manifests and engenders dominant notions of sovereignty, citizenship, public health, national identity, cultural homogeneity, racial purity and class privilege'.

To develop this analysis, I draw on De Genova (2002, 2016) concept of deportability – a condition that encompasses all migrants who, although not deported, remain under the threat of removal. This notion has two different dimensions. Objectively deportability refers to 'the possibility of deportation, the possibility of being removed from the space of the nation-state' (De Genova 2002, 439). Yet it also has a critical subjective dimension, as it is 'a lived experience' that engenders multiple vulnerabilities and has profound disciplinary effects (Peutz and De Genova 2010, 14, 18; s. also; De Genova 2016). This dual nature has concrete implications for migrants, who may experience the fear of potential deportation and find themselves in precarious position as rights-bearing individuals. It also has economic consequences, as it paves the way for the exploitation of migrant labour (De Genova 2002).

Although the concept of deportability is analytically useful for illustrating the broader effects of the deportation regimes and their exploitation of migrant workforce, it does not always capture the nuanced ways in which deportability is experienced. While all non-citizens are legally deportable, not all are equally exposed to deportation. Some are 'more deportable than others' (Anderson, Gibney, and Paoletti 2011, 554), as certain groups are particularly vulnerable, while others possess resources that help mitigate its impact. As such, the effects of both the objective and subjective dimensions of deportability are far from uniform. These variations are shaped by intersecting factors such as race, class, gender, and nationality, among others (De Genova 2016).

National contexts and the specific operation of deportation regimes further shape these disparities, giving rise to different degrees of deportability. For instance, many deporting states are unable to enforce a substantial proportion – or even the majority – of deportation orders. This 'deportation gap' (Gibney 2008) reduces the likelihood of actual removal, thereby lowering the objective dimension of deportability and leaving many migrants in an enduring condition of undeportability (Fabini 2019). While this condition significantly shapes the living conditions and vulnerabilities of migrant communities, its effects differ from those generated by fear of imminent removal. Moreover, because deporting states frequently specialise in particular nationalities, the intensity of deportability is unevenly distributed across migrant nationalities.

In addition, focusing solely on deportability as a state-imposed condition can obscure the everyday strategies of resistance that migrants develop. These may include navigating

legal categories, drawing on solidarity networks, or asserting rights despite formal exclusion – practices which can be understood as *de facto* citizen struggles (Fernández-Bessa 2019). Such struggles involve migrants who, despite being exposed to deportability, act as though they are citizens by claiming rights, participating in public life, and challenging exclusionary policies – what Isin (2008) calls 'acts of citizenship'. Recognizing deportability as a condition experienced with varying intensity allows us to better identify these spaces of resistance and agency.

The case study is based on desk research of Spanish legislation and policy documents related to immigration, asylum, naturalization and deportation,[2] as well as on secondary data from national agencies, European sources and NGOs.[3] Between 2015 and 2023, my six requests for data on deportees' nationality were denied, with official responses citing risks to diplomatic relations and to the functioning of the deportation system.[4] This opacity reflects both a lacking culture of transparency and accountability within the Spanish police forces (Aebi and Linde 2010) and the sensitive nature of diplomatic relations in facilitating deportations. Despite the lack of transparency and the inconsistencies in terminology between national and European agencies, which pose interpretative challenges, longitudinal datasets from these sources are used to trace key aspects of the Spanish deportation regime.

The following sections first present the context of the study and then outline the analytical framework. Drawing on a critical criminology approach, the study introduces the distinction between what I term primary and secondary *deportabilization*. This analytical tool allows for an examination of how different national groups living in Spain are confronted with deportability. The analysis culminates in the articulation of the three categories – 'suitable deportees', 'potentially included', and 'undeportable others' – which emerge from the performance of the deportation regime and reflect evolving patterns of deportability in Spain since the late 2000s.

2. Context of study

Different countries have distinct deportation arrangements. Even within the EU, which shares common regulations on immigration, asylum and deportation, policy priorities and enforcement practices vary widely. The Spanish context is a particularly compelling case for examining this dynamic.

Spain's colonial history, particularly with former colonies in Latin America and Africa, continues to influence migration policies to this day (Moffette 2018) affecting patterns of deportability. Although most colonies gained independence nearly two centuries ago, colonial legacies continue to chape contemporary policies and practices, most notably in the preferential treatment granted to Latin American nationals in visa facilitation, access to nationality, and, in many cases, social integration compared with other foreign nationals. In contrast, migrants from the Maghreb often face discrimination rooted in 'Maurophobia',[5] a distinct form of Spanish Islamophobia informed by (post-)colonial legacies and shaped by racial, ethnic, and religious bias. While Arab-Muslim presence profoundly influenced Spanish history and culture, national identity has frequently been constructed in opposition to it. This is especially evident in the derogatory figure of *el moro* ('the Moor'), commonly used to refer to North Africans. The term reflects a racialized perception that equates Moroccan with Muslims and is reinforced by

enduring stereotypes that portray them as savage, exotic, and violent (Rodríguez-Reche and Cerchiaro 2023).

Spain also has a significant migration history closely linked to major political and economic events. In the late 19th and early 20th centuries, many Spaniards moved from rural to urban areas, or emigrated to Central and South America, driven by poverty and later, by the Spanish Civil War (1936–1939). Between the 1950s and 1970s large numbers also migrated to central and northern Europe in search of better economic opportunities (Sánchez Alonso 2011). The transition from an authoritarian regime (1939–1975) to a democracy, along with Spain's accession to the EU in 1986, economic development, and a declining birth rate, transformed the country into a destination for immigration from the mid-1990s onward (Reher, Requena, and Sanz 2011). As a result, the proportion of foreign residents increased from 1.8% in 1999 to 14.1% by April 2025 (INE n.d.)[6] .

The geopolitical position of Spain in the Mediterranean, its colonial legacies, cultural ties with Latin America, and EU policies have all significantly shaped patterns of mobility, as well as its deportation regime. Although fewer immigrants attempt to irregularly cross Spain's sea and land borders with African countries compared to those who enter legally and overstay their visas (Lopez Sala 2013), the Southern border remains the 'ground zero' of migration control (Fernández Bessa and Brandariz García 2018). The 'border spectacle' (De Genova 2002) at the Mediterranean coast, the Canary Islands, and the enclave towns of Ceuta and Melilla – sites that have attracted extensive humanitarian and media attention across Europe due to deaths and severe human rights violations (Spijkerboer 2007) – illustrates the visibility and intensity of enforcement in these areas.[7] However, the Spanish deportation regime operates across multiples layers and extends well beyond the southern border areas.

During Spain's economic boom in the 2000s, labour migration emerged as the predominant migratory model (Cornelius et al. 2004), with irregular migrants as its paradigmatic subjects. In contrast to many northern European countries, the asylum system played a minimum role in Spain's migration landscape until recent years (Brandariz and Fernández-Bessa 2020). However, the Syrian and Ukrainian wars, along with the Venezuelan exodus, have significantly reshaped this dynamic since 2019 onwards. These crises have driven the development of Spain's asylum system and the expansion of humanitarian reception mechanisms, creating a new cycle of migration policy that has profoundly influenced the deportation regime.

3. Deportabilization: a critical criminology approach to analyse the deportation regime

As is widely acknowledged, the gap between law in the books and law in action is particularly broad in the context of immigration enforcement and bordering practices (Aliverti 2013). The extent to which deportability affects various nationalities goes beyond legal frameworks and depends on the practical operation of the deportation apparatus.[8] This apparatus comprises a wide range of coercive practices, including the identification and arrest of migrants, their detention in specialised facilities, and eventual deportation (see Fernández Bessa 2021). Even when a deportation order is issued, its execution may be delayed for months or even years due to appeals, bureaucratic hurdles, logistical limitations, or lack of cooperation from countries of

origin. In many cases the order is never carried out, making some people 'undeportable' (Fabini 2019). This wide gap deserves to be scrutinised using appropriate conceptual tools.

To control and manage human mobility, law enforcement agencies selectively target certain groups of migrants (Franko 2020). At the same time, migration enforcement is also used preventively to address perceived security threats associated with immigration, particularly in contexts of undeportability (Campesi and Fabini 2020). As these coercive practices are implemented through the same institutions as criminal law – such as the police, courts, and detention facilities – criminological frameworks offer useful conceptual tools for their analysis. In particular, critical criminology has long emphasised the selective nature of penal control, showing that certain groups are disproportionately criminalised, frequently on the basis of stereotypes. These criminalization processes are shaped less by the seriousness or social harm of the offence than by the social hierarchies they contribute to preserve (Pitch 2022).

Following Baratta (1986), it is therefore crucial to examine criminalization processes – both those involved in the creation of criminal law provisions, known as *primary criminalization*, which determines how, when, and why certain behaviours are legally defined as criminal, and those involved in the implementation of these laws, referred to as *secondary criminalization*, which explains how and why specific individuals are identified as 'offenders' by criminal justice agencies, such as the police and the judiciary.

In exploring these processes, Lacey and Zedner (2017) identify two key dimensions of criminalization: as an outcome and as a practice. Criminalization as an outcome refers to the results of institutional processes, such as legislative or judicial decisions, e.g. the introduction of a new antiterrorism law that expands the scope of criminalized acts. By contrast, criminalization as a practice refers to the 'creative, interpretive, or enforcement activities of actors such as legislators, judges, police, lawyers, and the public' (2017: 59). In line with this distinction, Lacey and Zedner (2017) also differentiate between formal and substantive criminalization. Formal criminalization establishes the legal framework within which substantive criminalization occurs; substantive enforcement, though, depends on various factors beyond the law, such as penal policies, media narratives, and the discretion of criminal justice officials, which significantly shape what is actually criminalized.

Like the penal system, the deportation regime operates selectively. Drawing on this conceptual framework, I propose to use the term *deportabilization* to examine how deportation is differentially applied across migrant populations. This neologism – combining *deportability* and *criminalization*— is intended to capture the ways in which enforcement practices shape and modulate deportability, mirroring the dynamics observed in criminalization. It offers a lens through which to analyse who is more frequently labelled as deportable, why, and how certain individuals or groups are differentially exposed to the deportation apparatus.[9]

The next sections examine how nationality of origin plays a key role in shaping what I define as primary and secondary deportabilization. This analysis shed light on the construction of different categories of deportability and the operation of a hierarchy of (non)citizenship in a specific socio-political context.

4. Primary deportabilization in Spain

Primary deportabilization or 'deportabilization as an outcome' refers to the formal and institutional processes that determine who is deportable according the law – that is, all non-citizens. However, undocumented migrants, whether through irregular entry or subsequent irregularity, are much more exposed to deportation. Primary deportability depends on the legal production of migrant illegality (De Genova 2002), as well as on administrative processes that provide pathways to avoid illegality through mechanisms such as visas, residence permits, asylum, or access to nationality. These mechanisms are not granted automatically; they require recognition from state agencies, which depends on multiple contextual factors, including state capacities, resource availability, political guidelines and the individual's country of origin.

Even when the legal status provides safeguards against deportation, these safeguards are neither complete nor permanent, as they are subject to time limits, renewal conditions and the requirement to demonstrate appropriate conduct. The failure to meet these conditions, or the commission of immigration or criminal offences[10] often result in the loss of legal protection and the upsurge of deportability (Franko 2020). Thus, while all foreign nationals are potentially deportable, the practical consequences of deportability vary in intensity depending on the specific circumstances under which individuals experience primary deportabilization.

4.1. The production of migrant illegality

Access to visas and the legislation governing residence rights are key factors in the legal production of migrant illegality, both closely tied to nationality and strongly influencing deportability. For instance, EU citizens generally enjoy greater protection than third-country nationals (TCNs), and individuals with permanent residence status are less vulnerable to deportation than temporary residents. However, those unable to obtain tourist or work visas in their country of origin are often compelled to resort to irregular migration (Franko 2024), which complicates their eventual path to obtaining a residence permit.

In the Spanish context, during the 2000s, the absence of legal channels for immigration led many migrants into irregularity, rendering them deportable (Cornelius et al. 2004). Most undocumented migrants did not enter the country through irregular border crossings; rather, their irregular status resulted from immigration laws that made it easy to fall out of legal status, while making it far more difficult to regain legal status (Calavita 2005).

At the same time, Spain's growing economy and flexible labour market capitalised on this precarious legal status. Migrants' deportability made them particularly vulnerable to labour exploitation, a condition that was not incidental, but rather central to the functioning of Spain's post-Fordist economic model (Calavita 2005). This hyper-exploitation of newcomers occurred alongside the creation and expansion of the Spanish deportation system, which reached its highest repatriation figures between 2001 and 2008 (Fernández Bessa 2016).

The 2008 financial crisis significantly altered this dynamic. Migrants were disproportionately affected by rising unemployment, leading to a sharp decline in labour

migration, and a slight decrease in the overall migrant population (Cachón Rodríguez 2012). This shift was accompanied by a contraction of the deportation apparatus, which became less extensive and more targeted (Brandariz, Fernández-Bessa, and Ballesteros-Pena 2025).

Over time, Spain transitioned from a recent country of immigration – characterised by labour-driven flows, widespread irregularity, and high exposure to deportability – to one in which more established migrant communities began to gain access to greater legal protections.[11] This shift was accompanied by a rise in family reunification and asylum applications, offering new way pathways into Spain that aligned more closely with those of northern European countries. Although many of these migrants continue to meet labour market demands, their entry through regularised channels has, in some sectors, reduced the hyper-exploitation previously associated with irregular status.[12] At the same time, long-settled migrants increasingly began applying for Spanish citizenship.

These developments have helped reduce migration irregularity and have provided varying degrees of protection from deportation, reshaping previous patterns of primary deportabilization in disparate ways. The main mechanisms driving these changes are addressed in the following subsections.

4.2. Asylum as a safeguard against deportabilization

In recent years, Spain has rapidly transformed into a destination for asylum seekers, primarily from Venezuela. This transformation, together with the emergence of a precarious and improvised reception system (Gabrielli, Garcés-Mascareñas, and Ribera-Almandoz 2021) has led to a sharp increase in asylum applications. Although Spain was not initially a key destination for asylum seekers during mid-2010s, the so-called European refugee crisis reshaped public perceptions of people on the move, shifting the narrative from viewing irregular newcomers as a threat to recognizing them as legitimate asylum seekers. This shift coincided with the political rise of left-wing political forces, which promoted social and institutional solidarity with refugees, particularly in major Spanish cities (Fernández-Bessa 2019; Wonders and Fernández-Bessa 2021).

Within this socio-political climate, the number of asylum applications surged – from 2,744 in 2010 and 14,600 in 2015 to 163,220 in 2023 —accounting for 12% of all EU asylum claims and placing Spain third after Germany and France. Meanwhile, the capacity of the asylum accommodation system expanded from 930 reception places in 2015 to 28,417 in 2023 (CEAR 2024), although it remained inadequate and failed to meet the growing demand (Defensor del Pueblo 2023).

In 2023, Venezuela was the top country of origin for asylum seekers, with 60,534 applications, followed by Colombia with 53,564. While many applications have been denied, favourable decisions have increased since 2019, with significant variations by nationality.[13] Although refugee and subsidiary protection statuses remained limited, many Venezuelans have been granted temporary humanitarian residence permits.

Meeting the legal requirements alone, though, is not enough to apply for international protection. Applicants must first secure an appointment to state their intention to apply – an increasingly difficult task due to long waiting times and the limited capacity of the Asylum Office, particularly since 2020 (De La Mora González 2025). For instance, in

2023, individuals waited an average of nine months without documents before submitting their applications (CEAR 2024). The saturation of the reception system and the delays in formalization have left some asylum seekers sleeping on the streets (ACCEM 2024a). Additionally, application processing remains slow, with a backlog of 191,095 pending cases in 2023—106,546 awaiting admission and 84,545 awaiting resolution (CEAR 2024). These systemic shortcomings have led to a *de facto* discriminatory segmentation among applicants, resulting in unequal access to rights depending on the type of documentation issued at each stage of the process, and ultimately constructing differentiated identities, marked by multiple gradations in access to rights and control (De La Mora González 2025).

Despite these challenges, the expansion of Spain's asylum system has been crucial in scaling down primary deportabilization. Although the asylum process imposes a specific temporality and conditions on applicants (Ruiz-Estramil 2023), it also offers temporary protection from removal once the application is registered and under review.

Moreover, while systemic shortcomings and long waiting periods are often seen as a drawback, they have opened alternative regularization pathways. Even when asylum applications were ultimately rejected – as is the case for most asylum seekers in Spain – some went on to apply for *arraigo social* (social rootedness) temporary residence status.[14] In this context, the ability to integrate – by securing housing, employment, and social networks – became essential not only to survive the process but also to demonstrate deservingness (Gabrielli, Garcés-Mascareñas, and Ribera-Almandoz 2021). This prolonged period of institutional neglect effectively functioned as a probation phase, allowing migrants to accumulate evidence of integration required for legal residence. However, not all asylum seekers were equally positioned to benefit from these pathways. Those with higher education, middle-class backgrounds, fluency in Spanish, and stronger social capital – primarily, though not exclusively, Latin Americans – were more likely to succeed (Gabrielli, Garcés-Mascareñas, and Ribera-Almandoz 2021). This possibility has been severely restricted by a recent Supreme Court ruling (no. 414/2024, issued on 24 January 2024), which prohibits counting the time asylum seekers have lived and worked in Spain while awaiting an asylum decision toward eligibility for such residence permits.[15]

In sum, although limited in scope, the recent expansion of Spain's asylum system has mitigated primary deportabilization for those able to access it and for others who, after years of waiting, qualify for regularization – revealing new, previously unthinkable gradations of deportability.

4.3. Naturalisation as a permanent protection against deportabilization

The most effective way to avoid deportability is by acquiring citizenship in the country of residence. Through naturalisation, migrants gain a key privilege of citizenship, that is, protection from deportation (Anderson, Gibney, and Paoletti 2011).[16] However, many still face exclusionary attitudes that reinforce a sense of otherness, revealing persistent asymmetries in how citizenship is experienced (La Barbera and Finotelli 2025).

Spanish naturalisation procedures are marked by a stark contrast between generally restrictive rules and preferential access for certain migrant groups.[17] This duality is rooted in Spain's colonial history and its strategic goal of maintaining ties with former

colonies and the diaspora, specially through reforms aimed at preserving or restoring citizenship for descendants of emigrants. Consequently, Spain ranks among Europe's most generous countries regarding historically grounded and preferential treatment of former colonies and culturally linked groups (La Barbera and Finotelli 2025). These patterns reveal postcolonial legacies in the unequal access to Spanish nationality (Moffette 2018).

The preferential rule has driven the exceptional rise in citizenship acquisitions, with Spain granting citizenship by residence to nearly 2 million people from 2009 to 2023. Of these, 55% were nationals from countries eligible after just two years of residence, 17% were other foreign nationals who qualified after ten years of residence, another 17% were born in Spain, and 9% were married to Spanish citizens. Latin Americans alone accounted for over 70% of naturalisations between 2009 and 2013, benefiting from the reduced two-year residence requirement and the permissive dual citizenship regulations (Lopez Sala 2013). However, their share fell below 48% in 2020, 2021, and 2022 (Source: OPI n.d.).

By nationality, Moroccans led naturalisations from 2009 to 2023, comprising 21.2%, followed by Ecuadorians (13.2%) and Colombians (11.2%). Moroccan naturalizations increased nearly sevenfold during this period – not due to legal or policy changes, but because the extensive Moroccan community has lived in Spain for over a decade, and their children were born there. In fact, 60% of those naturalised by birth in Spain were of Moroccan origin. More recently, Venezuelans and Colombians in recent years have also seen a notable rise in naturalisations (Source: OPI n.d.).

The growing number of successful naturalisations has helped many migrants, who likely acquired citizenship for strategic reasons (La Barbera and Finotelli 2025), avoid deportability. However, the uneven distribution of these cases reveals a clear hierarchy of (non)citizenship. Latin American and Moroccan nationals frequently pursue naturalisation to escape deportabiliy, but Latin Americans benefit from key advantages: a shorter residence requirement, dual citizenship rights, and fluency in Spanish. In contrast, Moroccans face stricter requirements, including ten years residence, language tests, and renouncing their original nationality. Romanians – Spain's second-largest foreign group after Moroccans – accounted for only 1.6% of naturalizations, likely because, as EU citizens, they already enjoy rights comparable to Spanish nationals, including exemption from residence permit renewal (La Barbera and Finotelli 2025) and are largely protected from deportation.

Moreover, naturalisation procedures remain inefficient, with persistent delays and backlogs undermining legal guarantees.[18] As a result, even Latin Americans, formally privileged in the process, may face prolonged insecurity and remain exposed to primary deportabilization due to administrative dysfunction.

5. Secondary deportabilization in Spain

Deportation, in practice, is both selective and discretionary, as it is neither feasible nor politically desirable to remove every individual rendered deportable through primary deportabilization. The processes that guide the selective targeting of migrants by the deportation apparatus, constitute what I refer to as secondary deportabilization or deportabilization as a practice. These actions are carried out by the Spanish National

Police using immigration and criminal law, often understood within the framework of *crimmigration*, a term referring to the growing convergence of criminal and immigration legal frameworks and their enforcement mechanisms (Stumpf 2006).

This section examines how the Spanish deportation apparatus operates substantively, emphasizing that deportation policies extend far beyond the act of physical removal. They encompass a range of violent and coercive practices – such as police raids, identity checks, and detention – that affect not only migrants but society at large (Fassin 2011). While some migrants are eventually deported, many are repeatedly subjected to these coercive practices without being removed, an experience that lies at the core of deportability.

Spain has one of the largest deportation systems in the EU, removing an average of 14,546 people annually from 2008 to 2023. Only UK, Germany, Greece and France have averaged higher numbers of deportations in Europe since the late 2000s (Eurostat 2024b). However, the number of removals has been steadily declining over the past decade due to changing migration patterns, economic transformations, and evolving enforcement priorities (Brandariz, Fernández-Bessa, and Ballesteros-Pena 2025). In particular, the annual average dropped from 24,564 deportations between 2008 and 2012 to just 7,323 between 2018 and 2023. Although the largest decline occurred between 2020 and 2022 due to the COVID-19 pandemic, the 2023 figure of 5,995 removals remained more than 50% below pre-pandemic levels (Eurostat 2024b).

Moreover, the apparatus remains inefficient. Only 31% of deportation orders issued between 2008 and 2023 were actually enforced, revealing a persistent deportation gap (Gibney 2008). However, as Figure 1 shows, this gap has fluctuated over time, being particularly wide from 2008 to 2012, narrowing down from 2013 to 2017, and widening again since 2018 – with the exception of 2021, due to the corona virus crisis. Intriguingly, the deportation gap has never been addressed in public and political debates, nor has it raised any public and political concern in Spain.

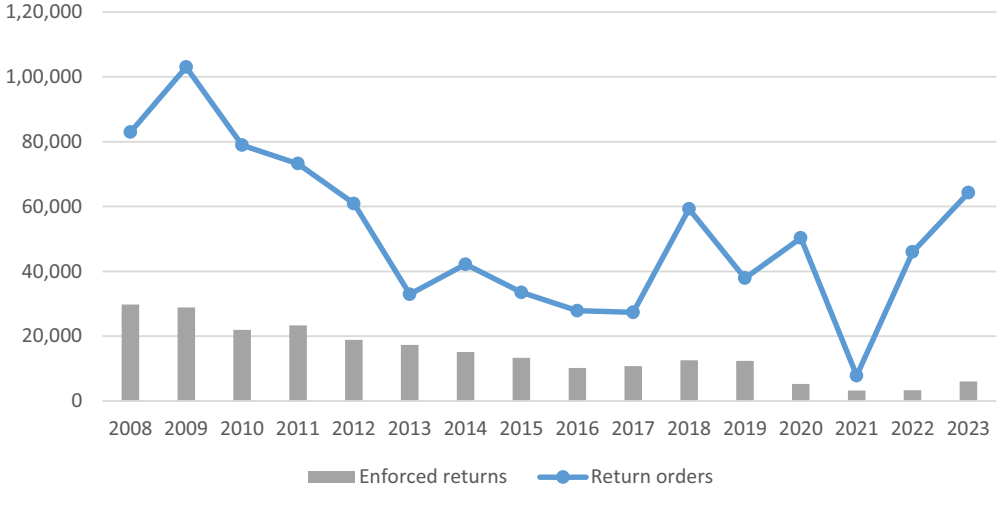


Figure 1. Difference between TCN with areturn order and enforced returns, 2008–2023.

Table 1. Grounds of deportation, 2009–2023.

	Assisted voluntary return		Irregular arrival to the border/Entry ban		Irregular residence		Crimmigration issues		Total
2009	8,387	29%	7,526	26%	11,287	39%	1,991	7%	**29,191**
2010	4,488	19%	7,297	31%	8,677	37%	2,777	12%	**23,239**
2011	4,764	38%	7,064	30%	7,635	33%	3,223	16%	**23,182**
2012	2,937	15%	6,271	32%	6,189	32%	3,941	20%	**19,338**
2013	3,850	22%	5,002	28%	5,246	29%	3,738	21%	**17,836**
2014	3,392	22%	4,121	27%	4,044	27%	3,652	24%	**15,209**
2015	2,794	21%	3,725	28%	3,089	23%	3,780	28%	**13,388**
2016	1,052	10%	4,190	41%	2,155	21%	2,896	28%	**10,293**
2017	1,545	14%	5,272	48%	1,787	16%	2,267	21%	**10,871**
2018	915	7%	7,203	59%	2,023	16%	2,158	18%	**12,299**
2019	977	8%	6,476	55%	2,379	20%	2,009	17%	**11,841**
2020	1,376	28%	1,904	38%	806	16%	873	18%	**4,959**
2021	15,015	31%	1,569	33%	811	17%	932	19%	**4,813**
2022	2,028	38%	1,015	19%	1,294	24%	1,069	20%	**5,406**
2023	1,747	31%	586	11%	3,091*				**5,424**

Source: Own elaboration. Datasets: OPI (n.d.), Spanish Ministry of Interior (Freedom of information portal); Defensor del Pueblo (2023).
*It includes crimmigration issues.

The operation of secondary deportabilization may also be traced in data on how the grounds for deportation have evolved. As illustrated in Table 1, the main grounds for deportations have changed over time. While irregular residence was the primary reason in the late 2000s and early 2010s, irregular border crossings or having an entry ban were the main grounds both prior to 2009 and from 2016 to 2021. Crimmigration issues also constituted a significant reason for deportation from 2012 to 2016. This category encompasses deportation orders linked to the criminal justice system, specifically: a) the substitution of prison sentences with expulsion; b) deportation based on criminal records involving convictions with prison terms of one year or more; and c) public order concerns, in the case of EU citizens.

While deportation practices in Spain frequently involve coercive measures such as detention, they also rely on other schemes such as the so-called 'assisted voluntary return' (AVR). AVR accounted for more than 30% of all deportations in 2011 and from 2021 to 2023. It is noteworthy that the majority of AVR measures targeted South American and Central American nationals (source: OPI n.d.).

Regarding national groups, the Spanish deportation apparatus has been particularly focused on the deportation of Maghreb nationals. While Latin Americans have accounted for between 22% and 25% of the top ten nationalities deported, as illustrated in Figure 2, Moroccan and Algerian nationals combined represented over 40% of all migrants deported from Spain between 2008 and 2015, rising to over 60% from 2016 to 2019. However, the persistent focus on these groups has partly shifted in recent years[19] due to the pandemic and a series of diplomatic crises (SJM 2024).

Secondary deportability processes may also be better understood by gaining insight into the national groups particularly affected by immigration detention and those that are widely criminalized and subsequently deported. While such an analysis is beyond the scope of this paper, it should be noted that only half of detained non-citizens are eventually deported (Fernández Bessa 2021) and that despite the over-representation of foreign nationals in Spanish prisons, two thirds of imprisoned non-citizens are ultimately

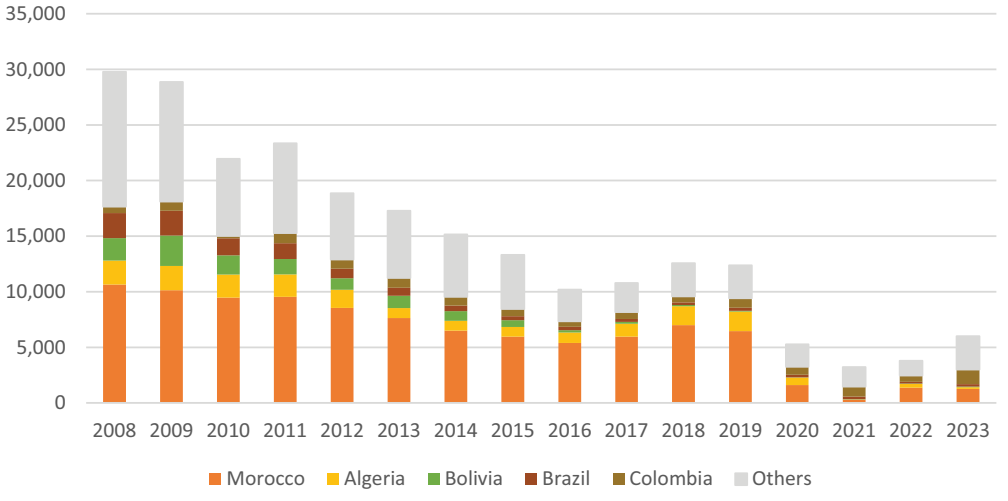


Figure 2. Enforced returns (five main nationalities, and others), 2008–2023

released in Spain. Nevertheless, their condition of deportability within prison shapes the discriminatory treatment they receive, preventing them from accessing prison benefits (Güerri 2024).

Despite the absence of disaggregated data by nationality and legal grounds for deportation, we can infer that the different grounds for deportation affect national groups unevenly creating categories of deportability. This inference is based on the longitudinal analysis of national groups most affected by return orders,[20] deportation (see Figure 1), immigration detention and imprisonment (Fernandez Bessa and Brandariz 2017; Fernández Bessa 2021), as well as the most common grounds for deportation over different periods (see Table 1). For instance, according to this data, while police raids targeting irregular migrants affected a considerable number of Latin Americans until 2009, expedited removals (*devoluciones*, in Spanish) due to irregular entry affected primarily Africans, and deportations for crimmigration reasons involved mainly Moroccans, Colombians, Algerians, and Romanians.

6. Categories of deportability

The selectivity of the Spanish deportation apparatus shapes how deportability – both in objective and subjective terms – impacts different national groups. The examination of primary and secondary deportabilization and their evolution over the last fifteen years reveals three distinct patterns, which I propose to categorize as: 'suitable deportees', 'potentially included', and 'undeportable others'. These analytical categories reflect varying degrees of deportability that ultimately point to a hierarchy of non-citizenship.

The first group is comprised of Algerians and Moroccans, perceived as troublesome neighbours and readily subject to deportation. The second group includes Latin Americans, generally seen as more readily and quickly integrated into

Spanish society, provided they make visible assimilation efforts. The third group comprises sub-Saharan Africans, whose condition of undeportability (Fabini 2019) condemns them to lives marked by adversity and precarious legal and social conditions.

6.1. Suitable deportees

Moroccans are the largest foreign national group in Spain, with 893,953 residents in January 2023. By contrast, the number of Algerian residents was 67,729. Both national groups together accounted for 50.4% of the total number of migrants deported from Spain between 2008 and 2023, with a deportation rate per 1,000 residents of 7.8 for Moroccans and 19.7 for Algerians. In short, Moroccan nationals and Algerian nationals are the key target of the Spanish deportation system.

Deportations from Spain to its southern neighbouring countries are logistically simple and cost-effective, as they do not rely on long-distance international flights. Algerians are removed by ferry from Alicante, in south-eastern Spain, whilst Moroccans can be expelled via land borders at the enclave towns of Ceuta or Melilla. However, their deportabilization is determined not only by logistics but also by stigmatization and discrimination rooted in 'Maurophobia'. In addition, these groups are heavily criminalized and over-represented in prison and immigration detention centres, which further heightens their secondary deportabilization. The exceedingly high number of Moroccan and Algerian nationals targeted by these measures highlights the racial stratifications characterising the Spanish deportation regime.

This high degree of deportability shapes the subordinate inclusion of 'suitable deportees' in the labour market, forcing them to accept substandard working conditions. To a certain extent, as the Southern poor neighbours, Moroccans and Algerians mirror the fate of Mexicans in the United States, as described in De Genova's studies on migrant illegality (2002). However, according to primary deportabilization analysis, some of these individuals, mainly Moroccans, develop protection strategies associated with family reunification regulations and the naturalisation of individuals born in Spain.

The deportation enforcement rate for Moroccans was 55.6% from 2008 to 2023, meaning half of those with a return order were deported, while for Algerians this rate was 28.3% over the same period.[21] However, this rate has significantly changed over time (see Figures 3 and Figure 4). Notably, the increase in issued deportations in 2018 for Moroccans and in 2020 for Algerians was followed by a sharp decline in enforced deportations. In specific periods, diplomatic tensions with Morocco (until March 2022) and Algeria (beginning in March 2022) even led to a complete halt of deportations (CEAR 2022; SJM 2024).

These events have prevented Spanish deportation enforcement from bouncing back to pre-pandemic levels (see Figure 1). Post-colonial arrangements crucially determine Spain's international relations with African countries, where financial aid and migration quotas are leveraged to secure cooperation on border control and repatriations. As recent events have shown, the Moroccan and Algerian authorities often instrumentalise this cooperation in their political and economic disputes with the Spanish administration. The strong dependence of the deportation regime on diplomatic relations makes secondary deportabilization particularly unstable.

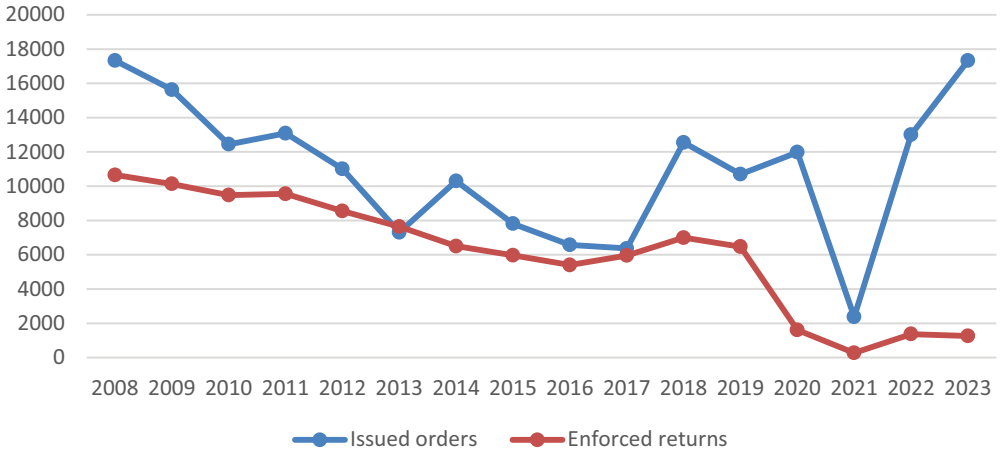


Figure 3. Difference between issued return orders and enforced returns. Moroccan nationals, 2008–2023.

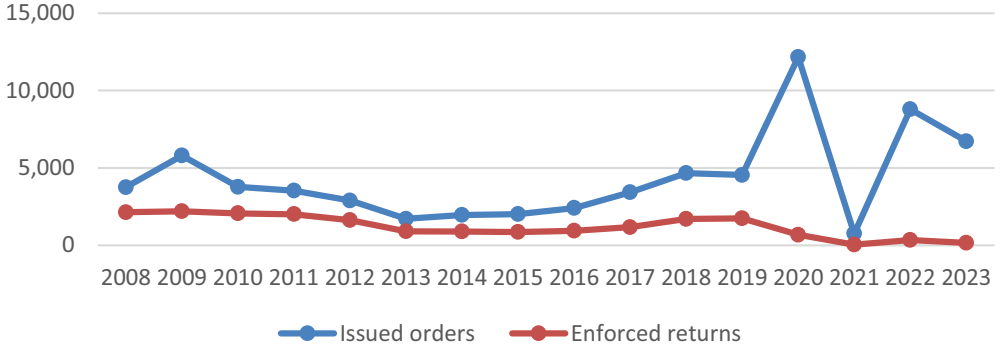


Figure 4. Difference between issued return orders and enforced returns. Algerian nationals, 2008–2023.

6.2. Potentially included

South American nationals have been a key driver of Spanish migration flows over the past two decades, particularly in the 2000s. Although migration from South America had significantly declined in the aftermath of the 2008 financial crisis, it has increased again in recent years. Between 2008 and 2023, ten of the fifteen nationalities most affected by deportation measures were from South and Central America – Bolivia, Brazil, Colombia, Ecuador, Paraguay, Argentina, Honduras, Chile, Venezuela, and Peru. However, due to the high number of residents from these countries, their deportation rates per 1,000 inhabitants are relatively low ranging from 7.8 (Brazil) to 1.7 Ecuador (Source: own calculations. Datasets: INE n.d.; Eurostat 2024b). Latin American nationals were especially targeted by police controls and deportations until 2009. Their share of total deportations then declined, stabilizing around 2,000 per year by 2016. The pandemic had little impact on these trends, with deportations rising to almost 3,000 in 2023.

Their deportation enforcement rate from 2008 to 2023 ranged between 21% and 49%, slightly lower than the previous category. Deportation enforcement in this case is facilitated by the fluid diplomatic relations between the Spanish and Latin American authorities – with the exception of Venezuela – which have enabled repatriation agreements and specific agreements to facilitate AVR for certain national groups. However, logistical challenges, such as the need to plan costly deportation flights, hamper these deportation efforts despite relatively low diplomatic barriers.

Latin American nationals, compared to other groups, have a higher likelihood of avoiding primary deportabilization. Post-colonial dynamics embedded in Spanish legislation have historically favoured Latin Americans in areas like work visas, regularisation, and naturalisation, in contrast to nationals from the Maghreb and Sub-Saharan Africa (Moffette 2018). The privileged naturalization regime is a clear example, reflected in 2022 data showing 1,328,843 Spanish citizens born in South America, versus only 328,479 born in Africa (Source: INE n.d.).

In recent years, citizens of certain Latin American countries have relied on the asylum system as another strategy to mitigate primary deportabilization. Despite inadequate resources and significant delays in case processing, recent asylum policy changes have led Spanish authorities to widely grant temporary residence permits on humanitarian grounds for Venezuelans, as well as exceptional temporary permits based on social ties for some rejected asylum seekers – mainly Colombians.

Asylum seekers must navigate a complex integration process that positions them as governable individuals under state authority (Ruiz-Estramil 2023), leaving many excluded while awaiting a decision. However, the increasing recourse to asylum among migrants from certain Latin American countries is reshaping the Spanish deportation regime. Asylum, in this context, functions as a buffer upon arrival, conditionally mitigating the primary deportabilization of this group, while simultaneously generating new internal hierarchies of (non)citizenship. However, ultimately, only those who successfully navigate the process or possess the strong social capital needed to survive the long wait for an asylum decision are able to secure a residence permit. Those who fail to meet these criteria, particularly those involved in criminal or otherwise illegal activities, are excluded from eventual paths for regularisation and naturalisation.

6.3. Undeportable others

Sub-Saharan Africans represent a relatively small share of non-citizens residing in Spain and have historically ranked low in both issued and enforced deportations. In fact, very few individuals from these countries have been removed in recent years. However, between 2018 and 2023, five of the ten nationalities most frequently issued return orders were from Western Africa, namely from Mali (15.8%), Senegal (14.8%), Guinea (11.7%), Côte d'Ivoire (6.8%) and Gambia (4.5%), highlighting a significant deportation gap (Source: own calculations. Datasets: INE n.d.; Eurostat 2024a, 2024b).

Initially, this non-citizen group was held in detention facilities upon arrival to the Canary Islands or the Andalusian coast, before being released with a return order. However, this form of secondary deportabilization has shifted notably in recent years due to the expansion of a humanitarian reception system (Ballesteros-Pena, Fernández-Bessa, and Brandariz 2024). With the consolidation of a more robust international

protection system, irregular border crossers arriving by sea are no longer routinely detained or channelled into deportation procedures. Spanish authorities now manage these arrivals in a manner that partly resembles the hotspot approach implemented in Greece and Italy, focusing on screening and filtering individuals upon arrival. Deportable newcomers, mainly Algerian and Moroccan nationals, are placed in detention. By contrast, Sub-Saharan nationals, who frequently claim asylum and are rarely deported, are sent to humanitarian reception facilities, where they may remain for some months (Fernández Bessa 2021; Ballesteros-Pena, Fernández-Bessa, and Brandariz 2024).

The implications of this model are detrimental for non-citizen newcomers, in terms of rights and legal pathways to elude primary deportabilization. This category of undeportable others has to cope with significant obstacles to obtain visas and residence permits, be granted family reunification rights, and successfully apply for naturalisation. Upon their arrival, they are compelled to either find a job in the shadow economy – e.g. as street vendors or agricultural workers – or to continue their journey north, towards other European countries. These non-citizens are widely seen as 'aliens', that is, as non-members, and have very few avenues for formal regularisation. However, identification obstacles and the reluctance of countries of origin to cooperate with deporting countries largely hinder their deportation, rendering most of them 'undeportable' (Fabini 2019). This group, though, endures the detrimental consequences of secondary deportabilization, because they only manage to be regularised after long periods of vulnerable and undocumented residence, in which they are frequently targeted by migration policing.

This triad of categories might lead one to think that European citizens are immune to deportabilization. While this is largely true in terms of primary deportabilization, particularly for most EU nationals, some – especially Romanians – are nonetheless affected by secondary deportabilization, as they are disproportionately subjected to detention and deportation measures, often on crime-related grounds (Brandariz and Fernández-Bessa 2020).

In addition, non-EU European groups such as Georgians, Russians, Albanians 22 and – until recently – Ukrainians have relatively considerable deportation enforcement rates, ranging from 25% to 35.7% (Eurostat 2024a, 2024b). The over-incarceration of these groups suggests that they are critically targeted by crime-based deportations, whose enforcement is facilitated by preferential repatriations agreements concluded between their countries of origin and the EU. Having said that, further research is needed to fully grasp their secondary deportabilization. Such research may lead to a fourth categorisation of 'European others'.

7. Conclusions

This paper has employed the notion of deportabilization to explore the Spanish deportation regime, offering an analytical tool to capture the nuanced ways in which the deportation regime operates. While the De Genova (2002) concept has been instrumental in showing that it is the possibility of deportation – rather than deportation itself – that serves to sustain the economic exploitation of migrant labour, it does not allow for analysing the differentiated and evolving experiences of deportability among migrants of various nationalities. The lens of deportabilization, by incorporating the perspective of criminalization processes, enables a more refined understanding of how national groups

are unequally positioned – both through the implementation of deportation policies (secondary deportabilization) and through the processes by which subjects are rendered deportable or may find ways to mitigate this condition (primary deportabilization).

The analysis reveals that primary deportabilization disproportionately affects African nationals, while Latin American and European nationals benefit from access to certain forms of protection. In contrast, secondary deportabilization, particularly targets North Africans. Sub-Saharan African non-citizens, meanwhile, face significant obstacles to accessing legal pathways linked to primary deportabilization and experience a more intense form of secondary deportabilization, despite rarely being deported. In this respect, the paper proposed three categories of deportability: 'suitable deportees' (for Maghrebi nationals), 'potentially included' (for Latin Americans), and 'undeportable others' (for Subsaharan Africans).

This study further shows that deportability is dynamic, affecting non-citizen groups to varying degrees over time. Access to legal relief and regularisation mechanisms shaping primary deportabilization is not uniformly available to all non-citizens, and nationalities with privileged access to these pathways shift over time. Changes in legal frameworks, political leadership, and the management of asylum, naturalisation, and residence procedures can significantly alter the experience of deportability. Moreover, multi-scalar processes, such as diplomatic relations with countries of origin, EU policies and financial priorities, national border control goals, policing practices and logistical capacities, play a crucial role in shaping secondary deportabilization.

Within this context, Spain is shifting from a labour-driven migration model – where deportation served to control borders and to maintain a pool of deportable workers – to one centred on more established flows. Asylum and family reunification now lead mobility channels with asylum seekers increasingly joining the non-citizen workforce. Although this model reduces primary deportabilization through regular entry mechanisms, it remains markedly selective. The 'potentially included' are better positioned to minimize their deportability, whereas those who embody greater alterity, such as the 'suitable deportees' and the 'undeportable others', face significant barriers in mitigating both primary and secondary deportabilization. Ultimately, these dynamics reveal how Spain's deportation regime perpetuates its colonial legacies, which continue to shape contemporary hierarchies of (non)citizenship through racial and ethnic relations. Consequently, while Latin Americans targeted for inclusion nonetheless face labour exploitation, cultural assimilation, and subaltern positioning, Africans are persistently othered through racialized stereotypes of savagery, exoticism, and violence. This systemic alterity directly contributes to their exclusion, criminalization, detention, and deportation.

The lens of deportabilization enables a fine-grained analysis of deportability, offering a useful framework for conducting comparative research. Future studies might scrutinise whether the three proposed categories – or similar ones, shaped by the same or different national groups – can be identified in other jurisdictions. Conversely, they might investigate whether different geopolitical conditions produce alternative categories of deportability. Further research should also investigate the role of crimmigration arrangements in shaping the deportability of certain national groups and their consequences for (non)citizenship hierarchies.

Yet the harsh consequences of deportability are not unavoidable; they also generate resistance and can be mitigated by the agency of non-citizen individuals. These individuals

engage in *de facto* citizens struggles on a daily basis (Fernández-Bessa 2019) and perform acts of citizenship (Isin 2008), regardless of the category of deportability to which they are assigned. Ultimately, while the Spanish deportation regime constructs a hierarchy of (non)citizenship – imposing different structural starting points for each national group – the lived experience of deportability is shaped by individual agency, as non-citizens actively negotiate, resist, and redefine their position within it.

Notes

1. In line with southern theory, and more specifically, southern criminology's critique of the uneven global distribution of academic knowledge (Carrington et al. 2019) I use the terms peripheral and semi-peripheral jurisdictions in this context. While Spain, as an OECD member and a major European Union (EU) economy, does not fit in the traditional world-system definition of a 'semi-peripheral' jurisdiction, I argue that it occupies a semi-peripheral position in academic terms, due to its marginal role in international scholarship on deportation studies.
2. Unless otherwise specified, I use the term 'deportation' to refer to all forms of removal and return orders (primarily known as *expulsiones* or *devoluciones* in Spanish) used within the Spanish immigration enforcement system. While these orders differ in legal and practical terms, such distinctions are not critical to this study. I also use the terms 'enforced returns' (*expulsiones ejecutadas*) and 'return orders' (*órdenes de expulsión*), in line with Eurostat's terminology.
3. Data on foreign national residents and naturalisations were gathered from national statistical sources, particularly the Continuous Population Statistics database of the National Institute of Statistics (INE, for its initials in Spanish) and the database of the *Observatorio Permanente de la Inmigración* (OPI), under the Spanish Ministry of Inclusion, Social Security and Migrations. Asylum data were retrieved from NGOs reports by CEAR (2024) and ACCEM (2024a). Data on the grounds of deportation was obtained through the Spanish Freedom of Information portal.
4. Specific datasets are nonetheless publicly accessible through the National Mechanism for the Prevention of Torture (Defensor del Pueblo 2023; Eurostat 2024a, 2024b) on the enforcement of immigration legislation, and the annual immigration detention report published by the Jesuit Migrant Service (SJM 2024).
5. This term is closely tied to Spain's colonial history, particularly in the seven-century conflict between Christians and Muslims during the Middle Ages, the eventual expulsion of Muslims and Jews in the late fifteenth century, and the more recent period of Spanish protectorate rule in northern and southern Morocco from 1912 to 1958.
6. These data are somewhat underestimated, because it does not count many undocumented noncitizen residents.
7. For instance, according to a counter-investigation into the racist massacre of 24 June 2022 at least 27 migrants were killed while attempting to cross the border separating the Moroccan town of Nador from the Spanish enclave of Melilla (Border Forensics 2024).
8. I use the notions of deportation apparatus and deportation system interchangeably and in a descriptive way, that is, as referring to a specific subfield of state coercion, involving policies, practices, discourses, laws, institutions and actors.
9. The author is grateful to Jukka Könönen for suggesting the use of a new term to appropriately capture the specificities of analysing deportability through the lens of criminalization processes.
10. This distinction between immigration offences and criminal offences is particularly pertinent in the Spanish case, because in contrast to the majority of European countries (Guia and Pedroso 2015) illegal entry and illegal residence are not criminal offences in Spain, neither in statute nor in practice.

11. The absolute number of residence permits for employment purposes decreased from 969,987 per year in 2009 to 417,265 in 2023, while that of permits for family reunification rose from 494,178 in 2008 to 1,400,291 in 2023 (Eurostat 2024c).
12. One notable exception to this general statement is the labour exploitation in the agricultural settlements of Huelva and Almería, where thousands of migrants live and work in inhumane conditions (See APDHA 2025).
13. In 2023, over 90% of applications from Moroccans, Peruvians, and Colombians and over 80% from Senegalese were rejected, while 99% of Venezuelans were accepted (CEAR 2024).
14. This is a temporary residence authorisation that can be granted to undocumented foreign citizens after three years of residence (demonstrated through municipal registration) and with a formal, full-time job offer for a minimum of six months. They increased from 17,814 in 2017 to 99,324 in December 2022 (Source: OPI n.d.).
15. This ruling was incorporated into the new Migration Regulation approved in November 2024, which includes a transitional period. During this time, individuals may apply for an exceptional *arraigo* residence permit if they have lived in Spain for at least six months and received a final asylum rejection by May 20, 2025 (ACCEM 2024b). However, in May 2025, amid growing uncertainty and concerns that the new regulation could push thousands of rejected asylum seekers into irregularity for two years, the government is reportedly considering alternative measures to mitigate its impact (Sánchez 2025).
16. Unlike North America and many European countries (Bolhuis and van Wijk 2020), Spain has not enforced denaturalisation measures in recent decades, nor has it addressed them in public debates, likely due to how the Spanish public frames political violence and terrorism.
17. In Spain, as generally across Europe, citizenship is primarily based on jus sanguinis, meaning it is inherited from parents, regardless of birthplace (Article 17, Spanish Civil Code; hereinafter, CC). It can also be acquired through naturalisation, requiring special circumstances or continuous legal residence, good conduct and integration. The standard residence period is ten years, reduced to five for refugees and two for nationals of Ibero-American countries, Andorra, the Philippines, Equatorial Guinea, Portugal, and Sephardic Jews (Article 22(1) CC). Only one year of residence is required for non-citizens born in Spain, married to a Spanish citizen or with Spanish parents, grandparents, or legal guardians (Article 22(2) CC).
18. According to a report of the Spanish Court of Auditors released in January 2023, a large backlog developed in recent years, with 355,548 applications pending resolution by the end of 2018 and 291,000 still unresolved as of January 31, 2020 (BOE 2023).
19. In 2023, Colombians were the national group most affected by deportations measures, followed by Moroccans (Eurostat 2024b).
20. The national groups most affected by issued return orders have changed over time. Between 2008 and 2012, there was a considerable diversity, with Latin Americans accounting for 33% of the total. However, from 2017 to 2022, this diversity declined sharply, with nearly 75% of the top ten nationalities with issued orders coming from Africa (Eurostat 2024a). This shift reflects both a drop in border crossings and the contraction of the deportation system.
21. The deportation enforcement rate is the percentage of enforced returns (Eurostat 2024b) in relation to the number of issued return orders (Eurostat 2024a).
22. Tellingly, Albanians have the highest deportation rate per 1,000 residents (40.57) (Source: own calculations. Datasets: INE n.d.; Eurostat 2024b).

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