Young Migrant Women in Secondary Education: Promoting Integration and Mutual Understanding through Dialogue and Exchange

National Policy Review: Spain

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INTRODUCTION

This report provides an analysis of the policies applied in Spain in relation to education and the foreign population. In the first section the current situation of immigration within Spain is described. Up to date data is provided on the immigrant population, and the legislative framework is also described. The second section focuses on the national political context in terns of education and immigrants, mentioning the agents who implement the policies described. Finally, in the third section, issues related to educational policies specifically aimed at immigrant girls are dealt with.

1. NATIONAL CONTEXT

In contrast to other countries in which immigration has a longer history, in Spain the phenomenon of global migration did not begin to be significant until the 90's, especially at the end of that decade. However, the accelerated pace of migratory flows has meant that, in recent years, Spain has now been placed at the forefront of the list of European Union countries, in terms of having large foreign population.

The increase in the foreign population has been the main cause of the overall growth of the resident population in Spain, which, in the period between 2002-2008 grew at an average annual rate of 720 thousand inhabitants (INE (Instituto Nacional de Estadística), 2009). The most prominent growth over these years took place between 2000 and 2006, when the foreign population registered on the Census quadrupled. The Census for 2006 estimated that the number of foreigners in Spain was 3.884.573, which represented 8.7% of the total population registered for the Census. Retrospectively, in the year 2000 the amount of foreigners had not reached a million people, it was 923.879, representing 2.2% of the total population. Data collected from the National Institute of Statistics reveals that the growth in immigration was especially high in 2003 and 2005[1].

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[1] It should be mentioned that in 2005 a regularisation process was carried out. This initiative aimed to facilitate the regularisation of the foreign people who were in Spain, without asking for the required documents and permits. A huge number of immigrants who were in the labour market, in schools and on the

On the other hand, it can be noted that this tendency has been altered, due to the global financial crisis (Pajares, 2009). One example of this is the number of visa's granted in Spain: there was progressive growth between 2003 and 2007, which slowed down in 2008. In 2009 the number of visa's granted hardly increased, and, based on the entrance and exit data on immigrants, a 38% reduction in the foreign population was estimated, in comparison to the previous year. It is therefore the first time since the 90's that many families are returning to their countries of origin.

In relation to the countries of origin of the immigrants in Spain, the National Survey of Immigrants[2] (Reher et al., 2008)divides them into 8 groups:

- Magreb, which stands out amongst the immigrant population from Morocco (540.000).
- Rest of Africa. This especially includes those originating from Sub-Saharan Africa, with a population oscillating between two hundred from the Central African Republic, to almost 30.000 people originating from Senegal.
- The US and Canada. The resident population from these countries in Spain is 28.500 and almost 5.000 people respectively.
- Rest of America (mostly Latin America) with a total population of 1.800.000 people of Latin origin, distributed between Ecuadorians (372.000), Colombians (almost 300.000), Argentinians (232.000), and Peruvians (140.000).
- The European Union, from where there are more than a million and a half people; out of those 431.000 are from Romania, almost 300.000 from the United Kingdom, 200.000 from France, and around 160.000 people from Germany.
  Rest of Europe: amongst the 214.110 people born in the rest of Europe, the following stand out amongst the immigrant population: Ukrainian people (almost 68.000), Swiss people (56.000) and Russian people (34.000).
- Asia and Oceania. The populations which stand out from this continent are from China (54.000) and the Philippines (46.500).
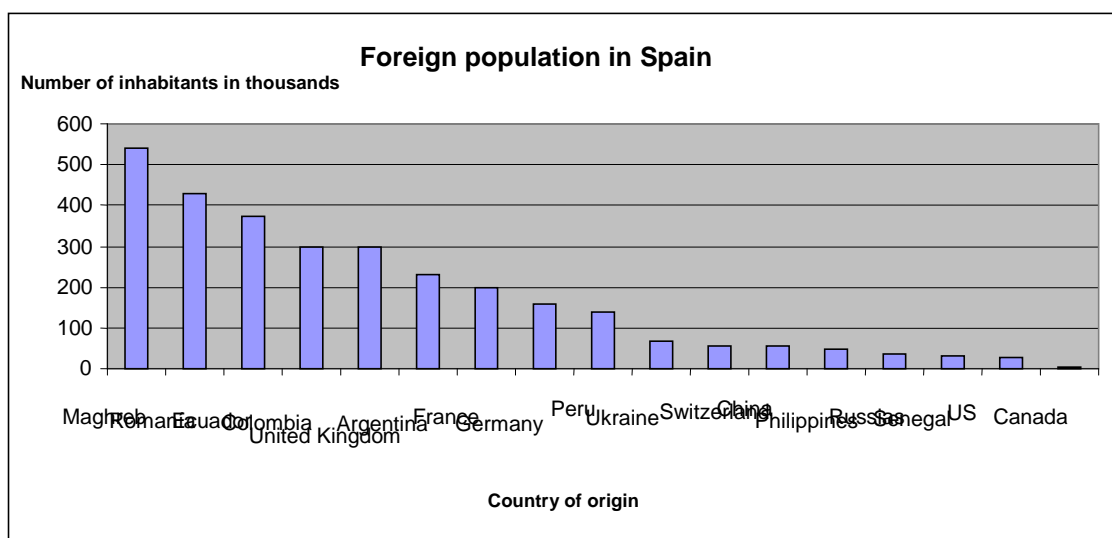
Source: Own creation based on the National Survey of Immigrants 2007.

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streets, but who were in a non-legal administrative situation, thus emerged and became visible since their status in Spain was then regularised.

[2] The National Survey of Immigrants was carried out in 2007, by the National Institute of Statistics of Spain.

The increase in the immigrant population in Spain has been one of the most significant challenges the education system has faced. Over the space of very few years Spanish schools have taken in a significant percentage of immigrant students, and this has especially taken place in state schools (CIDE. Centro de Investigación y Documentación Educativa, 2005). Due to the impact of the economic crisis, the growth of immigrant students has been now slowed down (Ministerio de Educación, 2009)

2.   NATIONAL POLICY CONTEXT

The legislation currently in force in the area of immigration is the Organic Law on the rights and freedom of foreigners in Spain and their social integration (LEY ORGÁNICA 4/2000, 2000), which was passed in the year 2000 and revised on various occasions. The last revision has been in 2009 (Real Decreto 1162/2009, 2009) and has entailed decreased access to rights related to work permits, family reunification and border control, amongst other aspects.

The migration which has arrived into Spain has fundamentally been work-related. The needs of the labour market throughout the 2000s decade has required the arrival of immigrant workers, that is, those the labour market required arrived into the country. For that reason the most significant central themes involved in the law on immigration and its subsequent reforms have been oriented towards the regulation of migratory flows (and therefore border control), the management of the labour market and finally the definition of the rights people can access in the host country, such as education.

One of the visa types which entitles people to enter Spain is the residency and work visa (one of the main reasons for entering is work-related). This visa entitles people to entry for a period of three months, during which time they need to register for Social Security. Nevertheless, granting work authorisation for people to be employed, is subordinate to the national situation of employment which is defined by the Servicio Público de Empleo [State Employment Service] and the initial authorisation would remain defined within a specific territory and occupation. On the other hand, employing people directly from the country of origin also occurs, and this is also conditioned by the national employment situation, with a preference for those countries which have signed agreements on the regulation of migratory flows in Spain.

The Legislatory reform with the Royal Decree of 2009 nevertheless authorises certain groups to work, independently of the national employment situation and represents significant progress. Amongst these collectives, reunified relatives in working age, as long as they have been residing in Spain legally for a minimum of a year (article 40), and, on the other hand, victims of gender violence (article 31).

The new Royal Decree also reinforces the fight against organised networks and provides more rights to victims of trafficking if they report the perpetrators of that crime (article 59)

Family reunification has undergone a significant restriction process. Within the general framework of human rights which covers the right to privacy and to live within a family this has been restricted through a change in the definition of a "reunifiable" family. When the person has resided in the country for a year, has renewed the initial permit for a further year, and has demonstrated that he or she has enough financial resources as well as adequate housing, then he or she can apply for reunification (article 18). Spouses can be reunified, or underage children, or progenitors who are over the age of 65. On the other hand, the state can also ask for measures for integration (article 17).

On the other hand, a significant concern which is shared with the rest of the European countries, is the control and management of the undocumented population. This aspect is of great significance and involves a certain particularity in the case of Spain. This is because Spain is the only country which considers the possibility of including the undocumented population into municipal records, and thereby provide access to minimal services such as education or health services, amongst others. This is part of a debate being held currently in Spain. The law on immigration and legislation on the basis of the local system, not only advises of the immigration population's right to register for the Census, but also the duty to register every person residing in the area. This allows knowledge to be obtained, and thus promotes the correct management of services for the population. However, a debate arises (framed within the context of the financial crisis) in relation to limitations in access to rights (article 6).

In relation to education, the Organic Law on the rights and liberties of foreign people in Spain states that foreign students have the same rights and duties as Spanish students. Article 9 establishes the right to free and compulsory education for those under 16 in basic education, and for those under 18 in post-compulsory education *(LEY ORGÁNICA 4/2000, 2000)*. This right includes equal conditions for all residents in Spain, being able to obtain an academic qualification and access to the state system of grants and financial aid. Therefore, educational administrations have to advise the parents of these students in relation to their rights and duties as children incorporated into the Spanish educational system.

It is also establised that foreign residents who have minors of school age under their care in Spain, have to provide proof of the said schooling, through a report issued by the competent autonomic authorities, in their applications for the renewal of their authorisation or in their application for long-term residency (Real Decreto 1162/2009, 2009)(Real Decreto 1162/2009, 2009)(Real Decreto 1162/2009, 2009).

In addition to the law, the Spanish Government has created different plans of action in relation to foreing people, based on the rights recognised in the Constitution, and the new social policies which have been created at a European level to cover their needs. The most general one which has been applied throughout the country, is the Strategic Plan for Citizenship and Integration *2007-2010 (Ministerio de Trabajo e Inmigración, 2007)*, which aims to establish political measures for integration, and to tackle all of the formalities derived from the framework for immigration.

This is used as a tool for the adaptation both of immigrants and also autochthonous people, and in order to set out a basis with the aim of promoting economic, social, cultural and institutional comprehensive development. This mutual adaptation is processed through consensus, dialogue and participation, both in terms of the formulation of objectives, strategies and policies, and in terms of their development and evaluation. The Plan involves measures for intervention in 12 different areas of action (Reception, Education, Housing, Social Services, Health, Childhood and Young people, Equal treatment, Women, Participation, Raising Awareness and Co-Development).

In the area of Education the objective is to obtain educational quality for all students, with no differences based on origin or situation, to facilitate access to post-compulsory education, and to provide accreditation for the academic studies carried out in people's country of origin. Another objective is to transform the school into a space involving tolerance, respect and communication for all of the students, in their general environment also.

Finally, from the Spanish government we should underline that the law which regulates Education in Spain (Ley Orgánica 2/2006, 04/05/2006) establishes the attention to diversity as a basic principle of the educational system to provide a response to a need that includes all educational

stages and all pupils. Foreign people have to be provided with education to promote and improve their social integration, the responsibility for which can be found within the Public Administration for each Autonomous Community.

The role of Autonomous Communities

Despite the fact that it is the Government which is responsible for creating these policies, the Autonomous Communities have also a relevant role on developing policies and implementing the measures to be applied. In accordance with to the national recommendations, each Community has created Plans to manage the needs of the immigrant population in each region in a more specific way, including measures in the education field.

For instance, in Andalusia was created the Integral Plan for Immigration in Andalusia (Junta de Andalucía, 2010) which have objectives in the area of Education such as educational reinforcement involving advice and guidance; reception programmes; access to educational stages such as post-secondary or pre-primary; professional training; facilitating schooling at any time throughout the school year for those students who have just arrived in the country; promoting the adaptation of educational care to the characteristics and needs of those students; support programmes to help immigrant students learn the Spanish language; and also maintaining and valuing the immigrant student's culture. In the Basque Country, the government has created the 1st and the 2nd Basque Immigration Plan (Viceconsejería de Asuntos Sociales y Dirección de Inmigración. Gobierno Vasco, 2003); (Departamento de Vivienda y Asuntos Sociales. Gobierno Vasco, 2007), in order to ensure that the rights of immigrants, which are recognised in the Constitution, are honoured. In the area of Education, educational measures are being considered, such as for example, placing the opportunity to learn both the Basque and Spanish languages within the reach of all immigrant students, and allowing families to participate in this also, as well as in all the issues which are generally connected to the education of their children, through the mediation provided by school representatives. In Catalonia, we should underline the Plan for Citizenship and Immigration *2005–2008 (Departament d'Acció Social i Ciutadania. Generalitat de Catalunya)* and the National Immigration Pact *(Departament d'Acció Social i Ciutadania. Generalitat de Catalunya, 2010)*. The latter involved a consensus being reached between the Government, parliamentarian groups, institutions, the social and economic agents signing the consensus, and the Table on citizenship and immigration.

In short, the measures adopted by the majority of the Autonomous Communities, and actions developed in schools to attend to the educational needs of immigrant students are specifically set out as shown below, according to a study carried out by the Research and Educational Documentation Centre for the Ministry of Education in 2005(CIDE. Centro de Investigación y Documentación Educativa, 2005) :

- Reception programmes.
- Compensatory education programmes.
- Intercultural mediators and interpreters for families and students
- Curricular adaptation programmes.
- Teacher training.
- Human resources and Resource Centres.

With regards to teaching the first language of immigrant students, Spain has not introduced measures to promote and recommend that schools include the origin languages of the immigrant populations in their school into their foreign language provision (Red Eurydice, 2009). There are only some measures such as bilateral agreements with Morocco and Portugal, which involve employing teachers to teach the language, and, in some cases, teaching the language within

school hours. In the majority of cases, this teaching is not provided, or is carried out by social entities, or depends on the willingness of each school to do so, and opportunities available there.

In some Autonomous Communities with a significant number of immigrant students, specific classrooms have been created for students who have recently arrived from other countries (these are called "reception classes" or "liaison classes"). In the majority of cases, these classrooms are housed within the school itself. In other cases, specific external classes for immigrant students have been created, which these students are incorporated into. This, for example, is the case in a pilot project entitled "Spaces for Welcoming Students" in Catalonia.

Some of these initiatives are due to the racist prejudice which associates a greater proportion of immigrants with an increase in school failure in the school. This prejudice has been strengthened in much of the literature which is dominant in Spain (De Botton, Flecha, & Puigvert Mallart, 2009). Despite it, research is also currently being carried out, which explores successful actions in relation to the grouping of students (CREA, Centre of Research in Theories and Practices that Overcome Inequalities. University of Barcelona, 2009-2011) and to the attention paid to immigrant students ((Universitat Rovira i Virgili, 2009-2011)). It is important to state, likewise, that initiatives involving the segregation of students have received criticism from immigrant organisations, from organisations promoting human rights, and bodies such as the Ombudsman (El Periódico, 2010).

3. MIGRANT GIRLS AND EDUCATION.

In Spain, there are no regulations that deal specifically with the education of immigrant youth and girls. This group is not differentiated within the Educative Law. In some cases, Plans and measures for the integration of immigrants include the perspective of gender and the perspective of youth. For instance, the mentioned Plan for the immigration in Andalusia (Junta de Andalucía, 2010) includes cross-dimension of youth with measures related to young migrants in each area of action.

However, migrant youth, and more specifically girls, obviously face particular difficulties to their access and success in education. According to a study of the Institute of Youth (Parella, 2008) in the academic year 2006/2007 a 8,5% of the non-university students in Spain were foreigners, but in higher education the rate was only a 1,9%. The economy for covering family needs is the most mentioned cause for not following the studies in the case of youth with foreign nationality (36,8%) or recently acquired nationality (30%), in front of the 11,3% in the cases of spanish-born youth. Women are more represented in this profile. Parella (2008) also underlines other factors like the influence of the migratory project of parents and their expectations about the education of their children; the problems arisen from the periods of separation and regrouping, as well as the stigma of immigrant population in the society. Other researches in Spain have also noted the difficulties that young migrant students face in the adaptation to the curriculum, stereotypes that they suffer, low expectations that they receive, and practices that difficult their continuity in the educative system (Labrador & Blanco, 2007).

Despite the evidences widely provided by the international scientific literature ((Braddock & Slavin, 1992; Hanushek & Wößmann, 2006; Zimmer, 2003)(INCLUD-ED Consortium, 2009) on the negative effects of segregation in schools instead of promoting inclusive groups and mixed ability groupings, a high number of secondary education centres in Spain develop practices of streaming or ability grouping[34]. As it has been demonstrated, when these programmes do exist, the lower

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[3] Various terms have been used to refer to practices involving grouping students within schools according to their abilities, like *Curriculum differentiation*, *ability grouping*, *setting*. *Streaming* is one of the most commonly used terms worldwide, and it is defined by the European Commission as the practice of "tailoring the curriculum to different groups of children based on ability within one school" (European Commission, 2006)

achievement groups are more likely to be disproportionally filled in with students from cultural and ethnic minorities and students from low socioeconomic backgrounds (INCLUD-ED Consortium, 2009). In these groups, the positive effects of peer interaction in education are diminished, and the distance between top and lower streams increases, contributing to reproduce inequality (Ireson, Hallam, & Hurley, 2005). Despite the lack of quantitative data, young migrant girls in secondary education have higher possibilities to be in groups with low expectations attached to the students, weak challenging activities and fewer future opportunities.

The intersection of gender and ethnic stereotypes produces different images and educative exclusions depending on the cultural group of the student girls. For instance, there are very different stereotyped discourses about latin America women and muslim women (Pérez Grande, 2008), which influence the educative practices, interactions in the classroom, dialogue with families, etc. From some years ago, different controversies related to the use of hijab in secondary schools have been in the front page of national newslaters (Álvarez & Cembrero, 2010). Some centres have forbidden students to go into the school wearing the hijab. The government or public administrations have not supported these rules, but doubt on the possibility of creating this kind of regulations. Meanwhile, the sexist and racist prejudices which are in the base of these proposals (De Botton, Puigvert, & Taleb, 2004) are agitated.

On the other hand, other centres are developing succesful practices that seek to promote success on education for all, and specifically also for young migrant students (Santa Cruz & Serradell, 2008). Among these succesful actions, that have been explored within the INCLUD-ED Project, we can underline the participation and coopration of families in the schools. For instance, in some schools there is a preventive work of gender based violence with the participation of all women, which means to include grand mothers, mothers, sisters, friends, from different cultural and academic backgrounds (Oliver, Soler, & Flecha, 2009).

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[4] There are sistematic data on the practices of streaming in the educative centres, due in part to the existing confusion of terms and practices that respond to this definition. CREA is developing a RTD national research project which will provide quantitative data on this issue.

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