WP2
THE NATIONAL POLICY FRAME FOR
THE INTEGRATION OF NEWCOMERS
IN SPAIN

by Olga Jubany and Berta Güell
in collaboration with
Róisín Davis and Núria Mutilva

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# Table of Contents

## I  EVOLUTION OF THE MIGRATION AND INTEGRATION NEXUS

I.1  MIGRATION-INTEGRATION NEXUS

I.2  BASIC INTEGRATION CONCEPTS

I.3  CHANGING FORCES AND TURNING POINTS

## II  ADMISSION-RELATED INTEGRATION PROVISIONS SINCE 2000

II.1  GENERAL APPROACH OF ADMISSION-RELATED INTEGRATION PROVISIONS

   II.1.1  Formulation and purpose of post-arrival (subsidiary) admission provisions

II.2  THE INSTALLATION OF ADMISSION-RELATED INTEGRATION PROGRAMMES AT THE NATIONAL LEVEL

   II.2.1  Background

   II.2.2  Programmes

## III  NATIONAL DISCOURSES ON THE MIGRATION-INTEGRATION NEXUS SINCE 2000

III.1  POLITICAL DISCOURSE (PARLIAMENTARY DEBATES ON DOMESTIC POLICY CHANGE)

III.2  PUBLIC MEDIA DISCOURSE (2 NATIONAL NEWSPAPERS IN TIME OF POLICY CHANGE)

## IV  THE EFFECTS OF EUROPEAN INTEGRATION ON THE MIGRATION-INTEGRATION NEXUS

IV.1  BASIC POLICY CONCEPTS

IV.2  LEGAL MEASURES

IV.3  SOFT MEASURES

REFERENCES
I Evolution of the Migration and Integration Nexus

I.1 Migration-Integration Nexus

The nexus between migration and integration may be understood in different ways, but primarily by distinguishing between policy, legal and administrative levels, all of which are interlinked. Depending on which we examine, the nexus may be viewed as stronger or softer and the rationale behind each understanding may respond to different backgrounds, actors or frames.

According to Pajares, the link at the policy level may be deciphered in two ways. Broadly speaking, the first (dominant in the case of Spain) posits integration as a provision of rights and access to various types of services including health, education, and housing within the welfare state framework. Here, local authorities and social agents of civil society have been those in charge of detecting the need for development of integration plans within the immigration policies and have put pressure on the regional and national governments to receive funding. It was not until 2005 that the "Funds for Integration" and further national integration programs were created, providing resources to the local and regional governments. We can see however that in parliamentary debates, some politicians and political forces (such as Campuzano i Canadés from the Catalan conservative party Convergència i Unió) still present interventions requesting increased funding to design and manage further integration plans at regional and local levels (see PD13 in Annex).

The second link may be understood as more strictly associated to admission related integration policies, thus more specific as it is more related to admission rather than to immigration in general. This perspective highlights the cultural sphere of integration, spearheaded by several key politicians (e.g. Mariano Rajoy, Sánchez Camacho or Hernando Fraile) within right-wing and conservative political parties (e.g. People's Party or the Canarias Coalition). These are interested in the adoption of the national language and culture and are more in accordance with the idea of integration as a contract and as a mechanism of control and selection of ‘good’ migrants, present in other EU Member States.

Both understandings seem to stand in contradiction: whilst the first advocates promotion of rights for improved integration, the second implies that integration is first necessary in order to obtain rights. Both have their own perspectives, actors, discourses and rationales and have found expression within different laws and policies. From an analytical frame focused on the actors, we see that the political colour of each administration has been relevant in the policymaking and legislation processes, as well as changes in the distribution of the competences between levels of governance.

We may characterise the model of immigration policies in Spain as dual (López de Lera, 2008), with the central administration responsible for the control of borders and the entry of migrants, and the regional and local authorities for the ‘integration’ of immigrants. However, cooperation between administrations often appears problematic, revealing the link between admission and integration as poorly articulated at the institutional level. For Zapata, “there is a lack of a structural and institutional body (or commission) which regulates the gaps between them”.

The national government has not been especially focused on fostering this link. The Socialist Party’s (PSOE) immigration policy has been oriented towards the integration of migrants within the labour market, reinforcing the socio-economic dimension of
integration. Less importance has been placed on the cultural dimension. In parliamentary debate and the media, few opposition politicians have highlighted the wish for an ‘integration contract’ similar to that of France trying to establish the link between admission and integration more explicitly. However, this has not been supported by any of the other political parties or associations related to issues of immigration.

Since 2004, local authorities have been responsible for the provision of two documents for regularisation: the certificate of ‘social rooting’ (arraigo social) in order to obtain a permit of residence, and the ‘housing report’ for family reunification. The latter assesses housing conditions in accordance with the number of family members, the number of rooms, type of contract and living standards. Considering that the arraigo social and family reunification are the two primary means for entry and stay in the country, local governments are given a great deal of power in deciding upon criteria for admission. In this sense, the nexus between integration and admission is clearer.

At the legal level, we find much consensus amongst experts that the link in Spain is still inexistent or very soft, as the transposition of the Directives of family reunification and of long term residence has not included obligatory requirements of integration for entry or stay in the country. However, new clauses within the last immigration law (LOEX 2/2009) mention integration as a positive aspect or an added value when renewing residence permits or reuniting a family member. The civil code has also been modified in regards to nationality including integration elements related to “good behaviour”. According to an immigration lawyer interviewee, whilst “good behaviour” has been used to refer to the absence of criminal records and was not given much importance, this clause has now been rephrased to stipulate that integration must be somehow demonstrable. The lack of a specific definition of being “integrated” is problematic, as this leaves much margin for discretion on the part of civil servants and implementers in each municipality and/or region. In this sense, the media have reported that some judges are already applying this clause in a non-proportional way by posing questions that many Spanish people themselves would not be able to answer, a view supported in an interview with a Chinese immigrant working within Barcelona City Hall’s introduction courses program.

The arraigo social appears to be a distinctive characteristic of the Spanish legal framework, as it provides a means for regularisation unique to Spain and as it expresses quite clearly the relationship between admission and integration. In addition to the holding of a one-year work contract, a certain level of language proficiency is required,

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1 LOEX is the acronym for Ley Orgánica de Extranjería
2 RD 2393/2004, article 72: “Requirements of social integration can be asked to renew a residence permit”. However, it is not clear which requirements are and into what extent they are necessary. This has also been included in the new immigration law (LOEX 2/2009).
3 Within the article 2 of the LOEX 2/2009, there is a new clause in the lines of “the regional government will be able to introduce programmes of integration when willing to reunite members of the family”.
4 “Disposición Adicional Quinta” of the LOEX 2/2009 is refers to a change of the article 22 of the Civil Code: “a well civic behaviour and a high degree of integration in the Spanish society will be required through the provision of a certificate”.
5 She revealed that whilst she wanted to achieve the nationality she was asked to know about the Spanish history and culture in a very in-depth interview and had to bring two friends of her who testified her “well behaviour”. This was in 2010 and two years before his brother had made the same process, but he was only questioned about it briefly. This could be an indicator of how harder achieving the nationality has recently become.
along with proof of membership of any associations, networks or organisations showing an individual to be socially established in their locality.\(^6\)

A significant change in the last immigration law (LOEX 2/2009) is that of increased provision/transferral of many competences to regional governments (\textit{comunidades autónomas}) in most regularisation proceedings. Whilst the implementation of this law (the \textit{reglamento}, stipulating how the law must be applied in practice) is still underway, an interviewee working as an immigration lawyer in Valencia has already had access to it and asserts that “90\% of the proceedings of regularisation will be managed by the regional governments giving almost complete power to the local authorities”.

Catalonia and the \textit{Comunitat Valenciana} are said to be the leading regions in developing this law and regulation and in including elements of integration in immigration laws, policies and debates. This can be seen in new laws that have been recently approved by the respective governments: the “\textit{Llei d’Acollida}\(^7\)” (2010) in Catalonia and the “\textit{Ley de Integración}” 15/2008 in Comunitat Valenciana. Both put much emphasis on the learning of Catalan (in Catalonia) and Valencian and Spanish (in \textit{Comunitat Valenciana}) and on awareness of Catalan and/or Spanish culture. However, the first has been elaborated by the Catalan Republican Party, the pro-independence party for Catalonia, as it has the competence for immigration in the regional government. The second, in contrast, has been made on the part of the People’s Party and makes more references to Spanish culture and nationalism.

Interviewees have displayed a range of perspectives concerning the strength of the linkage. Whilst for Zapata, there are no legal requirements of integration to enter the country, an expert in immigration law views the linkage as increasingly strong as the result of the influences of other EU countries’ policies, already observable in many new clauses adopted in the immigration law and in the civil code as well as in the \textit{Llei d’Acollida} in Catalonia. On the other hand, Pajares believes that although new clauses have been introduced, these have not yet been adequately defined and do not form a core question within national debate. The most explicit link between admission and integration is, according to him, within the \textit{arraigo social}.

### I.2 Basic integration concepts

Herrera points out that analysis of immigration is usually made from the ‘common sense’ perspective and rarely from the sociological perspective. This ‘common sense’ which is also applied to the concept of integration is much influenced by political and media debate and associated as a ‘social problem’ with political and ideological connotations. However, the analysis of immigration cannot be made without a sociological conceptualisation of the phenomenon. Basteiner and Dassetto understand the concept of integration as a ‘collective action’ including the ‘old nationals’ and the ‘newcomers’, both negotiating their presence in public space. In this sense, immigration must be framed within the analysis of the host society bearing in mind that these are ‘in the search for new principles of integration’ within complex dynamics (Herrera, 1994).

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\(^6\) Further details will be provided in section II

\(^7\) ‘Acollida’ (in Catalan) or ‘acogida’ (in Spanish) refers to the term of ‘introduction’ or ‘first welcome’ once the immigrants have arrived in the host society. The \textit{Llei d’Acollida} is a law that regulates the services, rights and duties of migrants and of the society.
According to him, more emphasis should be placed on the interaction between immigrants and autochthons and between immigration and host societies.

Oriol states that the term ‘integrated’ has two important connotations. The first refers to those groups who do not pose problems for the autochthons, as they appear invisible. This view is focused on the learning of national languages and cultures and is closer to the concept of assimilation. The second refers to the formal equality of foreigners in relation to nationals in terms of acquisition of full rights, equal access to goods and services and promotion of participation in public issues, which is closer to the concept of citizenship (Pajares, 2004).

These two connotations have been emphasised differently, according to the rationale behind the immigration policies designed by each political force. According to Zapata, during the conservative People’s Party term, integration was defined in terms of language and culture, above all, after the ‘El Ejido’ conflict in southern Spain*. In this sense, Latin American communities were seen as easier to integrate (compared with Moroccan or the Sub-Saharan African), as there is a common historical background and they seem to fit within the concept of ‘spanishness’ (hispanidad). In subsequent and current terms, the Socialist Party (PSOE) has defined integration more in terms of labour market and socio-economic issues. This can be observed in many of the interventions that Ministers and politicians from this party have made in Parliament during the last decade (e.g. see PD9, PD10 in Annex).

For Pajares, however, the overall public discourse in the media has focused more on civic rather than socio-economic integration. “Whilst there was economic growth, it was clear that there was no one to fill the jobs, and discourse began to emphasise ideas that there was more delinquency, that migrants were threatening the collapse of public services (health and educational system), taking benefits for their children and degrading the appearance of their neighbourhoods... Now with the crisis, more emphasis again has been put on struggles for employment, whilst the other ideas are still very present”.

He also maintains that the increasing introduction of integration measures within migration policies go hand-in-hand with the concept of ‘good’ and ‘bad’ migrants, with some ethnic groups are considered better than others. Those with a more ‘unusual’, culture such as Arabic, Muslim and Romanian Roma are most affect, as it is believed that they will not be as able to integrate in the host society.

There is also a need for better articulation of the concept of integration assuming that the migration phenomenon in Spain is already structural and this affects all spheres of society. Immigration policies cannot be designed anymore according to the principle of temporality, what must be recognised, as experts argue, is that people come to stay (Pajares, 2004).

Despite discourse that integration should be a bidirectional process with the involvement of the host society, public administrations often adopt policies in praxis that are rather unidirectional: the message thus that the efforts must be only made by immigrants themselves.

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*The lack of integration policies until mid 90’s has resulted in the emergence of racist attitudes and open conflicts with autochthonous people, such as the one emerged in ‘El Ejido’ in 2000 in which tens of shops and offices were destroyed, many housings were burned and two mosques were looted in three days of disturbances. Between 1.500 and 3.000 people were moved from their houses for many days and more than 500 complaints were gathered by the Red Cross.
For Zapata, language and religion are still important criterions when designing migration and integration policies in Spain. However, we may see how at the EU level many EU immigration policies have focused on the level of education and therefore on facilitating the entry of high-skilled migrants, with initiatives such as the introduction of the 'EU Blue Card'. In this sense, obstacles to entry and stay in the country are generally higher for low-skilled migrants, third country nationals and the poor.

I.3 Changing forces and turning points

From the 1960s onwards, the increasing demands by social organisations and associations to introduce integration measures to facilitate the integration of migrants may be identified as the events triggering the development of the migration and integration relationship. However, the causes and timing of this linkage are very different from those affecting that in regard to the cultural dimension. Many experts consider the terrorist attacks in 11-S and 11-M to have sparked a debate on the risks of immigration and the idea of migrants as a ‘problem’. The bigger the fear against immigrants, the more restrictive admission policies become.

On the other hand, Zapata believes that the conflict of racism in ‘el Ejido’ in 2000 made the government change their immigration policy focusing more on the Latin American and other Christian communities (such as the Polish, reinforcing the idea of a common religion) with the premise of these being more able to integrate.

The increase of migration flows from 2004 onwards and the influence of other European policies in this field in Spain may also have had an impact in linking admission and integration, according to different experts. However, as the link in Spain is not deemed particularly strong, it is difficult to identify a specific event with a relevant influence. Considering ‘softer measures’, Spain may have been able to learn more from the experiences of other EU countries, according to a lawyer specialised in the European Directives, within the EU Council in which the ministers of immigration regularly meet and share opinions and practices\(^9\).

\(^9\) Further details of the influence of the EU will be provided in section IV.
II Admission-related Integration Provisions since 2000

II.1 General approach of Admission-related Integration Provisions

II.1.1 Formulation and purpose of post-arrival (subsidiary) admission provisions

Pre-entry admission policies have not been installed or debated in Spain and only some post-arrival admission provisions have been incorporated, although none are required as obligatory to remain in the country.

As stated, new clauses related to integration have recently been written into law, such as we may find in the civil code for Spanish nationality, or in the immigration law for the renewal of residence permits or family reunification. These clauses, however, appear rather vague and do not seem to be applied in every legal proceeding, as they are not given the same importance and are interpreted in varying manners depending on the individual.

For this reason, the social rooting may be the only provision for which the admission-integration nexus appears clear, despite the fact that the rationale behind its establishment in 2004 was not in terms of restricting the admission by including measures of integration, but to regularise large numbers of migrants who had been illegal in the country for long periods of time.

To obtain the social rooting, the following conditions are required: having lived continuously at least three years in Spain, a lack of criminal record, a work contract of at least one year signed by the migrant themselves as well as their employer or a proof of having adequate economic resources (medios de vida suficientes) and a certificate of social rooting provided by the local government. To obtain this certificate, the ‘rooting officer’ (técnico de arraigo) makes an interview to test the level of language as well as the extent to which the person participates in social networks and in society. In this interview, no certificates of language are required if the person is able to communicate well in any of the national languages (in the case of Catalonia, Catalan or Spanish). If the rooting officer decides that this is not the case, they recommend that the individual attend a course, with another later interview to assess if the person has improved their language proficiency.

An immigration lawyer interviewed for this WP points out the problem as that of each local government having to decide the importance of language in obtaining the certificate. Whilst some see this as less imperative, others request certificates and in the case of Catalonia, emphasise knowledge of Catalan as essential. This is true of some inland cities and towns such as Vic, where strong feelings of nationalism and/or pro-independence exist, and where the administration is dominated by nationalist parties. Although this is very difficult to prove empirically, as there are no data that confirm these practices, lawyers working in the field have remarked upon this tendency.

10 Pajares stated in the interview: “To whom are they asking this kind of questions? To the poor people, those who are not welcome”.

11 Regulation (reglamento) RD2392/2004 under the ruling of the Socialist Party
Therefore, it may be said that in a more indirect way, certificates of language and civic courses\textsuperscript{12} are sometimes required when it comes to the implementation of the law.

It may be said that the same occurs with the housing certificate for family reunification. Each local government must determine the specific conditions of the certificate and this affects there being more facilities or obstacles in the reunification of a family member.

Further opinions on the social rooting have been expressed by different experts. According to Pajares,

\begin{quote}
“the fact that after 3 years of living in the country a migrant can apply for the rooting to get the regularisation appears to be a quite permissive law. Considering that he/she is asked to prove his/her rooting in the host society, it seems reasonable that a certain level of language (Catalan or Spanish) is required”.
\end{quote}

On the one hand, the interviewee affirms that language as a requirement to apply for the social rooting is understandable. However, on the other hand, he states that it should not be compulsory.

\begin{quote}
“Someone could be ‘rooted’ if he/she has no problems at communicating with people, at work, pays the rent and brings their children to school. If Catalan is not required for anyone to live in Catalonia, why should be so for migrants?”
\end{quote}

Whilst the interviewee clearly sees that language can be required for access to work, he appears sceptical about it being a condition for entry or stay in the country. If not speaking the language had a direct impact on Catalan people, we could see it as reasonable that they ask for it in access to residence, but according to him, there is no way in which this could affect the right of Catalan people to use their own language in all circumstances.

This is not necessarily in contradiction to the fact that these courses may assist migrants in achieving equal rights and opportunities, as well as in providing tools for autonomy. The rationale behind these types of measures is dual as it responds to the two understandings of integration mentioned above. Whilst these courses may enable improved integration of migrants (e.g. by facilitating access to the labour market), they can also be used to restrict their entry if they become compulsory. The debate lies therefore on the potential use that local governments make of these courses.

With the \textit{Llei d’Acollida}, this situation is likely to change, as regional governments will adopt the competence of providing these certificates. According to a Valencian immigration lawyer, this may be more egalitarian, with less room for discretion from each municipality. However, depending on the political colour of each region, it will become easier or more difficult to obtain regularisation and in any case, the State will not be able to intervene. As the regulation of this law is still underway and has not been effected, it is difficult to know how it will be implemented, but it is important to stress that it may be an important turning point in the admission related integration policy nexus in Spain and in Catalonia.

The social rooting is an individual regularisation that could fit within the various government extraordinary regularisation programmes, as it is formulated as a way for regularisation in “extraordinary suppositions” (supuestos extraordinarios). According to

\textsuperscript{12} In Catalonia, the language and civic courses are the same one, as the main knowledge about the social and political issues of the country (and the region and the city) is included in the topics addressed in the language courses.
an IMISCOE working paper\textsuperscript{13}, the Spanish government has given different reasons for these kinds of programmes. As it has been stated above, these programmes were to reduce the stocks of irregular migrants and to decrease the underground economy and benefit the migrant (by improving their working and living conditions) and Spanish society (through more taxes and social security contributions). On the other hand, regularisations could be considered as the product of bottom-up pressures from migrants and their supporters including NGOs, trade unions and other social activists that have compelled governments to enforce such regularisations by, for example, exerting political pressure in Parliament or by signing petitions or organising demonstrations.

Application conditions for the social rooting seem to affect more the newcomers than the long-stayers, although some migrants applying have lived in the country for more than 5 years. The formal target of this policy is mainly family migration, as stated in the \textit{Llei d’Acollida}.

\section*{II.2 The Installation of Admission-related Integration Programmes at the National Level}

\subsection*{II.2.1 Background}

The national government has undertaken some programs and plans related to issues of integration and to the provision of a common background for introduction mechanisms (\textit{acogida}) for newcomers. In order to see the evolution, we present an outline of the integration policies and programs linked to the migration policies as a useful background to bear in mind.

- 1985: First immigration law (LOEX) \textarrow{\rightarrow} no mention of integration measures. Immigration seen as temporary with no mention of the right to family reunification.
- 1994: Plan for the Social Integration of Immigrants \textarrow{\rightarrow} as the first, it can be hardly considered as influential, but it was still an important benchmark within the country’s integration policy.
- 2001: Forum for the Social Integration of Immigrants \textarrow{\rightarrow} government consulting body on immigration and integration policies which comprises representatives of the public sector and social organisations including immigrant associations
- 2001: Permanent Observatory of Immigration \textarrow{\rightarrow} developed as a tool to suggest policies and monitor immigration and integration issues
- 2001: Global Programme of Regulation and Coordination of Immigration (GRECO) \textarrow{\rightarrow} was not provided with sufficient funding and is said to be poor in content. This was primarily aligned with the restrictive policy reflected in the LOEX of 2000 approved by the People’s Party and strongly emphasised return, related to the concept of migration as a temporary phenomenon.
- 2004: Creation of the Secretary of State of Immigration and Emigration
- 2005: Creation of the DG of Integration of Immigrants
- 2006: Strategic Plan of Citizenship and Immigration (PECI) \textarrow{\rightarrow} the main goal here was to promote equality between immigrants and the shot society. For the first time, these

\textsuperscript{13} IMISCOE Working Paper No. 21 “Immigration and Integration Policymaking in Spain”, April 2008
national guidelines were backed by the financial commitment of an allocated budget (2,005 million euros were set for the period 2007-2010). The funding was to be proportionately distributed amongst regions according to their immigrant population percentages as well as among the municipalities, for the first time thus recognising the important role of local authorities. In addition, the national integration budget sanctioned those regional policies that complied with national guidelines, although autonomous communities could still form their own integration policy. PECI stands out for having a relatively pro-participation nature. PECI was drafted by independently operating specialists who had also considered recommendations produced by several expert seminars. And although discussions with regional and local levels did not take place during its drafting, the plan was also subject to widespread consultation and commentary (IMISCOE working paper, 2008).

The main national policies for integration (GRECO and PECI) institutionalised the distribution of tasks between the different levels of administrations, but this had consequences on their coordination due to the heterogeneity of policies and processes of each, as mentioned in the first section.

II.2.2 Programmes

In regard to post-arrival programmes, we must refer to language courses which include knowledge on the culture, history and legal framework of each municipality, the region and of the State. These are designed by each local government and there are no common programs established from the national authorities. With the new Llei d’Acollida, common guidelines will be established in order that introduction courses have the same content everywhere in Catalonia.

Currently, these courses are not compulsory for stay in the country or for regularisation. Thus currently they are not fully equated to measures of admission in a strict sense, as pointed out above.

The basic courses are free and no exams or further forms of evaluation are undertaken. In the case of Barcelona, 80% of attendance is required to obtain a certificate and the implementers of these courses are NGOs, associations providing support to immigrants and schools for adults as well as the Consortium for Linguistic Normalisation\textsuperscript{14} which is the only public institution offering them. Whilst the latter only offers courses of Catalan, the associations offer Catalan and Spanish (in Barcelona, 24), only Catalan (in Barcelona, 3) or only Spanish (in Barcelona, 8). The duration of each course (e.g. B1, B2, B3) varies, according to each institution and organisation. Whereas the Consortium has courses of between 40 and 45 hours, others oscillate between 70 and 80. The funding for all comes from the regional administration.

The Llei d’Acollida institutionalises the guidelines of the first welcome services (serveis de primera acollida) that newcomers must take and increases the number of hours as states:

- 135 hours of Catalan
- 20 hours of training on the Catalan society and legal framework

\textsuperscript{14}In Catalan, “Consorci per la Normalització Lingüística"
10 hours of training on employment

After having conducted these trainings, the regional government will provide a new ‘certificate of integration’ different from the certificates now existing (one for each course). The benefits of having the certificate of integration can be seen in having more facilities to renew a residence permit, to achieve the nationality or to obtain the certificate of social rooting for the temporary residence permit, as well as to enter the labour market\(^\text{15}\).

III National Discourses on the Migration-Integration Nexus since 2000

III.1 Political discourse (parliamentary debates on domestic policy change)

There has been a gradual increase in parliamentary debate on immigration in recent legislatures, as has been observed in the growing number of interventions on this subject in Congress, occurring in parallel with the expansion of immigration in Spain\(^\text{16}\). This section discusses how the debate has unfolded, from the principal political parties’ speeches, through to conceptual analysis, the principal actors and their main arguments, the vision of how immigration and immigrant integration should be managed, as well as a look at the alternative positions that have emerged.

The analysis of inter-legislative discourse within National Parliament presents two dimensions. First, we find a lack of specific debate on immigration and integration policies within parliamentary debate. Second, we may identify increasing aspects of control realised at the governmental level, especially those questions with written responses that seek an accountability of government activity rather than a real exercise of political persuasion.

In general, political parties have opted for superficial debate centred on somewhat indeterminate concepts and attitudes towards general policy, conditioned by the influence of mass media. Extensive media coverage of events such that which occurred in the town of Totana\(^\text{17}\) or the enclosure of hundreds of foreigners in various churches in the province of Barcelona\(^\text{18}\) seem to result in parliamentary debate focusing on specific aspects of integration such as working conditions or access to legal status for those without. Thus, we find debate in which the concept of integration is the goal of all political groups, without any explicit reference towards its definition, or indeed towards scope or those areas which need strengthening. We may see that this axis mainly concerns the socioeconomic situation of migrants. This has two connections linked to

\(^{15}\) This is officially stated in a presentation of the regional government of Catalonia (Generalitat de Catalunya) that made in April 2010 (http://www.slideshare.net/29061979/llei-acollida)

\(^{16}\) For an exhaustive explanation of the evolution of quantitative parliamentary initiatives around immigration, see: SANCHEZ, E. “La politización de la inmigración en España” a “El discurso político en torno a la inmigración en España y en la Unión Europea”.

\(^{17}\) On 4 January 2001, 12 Ecuadorian workers died in a collision between a train and a van in this Murcian town with a significant migrant population.

\(^{18}\) The closing of parochial schools for foreigners in Barcelona was a reaction to protest the approval of the Organic Law on the Rights of Foreigners and Libertat 8 / 2000 which impeded access to regularly.

\(^{19}\) People who are hungry, people without a future, will try to find in Europe, in Almeria, the Canary Islands, Catalonia, its gold, and this is inevitable ”(File No. 173/000162. September 28 1999. Mr. Campuzano i Canada, Catalan Parliamentary Group. Proceedings of Sessions of the Congress of Deputies).
the general policy perception on social and economic groups. One concerns the characterisation of migrants by members of the House, the other, the characterisation of the Spanish welfare state. The first refers to the type of migrant, depicted as a person fleeing from a situation of extreme poverty and/or military conflicts, migrating out of necessity, and upon arrival having to suffer all kinds of exploitation and mistreatment in due to marginalisation. In this way, economic and social aspects appear most prominent, whilst those related to the inclusion of the person beyond access to the labour market become overshadowed. The second aspect refers to the nature of welfare provision in Spain, meaning also for the migrant population, integration is configured as a simple assurance of basic needs: access to healthcare, education and social services.

In the VI legislature (1996-2000) the concept of integration remained closely linked to the labour market as well as issues such as access to public services and to decent living conditions. Following this, (2000-2004) integration seemed to have been more equated with legal/administrative status, in that only those with adequate legal status could be integrated into society. We find the evolution in the connections between migration control and integration to have experienced a significant change in the change of government occurring in 2004. Until this year, el Partido Popular (the People’s Party) had advocated a migration policy focused on the control of migration flows in order to prevent irregularities. For them, this irregular situation maintains a link with an unavoidable move to marginalisation and crime, crystallised in the reform of LODYLE, 2003. This term is also important to constant allusion by the Party to the ‘snowball effect’ and the notion of limited capacity for support for migrants within Spain. During this period, preferred visions of integration surrounded issues of identity. Not forgetting the social and economic conditions of foreigners, much emphasis was placed on migrants’ ability to understand European democratic values as well as having awareness of the laws and the Constitution.

The following legislatures (2004-2008, 2008-present) maintain this duality between regularity and irregularity, although there has been a change concerning irregular migrants. Since 2004, irregularity has been seen as a social problem, the cause of which stemming from the existence of an underground economy. It has been viewed as a problem that should be tackled not by controlling migratory flows but from the possibilities of regularisation. While the PP seems to favour police control of migration

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19 People who are hungry, people without a future, will try to find in Europe, in Almeria, the Canary Islands, Catalonia, its gold, and this is inevitable "(File No. 173/000162. September 28 1999. Mr. Campuzano i Canada, Catalan Parliamentary Group. Proceedings of Sessions of the Congress of Deputies).

20 "Indeed - and this is an issue that concerns me - Immigration has produced an increase of the crime, as evidenced by that in the months of January and February, 89 percent of people who have entered on remand in prison are foreigners "(File No. 180/001161. March 13, 2002. Mr Rajoy Brey, First Deputy Prime Minister and Minister of Interior. PP parliamentary group. Proceedings of Sessions of the Congress of Deputies).


22 Interview: (UB-EX1 (Dr. Ricard Zapata)

23 "I think we should regulate the flow to the absorptive capacity and society has a clear limitation on immigrant integration. And this clear limitation has to be respect for human rights, respect for equality and respect people from discrimination, which are typical of European constitutions. All figures, social or religious, that violate any of these grounds cannot be supported." (Núm. Expediente 154/000008. 23 de junio de 1998. Sr. Jordano i Salinas. Grupo Parlamentario Popular. Actas de Sesiones del Congreso de los Diputados)
flows and deportation for those migrants without sufficient legal status, in promoting regular migration, the PSOE’s view towards irregular migration is as something inherent to the phenomenon as a whole, instead opting for the regularisation of the already-established migrant population, which will regulate for the first time the figure of the settlement, included in the new Regulation for Implementation of LODYLE 8 / 2000. Moreover, the socialist government links integration to the labour market, which is exemplified by the creation of the Ministry of Labour and Immigration. The concept of multiculturalism did not appear until 2009, just as integration requirements relating to the language or understanding the environment was not proposed within parliamentary debate until the adoption of latest LODYLE, 2009.

The characterisation of Spain as a country which has only recently experienced immigration prevents debate allowing distinctions to be made between newcomers and long-stayers or permanent residents. The debate usually focuses on the newly-arrived population, with a tendency to expect that integration requires only regularisation. The two different models of integration which developed within distinct periods of government have been very much conditioned by the economic situation. During the PP terms (1996-2004), they coincided with a period of economic expansion, enabling the vision of identity related to the existence of a formal and informal economy that is capable of absorbing new workers. In contrast, the PSOE governments (2004-present) largely coincided with the economic downturn in which integration is linked to the labour market as foreigners’ economic difficulties expelled a large part of their capacity for wage activity. Both concepts can be viewed in light of admission policy: the first posits that there are cultural and political collectives that will facilitate their entry. The second as relating the Situación Nacional del Empleo to the possibility of entry to Spain, and also constituting the specific definition of a migrant. Both options create a figure of the "integrated" migrant either by common values or their capacity to engage in professional activity, or simply because they have access to the regulated labour market.

By the very composition of the Congress, the main actors became the two main national parties (the Popular Party, the PP and the Spanish Socialist Workers Party, the PSOE); however there are regional parliamentary groups that have views deviating from the major concepts of integration. First, is the paradigmatic case of the Coalición Canaria (Canarian Coalition), which focuses much more on border control policies due to its geographical location. However, they are the only group that has initiated a wide debate on the policies of the host country, a notion that other groups seem to overlook. Secondly, we find non-nationwide parties requesting the implementation of specific programs of integration, especially in terms of language, and those who raise parliamentary questions about more specific government actions. These minority

24 Royal Decree 2392/2004 of 30 December.
25 "I think that guidance should be linked to the labor market. This is not an adjustment at all, it is a legalization of workers" (File No. 172/000056. November 3, 2004. Mr. Caldera Sánchez - Head Minister of Labour and Social Affairs. Socialist Parliamentary Group. Minutes of Meetings Congress of Deputies).
26 "On behalf of the Coalición Canaria I believe we need to urgently implement a great deal to update the Ley de Extranjería, in looking at the elements that appear improvised and lacking reflection on Spain’s international border control. We in the Canary Islands have a dramatic problem, a tremendous problem of border control. Our level of protection is minimal, having spread throughout Africa, the idea that the Canaries is the gateway to the continent, which creates a tremendous problem" (File No. 080/000001. April 25, 2000. Mauricio Rodriguez. Joint Parliamentary Group. (Coalición Canaria) Proceedings of Sessions of the Congress of Deputies).
27 "Our legislation must make it very clear that foreigners must make the effort to share values that allow coexistence and learning of language, because from language social integration is possible, as is awareness
groups include members of the Izquierda Unida-Iniciativa per Catalunya, –Verds and the Nueva Izquierda that link immigration to North-South economic inequalities and support the policies of cooperation and solidarity as one of the key elements of immigration policy.

Although a discursive analysis of the Congreso de los Diputados does not permit much insight into specific aspects of integration, there are certain parliamentary initiatives in which we may find links between admission policy and integration. The debate is predominant from the legal perspective, usually in amendments to the proposals and bills submitted by the parliamentary groups. The largest parliamentary debate in the papers was given to reform of the Civil Code concerning acquisition of nationality (made in 1999 and in 2002), where various political groups advocated a reduction of 5 to 10 years of legal residence for access to citizenship, arguing that period as appropriate for the integration of migrants. In the case where integration and admission seems to be clearer, which is in the regularisation via the ‘social rooting’, there was not an intense debate in the Parliament, as it was included within the ‘Rule of Execution’ (Reglamento de Ejecución) of the LODYLE approved in 2004 by the PSOE. However, a debate around financial support was initiated, in which the PP voiced their opposition to the idea of a figure of permanent regularisation, in that this would contribute to the 'snowball-effect' and to illegal immigration, in reinforcing the idea that in Spain “one could achieve the legal status from the illegal status.

It is important to emphasise the prospect of change in migration policy on the part of the key parliamentary groups. First, there exists conviction of the need to modify the first Ley Orgánica de Extranjería of 1985, including the move from policies of border control towards policies of integration. This consideration is based on evidence of increased migratory flows with Spain as a destination and the desire for permanence of residence. Secondly, there exists a notion of the current context as ripe for the alteration of immigration policy, but requiring consensus and negotiation amongst all parliamentary groups to ensure long-term continuity. Although this was the majority position of all parliamentary groups, the procedures of the various immigration laws have been problematic. The LODYLE 4 / 2000 was substantially amended in the Senate chamber where the Popular Party had an absolute majority, but was rejected in Congress, where the PP governed by simple majority, and was finally adopted by the opposition, with votes against the party of government. Two months later approval, the PP won the general elections with absolute majority and approved the LO 8 / 2000 against the opposition. The two strategies were seen by the opposition as a ploy to remove this consensus.


28 "The granting of nationality or residence should be reduced from 10 years to 5, understanding that comparatively, law in the European Union is closer to five years, considered as sufficient by the doctrine. Five years, again, is enough "(File No. 122/000246. December 14, 1999. Mr. Villarrubia Mediavilla. Socialist Parliamentary Group. Proceedings of Sessions of the Congress of Deputies).

29 “Spain is now a country of immigration and if we have so far limited the control of migratory flows, it seems time to discuss their integration.” (File No. 122/000158. June 16, 1998. Ms. Uria Echevarría., Basque Parliamentary Group. Proceedings of Sessions of the Congress of Deputies).

30 “Today in Spain there is no social fracture in stopping immigration, and it is good for left, the center, for the right and for all. Currently in the Spanish society, there is no failure around immigration policy. I think it a positive factor for this government and for the future, for whichever political affiliation “(File No. 172/000147. 1999.Sr. March 24 Mayor Oreja. Minister of the Interior. PP parliamentary group. Proceedings of Sessions the Congress of Deputies.
From the analysis we can conclude that the relative novelty of the phenomenon of migration has meant that political parties are lacking in specific positions on immigration, but this is governed by perceptions of this phenomenon on the issue, essentially, two different positions. However, both are committed to the establishment of unidirectional integration measures that represent a selective policy. The importance of PANe (non-State political parties) should be noted that, in general, are contributing more specific proposals and requests mainly related to the local impacts of migration.

III.2 Public media discourse (2 national newspapers in time of policy change)

We may say that Spain became a recipient country of migrants with respect to several decades in which we may note differences with a large part of Western European states. Like these, the original idea with respect to the migratory processes related to a sense of timing. For many years, the length of stay related to mere "guest workers", impelling the establishment of policies of integration. The lead-into the implementation of these measures was, and still remains, in the hands of municipalities and autonomous regions, and it was not until the middle of the last decade that the central government began to deliberate effectively over this issue.

We find the media and national level as following a similar path, in which the notion of seasonality, a temporary stay of foreigners dominates the discourse. While appearing to mention the need for integration, immigration is approached from a primarily economic perspective. For this reason, the integration of migrants is also viewed by way of the labour market. Labour market insertion and integration is seen as the path to social integration. As Claudia Pedone and Sandra Gil state, "the connection between access rights and permission to work through all the regulations on migrants shows that the presence of non-EU immigrants is essentially understood as being chained to the labour market." Another area which bears the burden of integration is education. "School thus becomes the main instrument available to the State for the social integration of immigration."

It is worth exploring the conceptualisation of the term "integration" within Spanish mass media. Most often, we find use of the equivalent of "assimilation" alongside the view that the only agents of integration (seen more as a decision than a process) are immigrants themselves. Following this idea, integration is the result of the "will of the immigrant, and that there is work". "This seems to propose a selection implicitly restricted to certain groups and exclusion of those who have difficulties in assimilating. Although not explicitly mentioned, but given their treatment, these groups could be Black migrants from Africa, or those from the Maghreb. A special focus is centred on the Maghrebian, extending to the entire Muslim community, linked implicitly to religion, where Islam is seen as an obstacle to integration.

A clearly ethnocentric attitude can be revealed. Not least in the view of integration as understood as needing to benefit the host society and not migrants. The host society is

31 Interview to a lawyer expert on immigration
32 PEDONE, Claudia, GIL ARAUJO, Sandra, Género, migración e interrelaciones interculturales: análisis de las políticas migratorias en España. Barcelona 2008
33 El País, Editorial Retos migratorios, 30 de enero de 2004
34 El País, SAHUQUILLO, María, Integración, sí; asimilación, no, 16/02/2008
thus described as tolerant and having low levels of xenophobia, "among the lowest in Europe". For example:

"The outbreak of xenophobia and racism that has surfaced in the Andalucian village of El Ejido [...] takes us back to happy times surpassed."\textsuperscript{35}

This is inconsistent with the data shown by the newspapers that are the results of surveys, both European and national, in that tolerance toward immigration has been drastically reduced while there has been a boom in people considered racist or that view immigration as a problem (in fact, this consideration is cited repeatedly in addition to having been visible in the latest CIS polls published and disseminated by both papers).

We may identify an attitude of "trying to avoid the problems that we cause for ourselves around their non-integration" instead of "we want to avoid the problems that they generate (for themselves) in their expulsion from the social, political and discursive structures."\textsuperscript{36}

\begin{quote}
We tend to "tolerate", "sad word, actually, because it means" to suffer, bear with patience, allow something that is not lawful, without expressly approving "- the presence of immigrants who engage in work we no longer want for ourselves: cleaners, babysitters, caregivers, workers, refuse collectors ...\textsuperscript{37}
\end{quote}

Similarly, the selection of the theme and its treatment reflects the idea of immigration as a problem that must be treated as "a matter of State." News often takes a negative character and refers to events such as the arrival of boats, crime, lack of integration ... These frames influence the public, contributing to the creation of stereotypes and biased references, which take over the imagined community. References to a "tsunami" or "avalanche" create the impression of an internal danger to the indigenous population and make a social differentiation between "us" and the "other."

"A flood of immigrants from many nationalities, accompanied by increased insecurity"\textsuperscript{38}

"A tsunami of immigration"\textsuperscript{39}

"The massive influx of undocumented migrants (through uncontrolled entry of canoes or even assaults on border fences) has created a climate of disrespect for the law that impairs social interaction and has already led to some incidents for concern"\textsuperscript{40}

"People are living with anxiety and hostility, the" invasion "of immigrants of different race, religion, culture"\textsuperscript{41}

This last statement denotes the vision of the conservative press, in particular, \textit{ABC}, on the classification of the migrant. The image is that of a third country worker, male, with a low socioeconomic status. That is, a homogenous and masculine archetype, which excludes internal differences (gender, cultural, religious, socioeconomic, etc.). \textit{ABC} sets

\textsuperscript{35} \textit{ABC}, Editorial Vergüenza nacional, 8 de febrero 2000
\textsuperscript{36} CHECA, Francisco; CHECA, Juan Carlos; ARJONA, Ángeles (eds.), \textit{Inmigración y derechos humanos. La integración como participación social}. Icaria editorial, Capellades (Barcelona) 2004, pág 235
\textsuperscript{38} ABC, \textit{Lavapiés, la Torre de Babel y el locutorio que echó el cierre por el 11-M}, 17 marzo 2004
\textsuperscript{39} el País, \textit{Integración, sí; asimilación, no}, 16 Feb 2008
\textsuperscript{40}  Abc, \textit{Crisis e inmigración}, 26 Jan de 2009
\textsuperscript{41} Abc, \textit{Europa y la inmigración}, 9 May de 2009
up a dichotomy between a ‘good migrant’, corresponding to regular migrants, and an 'evil migrant', that has an irregular status. This newspaper, despite the failure of the quota policy, stressed the need for the contract coming through in origin. The irregular arrival and stay vigilant, as this newspaper, which is unlawful and seriously affects the stability of the economy (are constant references to the mafia and the economy) and society. Therefore, the admission work-integration link work (and subsequently social) is very clear.

"When it comes to illegal immigrants, illiterate labour eventually imposes itself: there is no chance for advancement. From this arises outbreaks of racism, unjust, violent and primitive, in the poorest of neighbourhoods, where the illegal migrant has employment without right to." 

*El Pais*, despite declaring the need for a "controlled opening to foreign labour," reveals a more favourable attitude towards irregular immigrants, both in language (preferably used as the neutral adjective "irregular" instead of other terms such as "undocumented" or "illegal") and the treatment of news. It also displays a more inclusive view of the population already resident in Spain, advocating the granting of rights, including “the question of political rights for a very considerable portion of the population.”

One can observe also a certain twist related to the economic crisis that began in 2008. It expressed more emphatically the need for immigration for the economic future.

"Our country has become less attractive as a place of employment, with a logical impact on the demographic and economic context (...) Immigration policy is a key determinant of the new economic reality Spain has had to face, and it is essential to act with a sense of responsibility and put forth a state policy from a strong consensus between the major parties."  

According to Mark Fishman,

"information workers are predisposed to seeing the stories’ bureaucratic objectives, since they themselves are involved in supporting a legal system of socially approved experts. Journalists are governed by the principle that officials have to know what they are required to know ... Specifically, an information worker will identify an official statement not only as an affirmation but as a piece of knowledge plausible and credible. This amounts to a moral division of labour: officials are in possession of the facts, reporters are limited to pick."

The selection of political statements appears bound to the two main parties in the public arena, the PSOE and the PP. *El Pais* and *ABC* frequently reproduce views and highlight or criticise both according to their ideological position. In a reductionist way, we may say that the views of *El Pais* are sympathetic to the stance adopted by the PSOE, while *ABC* seems closer to the ideology of the PP. However, our attention should be called to "interideological uniformity: there is no great difference in the press coverage of the conservative and liberal media, contrary to what one might expect."

As such, both papers follow an official and rigorous/ legal line on immigration. Alternative voices are seldom offered, even those of the other parties in the Spanish

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42 *Abc*, Darío Valcárcelo, *Preguntas sobre la Ley de Extranjería*, 20 Jan, 2000  
43 *El País*, Inmigración y campaña, 8 March, 2004  
44 *El País*, Editorial. Retos migratorios, 30 Jan 2004  
45 *Abc*, Editorial. Crisis e inmigración, 26 Jan 2009  
Parliament that may exhibit a more nuanced or consistent attitude in comparison with the PP’s and PSOE’s policies. Indeed, according to some studies on media discourse analysis, the authors’ claims appear altered to suit their political discourse. Moreover,

"the Spanish press (...) has, in general, had great difficulties in extracting and transmitting parliamentary debates on immigration policy - the bottom lines of argument. It reveals itself as distanced, no doubt, from the pedagogical work that would promote an exchange of ideas on achieving stable migration processes (...). Perhaps [the main media actors] sometimes simply prefer to engage in the representation of conflict and provocative speeches, hence, sometimes, it is they themselves that undertake this provocation."

Information concerning immigration is located mostly in the ‘National’ sections of the papers, followed by those of ‘Society’ and ‘Events’. While we may not observe an explicitly anti-immigrant attitude, it receives negative treatment given the selection of news. The ideological affiliations and standpoints of the newspapers are shown with more clarity within editorials, demonstrated in a strict and legalistic discourse on the admission of new migrants. This is posited as subject to the internal needs of the country, both economically and to the possibility of society to welcome more foreigners. Also, while some speak of the benefits of integration and multiculturalism, we find simultaneously clear discourse related to cultural assimilation, dictating that immigrants must adapt to our cultural system and our way of life.

In conclusion, Spanish media discourse treats quite separately the issues of admission and integration. The first is a matter of border security, and concepts related to control abound in articles and editorials surrounding the idea of ‘Fortress Europe’. Admission is focused on higher economic and socio-cultural status, as given the sentiment of national priority, lower-level jobs should be filled by citizens, despite the necessity for cheap labour bringing the arrival of irregular migrants. Although newspapers implicitly accept migrants’ fundamental role in the labour market, especially within the informal economy, they persist in criminalising irregular migrants. There appears to be a very simple bottom line, found across the media but most forcefully amongst the hard-liners, which equates irregular migration with crime, without linking the difficulties of integration related to the difficulties of regularisation.

IV The Effects of European Integration on the Migration-Integration Nexus

IV.1 Basic policy concepts

The EU has been applying a ‘holistic approach’ in referring to the term ‘integration’ (SOS Racismo, 2009). This includes not only economic and social spheres, but also the acquisition of formal equality which is linked to cultural and religious diversity, citizenship, participation and political rights. This means that it is a bidirectional process based on common rights and duties. This holistic approach is observable both in several European and Spanish legal documents, such as the COM 2008/359 and the COM 360/2008 and the article 2 of the Spanish LO/2009 which refers to the mainstreaming of integration in all policies, emphasising the language and the knowledge of the country. The Strategic Plan on Citizenship and Integration (PECI) in Spain also uses a

47 See: Bañón, Antonio M., “Responsabilidad y su representación en el discurso periodístico sobre la inmigración”, en Medios de comunicación, inmigración y sociedad, de IGARTUA, J.J., MUÑIZ, C., University of Salamanca, 2007
concept of integration which is gathered from the “Basic Principles of Integration” approved by the Council of Ministers of Justice and Foreign Affairs in Brussels in 2004 which adopt the concept of 'holistic integration'.

However, 'holistic integration' is increasingly mixed with 'coercive integration' (SOS Racismo, 2009). This pays no regard to the bidirectional element of integration, as it requires an effort only from the immigrant population and is often related to the concept of foreign affairs (extranjería) or admission.

There seems to be a dividing line between integration policies carried out in the north of Europe and those in the south. In the south of Europe, integration is often related to social and welfare elements and mainly promoted by organisations, trade unions and Catholic or left-wing associations focused on social issues. In contrast, in those countries with longer traditions of migration, reception policies are more oriented towards training and civic integration with individual contracts (Laparra 2009).

Pajares (2006) explores the linkage between immigration and integration policies by examining tendencies adopted by different EU Member States. He argues that within the European context, integration is becoming more and more compulsory with the introduction of language and civic tests which are necessary to renew residence permits and acquire a permanency of residence, as well as to obtain nationality or citizenship or reunite with a family member. This is observable in countries such as Germany, the UK, Denmark, Holland or Austria. Integration is often articulated as a ‘contract’ in which migrants need to demonstrate a certain level of language and knowledge of the country's history and culture in order to obtain rights. Otherwise, they may be subject to a fine and their residence permit withdrawn.

According to several experts, the fact that Spain has recently included new legal clauses related to integration does not come from its own initiative, but rather results from the influence of some EU member States' policies. Here we may see an example of the 'Europeanisation' process in which Spain has learned about the experiences and practices of its neighbours.

Especially relevant has been the influence in Catalonia of nationalism which seems to emphasise the importance of the Catalan language and culture, as we find in the Llei d'Acollida. In this sense, an immigration lawyer and an academic interviewed for this WP argue that Catalonia is heading in the direction of adopting measures more and more compulsory similar to the tests of integration put forward in Holland or in Germany. This may be influenced by the fact that Catalonia has traditionally been more in contact with Europe at all levels (in comparison to the rest of Spain) and that the Secretary of Immigration in Catalonia responsible for the new law is managed by the Catalan Republican Party (ERC) which has a pro-independence stance.

As has been pointed out, the overall linkage between admission and integration in Spain may be considered as inexistent or very 'soft' in comparison to other countries. The concept of integration in immigration policies is still very much oriented towards the provision of rights and services to migrants for their self autonomy and to foster greater social cohesion in the host society.

48 Or introduction policies (políticas de acogida)
IV.2 Legal measures

All of those interviewed placed more emphasis on the influence of other EU member States’ domestic policies rather than the influence of EU regulations within the national frame. In fact, according to Pajares, EU regulations do not seem to have an effect on the establishment of this linkage in any European country, as the EU integration and immigration policies are not oriented towards restrictive objectives, but rather to enable the integration of migrants in terms of equal rights and access to services. An academic from the Pompeu Fabra University asserts that the EU level has much more influence in Spain regarding immigration policies and policies of control, such as workplace control, much more than integration issues.

The creation of admission-related integration policies may be more related to the increase of populism and growth of conservative parties promoting anti-immigration discourses coupled with a lack of a strong alternative discourse from more liberal parties. The most influential European country is likely to have been France, above all, in regard to the debate on the ‘immigration contract’. This has been reflected in the national debate in the Parliament between 2008 and 2009 (e.g. PD13 of Annex). In contrast, the policies carried out in Austria, Holland or Denmark do not appear to have had a direct impact on Spain.

From the legal perspective, the EU understanding of integration that is perceived at the national level is both ambiguous and contradictory. On one hand, it is said that the more rights the migrants have, the easier they may become integrated, but on the other, integration is becoming more conditional for the acquisition of rights. Furthermore, it is difficult to determine the exact position of the EU, as the various institutions seem to adopt different positions. Where the Parliament and the Commission have traditionally been more proactive in the promotion of rights, some Member States within the Council have pushed the introduction of measures of integration to restrict the entry and permanence of TCNs. It must also be indicated that the Parliament only recently had the competence to legislate and the position now might be ‘softer’ than before (when it was ‘easier’ to have a discourse in defence of rights), as it has been displayed in its role in the Directive of return.

In this context, the position of the European Court of Justice (ECJ) will be fundamental to examine the concept of integration applied by the EU and to what extent national immigration laws respect the principles of proportionality and effectiveness of the Directives and guarantee the rights on family reunification and on long term residence. An expert on European Directives believes that measures such as pre-entry tests are not proportional and may violate the aims of the Directives. Depending on what the ECJ rules in each case, the position of the EU can facilitate or hinder the diffusion of admission-related integration policies. Consequences from this may include a change in national immigration laws or on the discourse of certain political parties.

According to an immigration lawyer interviewed, Spain is not enacting the transposition of the EU Directives in a particularly committed manner. The transposition of the Directive on the right to family reunification has not been enacted correctly, as it says that “migrants cannot be asked to have lived more than two years to exercise the right to family reunification,” with the current situation for Spain being that in order to reunite the elderly, migrants are asked to demonstrate residence of at least five years. However,

49 The case of Chakroun is a current example in which the ECJ has been positioned towards a non strict interpretation of the family reunification Directive by any State.
in terms of integration, the transposition of the 2003/109 and the 2003/86 has not included legal measures of integration.

If the People's Party (PP) is successful during the next general elections (2012), we may see measures of integration becoming obligatory. However, according to a legal expert, this would imply re-adjusting the LOEX. Considering that this was modified as recently as December 2009, the PP may not wish to do so.

IV.3 Soft measures

Some experts have highlighted the 27 Member States meetings as a place for sharing ideas, practices and experiences such as the ones held within the Council of the EU. Although there does not seem to be a specific one in which Spain was more influenced by the tendencies of countries such as Holland, Austria or Germany, some of the debates could have filtered in the discourse of some actors within Spain (like in the People's Party) in a more indirect way. However, the venue in which Spain has played a bigger role within the various EU programs was in the European Pact on Immigration and Asylum (EPIA) in 2008, positioned against the introduction of a clause related to the signature of an immigration contract as compulsory.
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