



COVID-19, legal changes and challenges: Moroccan domestic workers at the Spanish-Moroccan border

COVID-19, cambios normativos y desafíos: trabajadoras del hogar marroquíes en la frontera española-marroquí

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Abstract

This article analyzes the transformations of the normative framework governing the situation of Moroccan women employed in the care sector in Ceuta and Melilla, the two Spanish autonomous cities constituting the only European land borders on the African continent. It focuses on the COVID-19 pandemic and its aftermath, examining how the border closure on March 14, 2020, disrupted the circular mobility that had sustained cross-border care work, exacerbating existing precarity and altering the legal and institutional environment. Drawing on a legal analysis and qualitative interviews, the article highlights the complexity of the challenges faced by cross-border care workers. It explores their working and living conditions that are shaped by intersecting inequalities and shifting regulations. Ultimately, the study situates these experiences within broader debates on the intersection of care work, border controls, and migration, revealing how normative changes affect mobility and livelihoods at Europe's southern frontier.

Keywords: domestic workers, care, border closure, cross-border work, working women.

Resumen

Este artículo analiza las transformaciones del marco normativo que regula la situación de mujeres marroquíes empleadas en el sector del cuidado en Ceuta y Melilla, dos ciudades autónomas españolas que constituyen las únicas fronteras



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terrestres europeas en el continente africano. Se examina el impacto del COVID-19 y del cierre fronterizo del 14 de marzo de 2020, que interrumpió la movilidad circular que sostenía este tipo de trabajo, exacerbando la precariedad existente y transformando el entorno legal. A partir de un análisis normativo y entrevistas cualitativas, el artículo visibiliza los retos específicos que enfrentan estas trabajadoras y explora sus condiciones laborales y de vida, marcadas por desigualdades interseccionales y normativas cambiantes. Finalmente, sitúa estas experiencias dentro de debates más amplios sobre trabajo de cuidados, control fronterizo y migración, mostrando cómo los cambios normativos afectan la movilidad y las condiciones de vida en la frontera sur europea.

Palabras clave: trabajadoras del hogar, cuidado, cierre fronterizo, trabajo transfronterizo, mujeres trabajadoras.

Introduction

From March 2020 onward, the spread of the disease caused by the SARS-CoV-2 virus, led nation-states to take action within their borders to provide security. To prevent contagion, measures were primarily designed to minimize human mobility and interpersonal contact, including the most drastic: the closure of international borders. These restrictions disproportionately affected migrants “on the move” and other groups whose livelihoods depend on transnational mobility (Rico & Leiva-Gómez, 2021). In the domain of care work, the pandemic prompted widespread public recognition of this labor as part of the so-called “essential sectors” necessary to sustain life. Even though the magnified demand for domestic workers resulted in the symbolic labeling of their professional efforts as “essential”, this situation did not lead to the betterment of their labor conditions. Therefore, Pandey et al. (2021) proposed their categorization as expandable essential workers.

Regarding borders, the restrictions and further recommendations issued by national health authorities affected the lives of people in border areas in a particular way. Especially cross-border workers who, before the pandemic, had regularly traversed frontiers as part of their everyday professional activity, saw their own and their families’ livelihoods altered. The border area of the cities of Ceuta and Melilla,¹ the southern Spanish border on the African continent, is no exception in this regard. Before the pandemic, thousands of Moroccans commuted daily to work in Spanish territory, but the border closure on March 14, 2020, interrupted the international movement of workers. Many chose to stay irregularly in the enclaves, transforming what was initially daily mobility into an unexpected form of migration. After more than two years of waiting, the border reopened under stricter crossing conditions that prevented most of the trapped Moroccans from returning to their country of origin (Granda & Nebot i Nieto, 2024; Gutiérrez Torres, 2024). Restrictions on crossing conditions are not the only factor shaping the experiences of women engaged in domestic work; rather, they are situated at the intersection of care labor, border governance, and migration regulation—a position that exposes them to a distinct set of legal and institutional conditions while profoundly shaping their everyday lives.

¹ The total population in Melilla is around 85 000 inhabitants and it has an area of 12 km². In the case of Ceuta, the population is 83 000 inhabitants in a territory of 18 km² (Instituto Nacional de Estadística, 2024).

To understand this complex interaction, the article has a twofold aim. First, it analyzes the normative changes brought about by the COVID-19 pandemic in relation to Moroccan women engaged in cross-border care work in Ceuta and Melilla, as much with the border closure in 2020 as to the alterations after the reopening. Second, it identifies the specific challenges the workers faced in the context of these alterations.

Methodologically, this article draws on findings from the research project *No estamos todas*, funded by the Spanish Institute of Women (*Instituto de las Mujeres*).² It is primarily based on a comprehensive review of the legal and normative frameworks regulating care work, border control and migration with regard to Ceuta and Melilla. The analysis focuses on how these frameworks have evolved, particularly in response to the COVID-19 pandemic and the closure of the land borders with Morocco.

This documentary research is complemented by qualitative fieldwork with Moroccan domestic workers conducted in Melilla between 2022 and 2023, aimed at illustrating the impact of legal and institutional changes on their mobility and livelihoods. A total of 18 semi-structured interviews were carried out: 13 with Moroccan care workers who were stranded in Melilla following the border closure and unable to return home; 1 with a worker who returned to Morocco after the border reopened; and, 4 with workers who remained in Morocco.

Structurally, the article first offers a theoretical anchoring of cross-border care work and current understandings of social inequality and its particularly complex composition at borders. These conceptual orientations serve as a guide for the subsequent sections. A normative mapping is then provided, addressing the intersection of care work regulations in Spain, migration law and the specific context of border management at the European Union (EU)'s external frontier in Ceuta and Melilla. This allowed for an analysis of the normative changes and the ensuing disruptions of cross-border dynamics from 2020 and the border closure onwards. Finally, the article outlines the diverse situations and challenges resulting from these changes in relation to the worker's quality of life. In fact, one part of the Moroccan domestic workers in Spain decided to stay in Ceuta and Melilla, while another part of this group decided to remain in Morocco. The first group faced irregular status, housing insecurity and extended working hours, while the second experienced income loss, job insecurity and exclusion from support measures.

Cross-border care work amidst COVID-19: a theoretical lens on inequality, borders and mobility

Throughout the last decades, scholars have generated theoretical lenses that stress the need for understanding social inequalities transcending domestic borders. These lenses take international connections and interdependencies seriously and enable analyzing

² *No estamos todas* ("We are not all here", 22-1-ID22) was a project funded by the *Instituto de las Mujeres* of the *Ministerio de Igualdad*. It explored the implications of irregularity for internal and transborder care workers. Author Lucía Granda was also supported by the Spanish Ministry of Universities through the FPU20/03211 contract.

the phenomenon and its manifestations beyond the nation-state. In her book on the sociology of global inequality, Anja Weiß (2017), for instance, emphasizes the importance of sociological perspectives that do not blindly depend on theoretical nationalism when analyzing inequality, and that encompass factors beyond the strictly economic.

Relying heavily on the *capability approach* to human welfare first developed by Amartya Sen (1985) and further reflected on and promoted by Martha Nussbaum (2011), Weiß explains how inequality needs to be understood relationally and regarding the quality of life; the relationship between individual characteristics, the physical environment and the social infrastructure influences the life opportunities of a person. While Nussbaum stresses the relevance of the category of gender regarding inequalities in specific contexts, authors such as Silvia Walby (2009) further complexify this reflection. Consistent with the basic assumption of the intersectionality lens originally introduced by Kimberlé Crenshaw in *Mapping the margins* (1991), this author suggests further axes of inequality that do not simply “add up” but rather “intersect”. Consequently, they affect and influence each other and manifest differently in the sets of institutions that build the social infrastructure.

Stephan Lessenich (2016) stresses the interdependency between the so-called “Global North” and the “Global South”. Without taking this relation seriously, the distribution of wealth could not be understood in either of them. He proposes the term “externalization society” for conceptualizing this relationship. “Externalization”, he writes, “(...) means exploiting the resources of others, passing on costs to them, appropriating the profits, and promoting self-interest while obstructing or even preventing the progress of others” (Lessenich, 2016, p. 24).

Stephen Mau (2022) highlights the importance of borders by questioning these inequalities that (re)produce global relations. He underscores the fact that borders were used precisely to “manage” the flows of ideas, materials and people. Instead of contributing to the “illusion” of an ever more borderless world from the end of the Cold War onwards,³ Mau pinpoints the palpability of borders, acting simultaneously as barriers and sorting devices. Borders thus fortified the disparities between countries and acted as important generators of inequality.

Nicola Yeates (2009) coined the term “care chains” in reference to the idea of “global production chains”, which highlights the economic aspect of the evermore relevant process of globalization and the resulting interconnectedness of markets. All the processes often subsumed under the term of globalization not only create international flows of products and money, but they also imply modifications regarding the underlying reproductive labor. Care work needed in the “Global North” is externalized to foreign women, who leave their countries of origin and thereby alter local family dynamics. In fact, a significant proportion of cross-border women are employed in domestic and care work in many borderlands where there are economic disparities between the countries—such as Bolivian women commuting to Chile (Leiva Gómez & Ross Orellana, 2016), Mexican women at the U.S. border (López Estrada, 2020), or, in this case, Moroccan women at the European border (Andreo Tudela et al., 2023; Granda & Soriano Miras, 2023a).

³ As examples, he refers to “Vanishing Borders” (2000) by Hilary French and “The Borderless World” (1994) by Kenichi Ohmae.

The effectiveness of borders became strikingly evident with the outbreak of the COVID-19 pandemic. Nation-states were expected to provide security to their citizens, closing borders and altering their former selective permeability. This reassertion of borders, Anna Casaglia states, brought “to the forefront the relationship of globalization, (in)security, inequalities and global migration” (Casaglia, 2021, p. 698).

Casaglia also highlights the specific ways in which migrant workers were disproportionately affected by the pandemic and the corresponding policy responses. The health crisis exposed the precarious nature of their employment, particularly in terms of living conditions, health risks and job security. Moreover, migrants were overrepresented in sectors most impacted by lockdowns and restrictions—such as care work, delivery services, food service, agriculture, construction and cleaning—making them especially vulnerable (Casaglia, 2021).

In the border area between Morocco and the Spanish enclaves of Ceuta and Melilla, pre-pandemic agreements on border-crossing permits allowed for the circular movement of workers constituting the dynamics of a transborder community (Stephen, 2012). The majority of these cross-border workers were women, with the domestic sector accounting for the highest number of authorizations⁴ (Andreo Tudela et al., 2023; Granda & Nebot i Nieto, 2024). These gendered mobility patterns were closely linked to care work, as women regularly moved “back and forth”, not only between national contexts, but also across the symbolic and racialized frontiers separating the “Global South” from the Schengen area. In short, the nature of their professional activity is profoundly intersectional.

What follows is a review of the normative environment and the changes that shape the experiences of cross-border care workers in Ceuta and Melilla. The analysis begins with care work regulation in Spain and then turns to other relevant frameworks, notably those governing border control and migration. This normative review reveals the intersectional nature of these frameworks, offering a more nuanced understanding of the workers’ living and working conditions and their alterations over the last years.

Cross-border domestic workers between Morocco and the North African enclaves of Ceuta and Melilla

While rights of domestic workers were expanding in Spain from 2011 onwards, cross-border domestic workers remained particularly exposed to employment-related exploitation. Although they were arguably at the forefront of the COVID-19 crisis,

⁴ The Spanish Immigration Law, the *Ley de Extranjería*, also known as *Ley orgánica 4/2000, de 11 de enero, sobre derechos y libertades de los extranjeros en España y su integración social*, in its *Título II, Capítulo II (Del permiso de trabajo y regímenes especiales)*, *Artículo 42* states:

Los trabajadores extranjeros que, residiendo en la zona limítrofe, desarrollen su actividad en España y regresen a su lugar de residencia diariamente, o, al menos, una vez a la semana, deberán obtener la correspondiente autorización administrativa, con los requisitos y condiciones con que se conceden las autorizaciones de régimen general.

(Foreign workers who, while residing in the border area, carry out their activity in Spain and return to their place of residence daily, or at least once a week, must obtain the corresponding administrative authorization, subject to the requirements and conditions under which authorizations are granted under the general regime).

their precarious immigration status and the complications derived from the border closure (even the risks engendered by the pandemic for employers to address access to care) came at the cost of the quality of life of the cross-border domestic workers in Ceuta and Melilla. Before focusing on their specific case, the legal situation regarding care work, migration and border control will be mapped, emphasizing the intersectional character of the phenomenon.

Cross-border domestic workers: regulation and intersections

The development of domestic service as a formalized work environment in Spain has lagged in comparison to the rest of the sectors (Díaz Gorfinkel, 2016). This is intertwined with the fact that it is a highly feminized sector, with a significant proportion of migrant workers (Moré, 2020). According to the data of the Labor Force Survey provided by UGT (Spanish acronym for *Unión General de Trabajadores*), Spain ranks second among European countries in both absolute and relative terms regarding domestic employment, with households acting as employers. Together, Italy and Spain account for 61.5 percent of all domestic workers in the EU (Marcos Barba, 2021). In contrast, Spain ranks at the bottom in terms of jobs in institutional residential and social care services (Departamento de Migraciones, 2019). In short, care work is shaped by intersecting axes of gender, nationality and race, and is organized unevenly across EU Member States.

The past decade has brought important improvements in Spain's domestic service sector. Legislative changes and active mobilization by workers' organizations have contributed to a long standing struggle to dignify domestic work and align it with broader labor standards (Arango et al., 2013). Initial reforms in 2011⁵ modified the outdated 1985 regulations, marking progress toward parity with other sectors. However, these legislative changes were not enough to overcome the economic constraints on implementing new rights. Simultaneously, economic rationales were used as an ideological justification to block social transformations that were not considered a priority (Díaz Gorfinkel, 2016).

In 2023, Spain ratified the International Labor Organization's *Domestic Workers Convention (No. 189)* and the *Domestic Workers Recommendation, 2011 (No. 201)*, fulfilling a key demand of Spanish domestic workers' organizations throughout the last decade. This was preceded by Royal Decree-Law 16/2022 for the improvement of working conditions and Social Security of domestic workers, which finally made it possible to equate the working conditions of this group with those of the rest of workers, particularly regarding Social Security. Key modifications include the recognition of the right to unemployment benefits and protection in cases of employer insolvency or bankruptcy through the Wage Guarantee Fund (Fogasa, Spanish acronym for Fondo de Garantía Salarial). The legislation also guarantees health and safety protections equivalent to those of other workers, abolishes dismissals without just cause and establishes a commitment to examining occupational illnesses.

⁵ Royal Decree 1620/2011, of 14 November, which regulates the special employment relationship of household workers.

However, despite the pandemic highlighting the essential character of the sector, domestic work in Spain is still characterized by a series of traits that perpetuate the nexus of care, inequality and precariousness (Pérez Orozco, 2021). A report by the ILO indicates that 30% of those employed in domestic services in Spain still lack coverage under the national social security scheme, the *Seguridad Social*. Scarce regulation and oversight in domestic work, coupled with the lack of legal migration pathways, are key factors contributing to this sector having the highest number of workers in irregular employment situations: an estimate of no less than 70 000 women (Díaz Gorfinkel, 2016).

Consequently, the intersection between the deregulation of an important part of this market and the characteristics of the Immigration Law⁶ (*Ley de Extranjería*), which prevents the existence of operative legal channels for migration and employment in the sector, allows maintaining a constant volume of foreign working women in a situation of maximum vulnerability (Marcos Barba, 2021). Migrant women in an irregular situation engaged in paid domestic services are certainly one of the most vulnerable groups. Here, however, another far less considered case is in focus, namely the thousands of workers who regularly crossed the border between Morocco and the two autonomous cities of Ceuta and Melilla.

These two autonomous Spanish cities, 14 kilometers and 130 kilometers from the Iberian Peninsula and surrounded by the Mediterranean Sea on one side and Morocco on the other, are the only mainland territories of the European Union on the African continent (see Figure 1 and Figure 2). Both have been Spanish cities since 1668⁷ and 1497, respectively, and are territories characterized by multiculturalism because of their geographical location. On the other hand, they have not been free from controversy, since, although various good-neighbor agreements and territorial boundary accords have been signed, Morocco has historically claimed the cities as part of its national territory (Ferrer-Gallardo & Gabrielli, 2018, 2025).

Moreover, both have become paradigmatic regarding international border security due to their controversial fences, which constitute the most fortified borders of the Union (see, for instance, Ferrer-Gallardo & Gabrielli, 2024). Despite increasing securitization since the 1990s, there was fluid mobility between Melilla and Ceuta and the adjacent Moroccan provinces: Nador and Tangier-Tetouan, respectively. In the case of Ceuta, there are two border crossings—Benzú and El Tarajal—while Melilla has four: Beni Enzar, Barrio Chino, Mariguari and Farhana (Acosta Sánchez, 2022).

Indeed, before the closure of the border due to the pandemic of COVID-19, thousands of Moroccan women workers employed in Spain's domestic service commuted to work from one country to the other without counting with a labor contract. In fact, most of the regular border crossers worked in the informal economy, accepting the associated precarious working conditions. In this context, cross-border domestic services had consolidated as a niche for working-class women with low education levels (López Sala, 2012; Ramírez, 2020).

The frontier's singular arrangement of a visa exemption for border crossers resident in Tetouan and Nador, with the condition of not spending the night in the neighboring country, facilitated these irregular employment arrangements for thousands of people (Moral, 2019). Additionally, some of the women worked as live-in domestic

⁶ The immigration law currently in force is Organic Law 4/2000, of 11 January, on the rights and freedoms of foreigners in Spain.

⁷ The Treaty of Lisbon officially recognized Ceuta as part of Spain.

employees without a contract or lived on the Spanish side of the border irregularly without being able to regularize their legal status (Granda & Soriano-Miras, 2023b, p. 104; Sahraoui, 2023), a precondition for regularization.

Figure 1. Location of the cities of Melilla and Ceuta in the northern coast of Morocco



Source: own elaboration

Figure 2. The triple fence over the cliff separating Melilla from Morocco



Source: own elaboration

The Spanish tax system does recognize cross-border workers (*trabajadores fronterizos*) defining them as those employees who, working in the border area of the other country—in this case Spain—return to the country of their residency—in this case Morocco—daily or at least once a week. Following the Spanish Immigration Law, the cross-border workers should receive administrative permission.

Social and economic differences, which separate the territories of Ceuta and Melilla from Morocco, structure the unique permeability of the border. It grants the transfer of cheap labor and has a positive collateral benefit for the employers of both cities concerning domestic and care work. Concretely, there is less pressure for providing health services and access to education and care to the workers, given their cross-border characteristics (Asociación Pro Derechos Humanos de Andalucía [APDHA], 2018). Certainly, from an intersectional lens, structural racism affects the workers on different axes of inequality: as women, as people of Moroccan origin in Spain (although they cannot be considered migrants in terms of residence) and as workers of the care sector.

The study of the Pro-Human Rights Association in Andalusia (Asociación Pro Derechos Humanos de Andalucía, APDHA) carried out in 2018 regarding the case of Ceuta, identified different modalities of cross-border domestic work, which can be extrapolated to the case of Melilla. First, there are employed domestic workers with a determined working day and, consequently, a fixed check-in and check-out time. Second, there are those who work on an hourly basis in one or more households and thus with a much more fragmented working day including “in-between” time intervals.

These external domestic workers coexisted with *de facto* internally employed workers, constrained by the limitations of overnight stays laid out in the aforementioned regulatory regime. They generally remained in the family home for 24 hours and returned to Morocco during their weekly rest day. This adds to the difficulties of establishing a contract, thereby fostering informality and the implied lack of protection and labor rights. The study stresses the extreme exposition to rights infringements in this modality, given its characteristics.

The salaries of the workers depend on the employer and the modality. Consequently, the figures vary greatly, usually between 250 euros and 400 euros per month in one household and with a working week from Monday to Friday. In some cases, earnings are as low as 150 euros per month, frequently affecting women in situations of severe need. These quantities are very far from the required Spanish interprofessional wage minimum (*salario mínimo interprofesional*), which is established annually by regulation (APDHA, 2018). In 2018, the minimum wage was set at 735.90 euros.

With the border closure and the 2020 lockdown, one part of the workers stayed in Ceuta and Melilla leading to diminished living conditions at different levels. Others crossed back to Morocco, consequently losing their jobs without being able to restore their cross-border activity. Different cases and strategies are discussed in the following sections.

Cross-border work before and after the pandemic: a shifting normative environment

The peculiarities that characterize the relationship between the autonomous cities of Ceuta and Melilla and their surroundings have generated a specific framework for domestic work in these two cities. Following Spain's incorporation into the Schengen Community Space (1991), the terrestrial borders of Ceuta and Melilla⁸ had been functioning with mixed controls, granting a visa exemption for residents of Tetouan in the case of Ceuta and Nador in the case of Melilla.⁹ Using this exemption and the scarce controls in the domestic work sector, the border region's workers could enter Spain and engage in their professional activity caressing an actual administrative permission to do so. In practice, even though the visa exemption did not allow for overnight stays, it was common for women to remain on Spanish territory as in-house employees, returning to Morocco only during their days off.

Undoubtedly, the COVID-19 pandemic radically changed the situation. On March 13, 2020, Morocco announced the unilateral closure of its border as a containment measure for COVID-19, and it was closed in the early hours of March 14 (Le Monde with AFP, 2020). Spain regulated the closure of its border a week later, with the publication of Order INT/270/2020 on March 21, but had already decreed a strict nationwide lockdown for the entire population a few days earlier.¹⁰

Many domestic workers remained in Spanish territory; in all cases—even for those Moroccans who had valid employment contracts in the cities before the border closure—this resulted in an irregular situation, forcing them to work informally, as they were expected to return to their country of origin (Granda & Soriano Miras, 2023a). For these workers, returning to Morocco at the time of the closure or through one of the five humanitarian corridors later established would have meant a loss of income—not only for themselves but also for their families—. Thus, it wasn't that they were strictly "trapped"; rather, their immobility was a deliberate choice driven by necessity, as their livelihood—and that of their families—depended on their ability to continue working in the cities. Therefore, remaining in Spain throughout these years, unable to reunite with their families (despite the short distance) and with no official mechanisms of regularization in place, protests emerged (Arnet Rodríguez, 2022).

After a few months, countries transitioned to the "new normal", and Spain, which had also restricted cross-border mobility with its neighboring European Union countries, began to ease those restrictions. However, this was not the case with Morocco, leaving residents of the border regions waiting more than two years to resume their daily lives and reunite with their families.

It is worth noting that this prolonged period of uncertainty and waiting was shaped by ongoing bilateral negotiations between Spain and Morocco, which struggled to

⁸ In fact, the border fortification consists of a double metal fence (triple on the Melilla border perimeter) and ubiquitous barbed wire see Calderón Vázquez (2014).

⁹ This exemption was established in the *Boletín Oficial del Estado* (BOE) No. 81, dated April 5, 1994. Available online: <https://www.boe.es/boe/dias/1994/04/05/pdfs/A10390-10422.pdf>

¹⁰ Real Decreto 463/2020, de 14 de marzo, por el que se declara el estado de alarma para la gestión de la situación de crisis sanitaria ocasionada por el COVID-19, *Boletín Oficial del Estado* No. 67, Sec. I, pp. 25390-25400.

reach an agreement on the terms of reopening. Despite decades of cooperation, political tensions between the two countries repeatedly strained their relationship, and what initially had begun as a health-related closure gradually evolved into a political and economic issue (Granda & Soriano Miras, 2023a).

Key turning points included the U.S. recognition of Moroccan sovereignty over Western Sahara and Spain's decision to hospitalize Sahrawi leader Brahim Ghali, events that prompted Morocco to exert migratory pressure—most notably through the mass entry of over 8 000 people into Ceuta in May 2021—(Ferrer-Gallardo & Gabrielli, 2024). Relations began to improve in April 2022, when Spanish Prime Minister Sánchez expressed support for Morocco's autonomy plan, a gesture that helped ease tensions and ultimately led to the reopening of the Ceuta and Melilla borders on May 17, 2022 (Soroeta Licerias, 2022). Yet from that moment on, conditions would not return to their previous state.

Concretely, the text that regulated the reopening, Order INT/424/2022¹¹ dated May 13, 2022, only allowed transit for two groups. Firstly, for those who met the requirements to move through the rest of the Schengen Area and, secondly, for cross-border workers possessing either a valid Spanish national ID (*Tarjeta de Identidad de Extranjero, TIE*), the proof of application of that card, or a specific visa for Ceuta or Melilla. This directive was repeatedly extended and ultimately solidified by a resolution published in the *Boletín Oficial del Estado* (BOE) on December 13, 2022. For residents of the bordering districts, this change represented a unilateral loss of the right to free movement between Morocco and Ceuta and Melilla.

The only option for the domestic cross-border workers is initial work authorizations, regulated through Article 183 of the Regulation of the Organic Law 4/2000, as approved by the Royal Decree 557/2011. The seventh paragraph of Article 183.2. a) establishes that the conditions outlined in the employment contract must comply with those established in the current regulations. According to Article 64, even in the case of part-time employment, remuneration must be equal to or higher than the minimum interprofessional salary for full-time work. Hence, a full-time labor contract with a minimum wage equivalent to the interprofessional salary is mandatory (Boza et al., 2023). Additionally, if the salary exceeds 1 000 euros, it is to be delivered through bank transfer. Finally, the prospective employer needs to previously process the job offer with the public employment service (SEPE, Spanish acronym for Servicio Público de Empleo Estatal) to secure a certificate confirming the scarcity of job applicants, a requirement that proves unattainable given the high number of Spanish nationals registered as job seekers.

¹¹ *Orden INT/424/2022*, dated May 13, which modified *Orden INT/657/2020*, dated July 17, which modified the criteria for the application of a temporary restriction of non-essential travel from third countries to the European Union and Schengen associated countries for reasons of public order and public health due to the crisis caused by COVID-19, *Boletín Oficial del Estado* (BOE) No. 115, dated May 14, 2022.

The situation of women working in domestic service in cross-border arrangements during the border closure

The lives of the cross-border domestic workers changed overnight with the border closure. Due to the short time between the announcement and the closure, some of those remaining in Melilla were unaware of the border closure or did not believe that it would last more than 14 days, as was initially announced. The abruptness of the Moroccan decision left many of the women with great uncertainty about what to do, torn between returning home and staying in order not to lose their jobs. As Salma (over 45 years old, married, 2 children), who decided to stay, recalled:

I was in Melilla and my husband called me and told me: look, eh... the border is going to close on Friday. And I said: why is it going to close? For how long? A week, four days? I don't know.

Others attempted to return to Morocco as soon as they heard the news, but by the time they reached the border, it was already too late. As Nadira recounted: "When they closed the border, I didn't know about it. And when I got there, I saw people crying. 'What's going on?' I asked. They told me: 'The border is already closed'" (over 45 years old, married, 2 children).

After March 13, 2020, depending on the decisions they made regarding their mobility in response to the border closure, the women found themselves in two distinct yet equally precarious situations: those who remained irregularly in the Spanish autonomous cities, and those who returned to Morocco. For the first group, the main reason to stay was to retain their employment and income, which allowed them to provide economic support for their families on the Moroccan side; returning home would have meant losing their employment.

However, in other cases—especially for those who stayed as live-in domestic workers—the decision to remain was driven by genuine concern for the people they cared for, particularly during the months of lockdown. They refused to leave these dependent individuals, often elderly, alone and unattended. Even though living in the homes of those under their care provided access to material security during that period, it also often translated into extended work hours and a lack of rest—in many cases without the corresponding salary adjustments (Granda & Soriano Miras, 2023a).

For external domestic workers who, before the border closure, did not spend the night in the autonomous cities, being forced to remain on the Spanish side marked a significant deterioration in their living conditions compared to their previous circumstances. Their experiences clearly illustrate the "legal limbo" imposed by the closure. While those who were already live-in workers—or who began living in their employers' homes after the closure—had a degree of material security, others faced serious challenges regarding stable housing alternatives. As cross-border workers, they neither owned property in Spain nor had the legal right to rent a flat. Consequently, they were forced to rely on relatives, friends or shared accommodations for shelter.

All of these challenges are exemplified by the case of Rania (around 45-55 years old, married, with two children). Before the border closure, she crossed daily from Nador to Melilla for work and returned home after her shift. When the border closed, she initially stayed with her employer—an elderly woman in a dependent condition—and cared for her throughout the lockdown. She was not alone in this task, as she shared

caregiving responsibilities with another care worker. Even so, the emotional burden was intense, especially during the confinement period. Rania continued working as a caregiver after the lockdown ended, but after her employer's death, she was forced to seek other options in the city—options that were extremely limited due to her irregular status. "Then I rented a room with four people, two people in the same room. I didn't like it [...] Now I have rented an apartment with a friend who has papers". However, she never regretted her decision to stay:

Rania: I stayed and thank God everything is fine and I've been sending money to my family...

Interviewer: Because your husband lost his job, didn't he?

Rania: Yes, he used to have a job here in Melilla. He came and went back... But now, thank God I didn't leave, because he did...

The second option was to return to Morocco before the border closure. For these women, the situation was dire, as they had no means of earning an income during the lockdown in Morocco. In fact, even those who had formal employment contracts were excluded from the financial aid package for domestic workers approved by the Spanish government in April 2020, due to their status as cross-border workers (Parella Rubio, 2021). Once the "new normal" began, their situation did not improve, as the border remained closed, many jobs on the Moroccan side had disappeared, and opportunities for women with limited education were scarce (Granda & Soriano-Miras, 2023b).

In the absence of public support for the workers, some were able to survive thanks to the goodwill of their employers, who sent money to their employees across the border.

Fariha (around 55-65 years old, single, no children): They send me money every month. Honestly, I haven't had such a terrible time. But the thing is, I was thinking... I was going to lose my job. Where am I going to work at my age?

Interviewer: So, did you find out the border was going to close that day, or did you find out afterward?

Fariha: I didn't know it was going to close and that I wouldn't be able to come back [...]. People have had a really hard time.

These dynamics reflect what Casaglia (2021) describes as the pandemic's disproportionate impact on migrant workers in feminized sectors such as care and domestic work. In the autonomous cities, the impact was intensified by the intersection of gender, class, legal status and geography.

Resuming lives in limbo: cross-border domestic workers after the reopening

The reopening of the border has certainly been an eagerly anticipated moment for the women who had remained in Ceuta and Melilla during the closure, hoping to reunite with their families on the Moroccan side. Nonetheless, it is no longer legal to cross the border with just a passport. For women working in the domestic sector without a formal contract, crossing to Morocco still means losing their employment. As mentioned earlier, since the reopening, border regulations in Ceuta and Melilla have been aligned with those in the rest of Spanish territory, making a visa mandatory in all cases.

Thus, immobility remained a reality, as Sumaya (around 35-45 years old, married, no children) recounts: “So we were expecting the border to open in a week or two. And waiting, waiting and still waiting. Even though it’s opened now [the border], it feels like it’s still closed”.

For those women who had stayed in Morocco during the closure and whose former employers were interested in resuming the professional relationship, there was an exceptional regulation. More precisely, until September 2022 and only for those employers whose employees had a valid permit at the time of the closure, there was the option to present an application for an extension. Once the permit was granted, it was remitted to the workers who could then apply for a specific visa for the autonomous cities that would allow them to cross the border for work purposes. At arrival in Spanish territories, the employers could register the workers in the Social Security system and thereby enable the procedure for obtaining the Foreigner’s Identity Card (*Tarjeta de identidad de extranjero, TIE*). The precondition for this procedure was obviously that the employers throughout the border closure had not contracted other people and thus deregistered the former workers. Thus, through all these requirements, a new more hostile legal framework had been created for engaging in cross-border work (Granda & Nebot i Nieto, 2024).

This legal path, however, only applied to those who already had counted with an administrative cross-border employment authorization or who already counted with the authorization but were not yet registered in the Social Security system. The regulation did not allow for the administrative processing of new contracts. On the contrary, since the reopening of the border, only given the condition that no Spanish job seekers were registered in the SEPE, a new contract could be administratively processed (Suárez, 2022). However, many of the women “trapped” in Ceuta and Melilla, whose employers stand ready to apply, may face additional and insurmountable obstacles. This was the case for Fatima (around 45-55 years old, married, two children), who had been working without a contract until the border closure and became stranded in Melilla, where she continued working as a live-in domestic worker. After the border reopened, her employers attempted to formalize her employment to restore her status as a cross-border worker. However, midway through the process, they realized they could not meet one of the strictest requirements: proving that there were no local job seekers available in the same sector in Melilla.

Fatima: I thought they [employers] were going to do the papers for me to work, but then they didn’t want to in the end. I gave them everything and they gave it back to me. They said: no, no... there are women here first who have papers. If you don’t have papers, there is no work, because another one from Melilla will come in first.

This was also the case for Nur (over 45 years old, married, no children), she was unable to secure a formal employment contract after staying at her employers’ house as a live-in worker following the closure of the border and its subsequent reopening. With no chance of staying with her employers any longer and her residence and spouse being on the opposite side of the border, she eventually went back to Morocco in September 2022.

Raissa (around 45-55 years old, married, no children): I had been working and sleeping at their [my employers'] place. They wanted to help me get my papers. But when the Immigration Office told them they had to declare six hours [per day]... they no longer wanted to, and they kicked me out (...) I had to go back to Morocco.

Namely, their passports had expired and the only way to renew them was to return to Morocco (Gutiérrez Torres, 2024), thereby forfeiting the opportunity to return and, consequently, their employment.¹² As Soraya (around 25-35 years old, married, 2 children) explains:

People who stayed in Morocco are getting their paperwork done much faster. If you're here, you have to go back [to Morocco] to do it. [...] I've applied for everything, but they still haven't told me anything that would let me go back to Morocco feeling at ease.

For women who had a contract and were working in a cross-border arrangement, the new conditions imposed by the Ministry of Foreign Affairs required them to update their legal status in cases where their Foreigner's Identity Card had expired—a situation that was quite common—. This renewal process obliges them to cross the border to Morocco without any guarantee of being allowed to return to Spain until their documentation is regularized. This, in turn, is typically a quite lengthy procedure.

Even when work permits were granted, the situation at the border became more difficult due to new restrictions and increased control. For a period following the reopening, it became mandatory to show a work permit and have one's passport stamped—something that had not been required before—. This led to two major changes: first, the police began enforcing the rule that cross-border workers must return the same day they enter, as stipulated by law, effectively preventing overstays. Second, heightened control resulted in longer waiting times at the border.

Aisha (around 35-45 years old, separated, 1 child): When I was crossing from October to May [2023] I had my passport stamped four times a day. Twice to Morocco, twice to Spain. Two to enter, two to leave. My passport is full. But since May, they just use a small scanner, and they check the permit card.

Fariha (around 55-65 years old, single, no children): Do you know how long the line is? Two hours just standing in the same spot. Your back hurts, your feet, everything. [...] Before, nothing. you'd leave and be home right away. No line, nothing. [...] Now, you go and it's three hours, four hours, five hours.

Furthermore, the Work and Immigration Department of the Government Delegation, applying Article 64, introduced a new requirement that has drastically altered the working conditions of cross-border workers. In particular, no one might attain the

¹² Neither Ceuta nor Melilla count with a Moroccan consulate and the workers do not have permission to travel to the Spanish peninsula in order to reissue the passport in Algeciras' or Almería's consulates, for instance.

cross-border permit if the work contract does not contemplate a minimum gross wage of 1 000 euros per month, even if hired on a part-time basis (30 hours per week). This requirement relies on the minimum interprofessional salary as a national standard, which the government raised in February 2022, fixing it at 33.33 euros per day or 1 000 euros per month.

This legislative change, while undoubtedly a significant advancement in social and labor rights, does not consider the specificity of this border area. It achieved to eliminate the possibility for employers to profit from the modality of the cross-border care worker who was living on the Moroccan side and regularly crossed the frontier, generally willing to work for a decisively lower hourly wage. Consequently, the new situation hypothetically eliminated flagrant labor condition violations in the workplaces of Moroccan women in Ceuta and Melilla. Put into practice, however, this alignment of the regulation with the general Spanish legal framework has also led to a noteworthy number of dismissals on the one hand and the fostering of maintaining irregular arrangements on the other hand.¹³

It is noteworthy that not all the workers who returned to Morocco after the border closure have been able to obtain a work permit to reclaim their jobs. Under the circumstances, these low-skilled workers—who depended on cross-border mobility to survive—have very few options in their country of origin, and those that do exist are often precarious, such as seeking employment again in the cleaning or care sectors, or working in shrimp or garment factories (Granda & Soriano-Miras, 2023b). As a result, women who had long been essential to the functioning of the cities were sidelined by the Spanish government following the legal reform of border-crossing conditions.

Today, around five years after the closure of the borders, the situation of working women “trapped” in Ceuta and Melilla still has not changed. Their invalid passports, paired with the lack of administrative procedures to regularize the situation without jeopardizing employment, have further fostered their invisibility. At the same time, new strategies for obtaining legal status emerged for cross-border workers after the pandemic, such as applying for *arraigo*.¹⁴ The regulatory reform of 2022¹⁵ established that this proof might be provided by any means for the labor *arraigo*, not only by an administrative or by the judicial resolution of the Labor Inspection (Boza et al., 2023). In fact, recent data on *arraigo* in the cities suggest that many of those who were stranded in Ceuta and Melilla took advantage of the border closure to document their stay and apply for this administrative regularization procedure. In December 2023, there were 536 people with *arraigo* authorization in Ceuta and 897 in Melilla. In comparison, pre-pandemic data from 2019 show only 37 in Ceuta and 194 in Melilla (Observatorio Permanente de la Inmigración, 2025). The reform of Spain’s immigration regulation, which came into effect in May 2025, introduces significant changes

¹³ In fact, given the lack of legal paths to solve this situation, some women even decide to turn to mafias and cross the Mediterranean Sea on small boats. See Suárez, 2022.

¹⁴ Immigration law allows individuals to be granted residence (and work authorization, where applicable) through *arraigo*, even if they entered the country with a visa that did not match the actual purpose of their stay, and regardless of whether they are currently in a regular or irregular administrative situation.

¹⁵ Precisely regarding the publication of the *Real Decreto* 629/2022, dated July 26, which modified the *Reglamento de la Ley Orgánica 4/2000* about rights and liberties of foreigners in Spain and their social integration, following the reform corresponding to the *Ley Orgánica* 2/2/2009, which was approved by the *Real Decreto* 557/2011, dated April 20.

to the *arraigo* pathways, including a reduction in the required period of residence and the creation of new modalities. These changes may be particularly relevant for Moroccan domestic workers who remained in Ceuta and Melilla after the border closures and still found themselves in irregular situations; however, further research is needed to fully understand the extent of their impact and how the women are navigating these new legal pathways.

Discussion and conclusions

Throughout the article, the focus was on a particular group that was negatively affected by the pandemic and the alterations of the normative framework over the following years, namely cross-border domestic workers between Morocco and the Spanish enclaves on the African continent. The dynamics of the border before the pandemic were part of the externalization of care work and the underlying international structural inequality was a precondition for the specific cross-border working arrangements and the implied precarious labor conditions. As in other studies and regions (Leiva Gómez & Ross Orellana, 2016; López Estrada, 2020), income disparities between states have been a key factor in promoting regular border-crossing mobility.

In cross-border care work, those predominantly involved were working women with lower formal education levels. The analysis of their challenges, in comparison with other workers in the Spanish care sector (who were also severely affected by the pandemic), provided insights into the particularity of their intersectional profile. We did not only consider the intersectionality of the care workers in terms of identity categories, but stressed the additional intersectional character of their normative environment. This perspective allows for a more complex understanding of the cross-border working and living conditions, particularly in times of accelerated normative change regarding care work, border controls and migration.

Finally, it is stressed that it was precisely this normative environment and the individual ways of navigating it that shaped the lived experiences before, during and after the pandemic. Consequently, it was found that cross-border care workers were not all affected in the same way. With the border closure, one part of the workers in Spain decided to stay in Ceuta and Melilla, shouldering declining living conditions on different levels. Another group decided to remain in Morocco, respectively losing their employment due to the inability to arrive at their workplace on the other side of the frontier. The article highlighted the need to recognize the complexity of each case depending on the modality of care work, the decisions taken regarding mobility at the beginning of the pandemic, the family constellations of both the clients and the context of origin, Moroccan passport validity and the social networks in Spain, among other factors.

Cross-border care workers' multi-layered intersectional positioning entails heightened precarity and vulnerability. Vulnerability is understood as an individual's or group's decreased capability to foresee, cope with, resist and overcome the effects of any hazard (Ghosh et al., 2020), and thus as a relationship of the individual to a particular environment. The persisting changes regarding the normative environment described above have intensified risks and deepened inequalities in the enjoyment of rights for migrant women engaged in domestic and care work (Parella Rubio, 2021).

Furthermore, precarious working conditions are part of these local transnational labor arrangements. Following Tsing, it is proposed to think about precarity not as an exception but as a structural condition—a systematic vulnerability to others (Tsing, 2015)—inscribed in this modality of work.

Even though the analyzed normative changes brought about an exacerbation of precarious conditions and vulnerability, it is key to stress that it did not *produce* them; rather, the circumstances caused by the adoption of the security measures and particularly the restrictions concerning movement, rendered the inherent condition of the cross-border workers in the border's care circuits visible. Overall, the border closure and the elusive normative changes deteriorated the quality of life of the cross-border care workers, even though they were partly introduced with the intention to protect these workers. Already precarious working conditions worsened, leading to job losses, financial insecurity, and housing problems. Furthermore, it had a profound negative impact on family functioning due to the mobility restrictions and thus forced separation. In short, the pandemic disrupted the care circularities in which cross-border workers engaged.

Additionally, the spread of the disease and the measures taken stressed the importance of contextual politics and made the fragility of the cross-border working arrangements visible. Indeed, the border dynamics between Ceuta and Melilla and Tetouan and Nador respectively are dependent on and an expression of the political ties between Spain, as part of the European Union, and Morocco. While a detailed analysis of these relationships goes far beyond the objectives of this article, it is nonetheless of interest to hint at the common history and more recent tensions around the topics of migration, fishing and territorial disagreement (Ferrer Gallardo & Gabrielli, 2025; Fuentes Lara, 2017) between the states. With Spain's accession to the European Union in 1986, its southern borders became external EU borders, which currently often serve as paradigmatic examples in debates on border securitization.

The borders have once again shown to be a central political device regarding the “management” of mobility. Their (im-)permeability is decisive for the life opportunities of the inhabitants of the border region in question. In fact, the shifts induced by the pandemic are irreversible. The visa exception previously granted to residents of the border area is no longer in place. More concretely, the new conditions that both countries negotiated to control their borders prohibit residents of Moroccan Tetouan and Nador from crossing the border only with their passports. Instead, they must present a cross-border work permit or a visa at the checkpoints (Granda & Nebot i Nieto, 2024). These changes have caused distress for people who can no longer participate in their usual cross-border mobility, affecting those with transborder family ties or engaging in professional activities that transcend national frontiers.

To better understand the diverse strategies employed by cross-border workers in the care sector amidst an evolving normative environment, further research is essential. The new legal framework made the regularization of the working arrangements obligatory. Consequently, the new situation led to the theoretical disappearance of frequent infringements of labor laws regarding Moroccan women employed in Spanish households in Ceuta and Melilla. Nevertheless, the alignment of the legal framework of this border with the rest of Spain (except unemployment benefits) has also resulted in many dismissals, or, at the other extreme, in the continuation of irregular arrangements under even worse conditions than before the pandemic. Normative changes aimed at improving worker protection have, in fact, led to a worsening of the quality of life of many cross-border care workers.

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