

# Immigration and Integration: Keys to a Debate. A Point of View from Spain<sup>1</sup>

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## Abstract

*This article reflects on the concept of integration and on conceptions of integration. It focuses primarily on two conceptions: one based on the contract theory and the duty of integration, and the other related more to the thesis of citizenship. The paper examines the evolution of both trends in Spanish legal norms with the aim of analysing and evaluating, on the one hand, the logic of individual responsibility arising from the development of a unilateral and binding conception of integration, and on the other hand the positive reinforcement that the compensatory logic of policies and antidiscrimination law can provide.*

**Keywords:** integration, immigration, integration contracts, Spanish law, antidiscrimination law.

## 1. Introduction

Integration is a concept steeped in ambiguity, and even more when one considers the various conceptions that lie behind it. For the purposes of this paper two of these are especially relevant: the so-called holistic conception and the unilateral conception of integration (Cachón 2008, p 2010). In the context of the latter, two versions should be noted. The first interprets integration in terms of legal obligation, and is also referred to as contractual. The other does not identify the process of integration with the idea of duty, but rather links the process to the meaning of the idea of citizenship. We will examine the evolution of both trends with the aim of analysing and evaluating on the one hand the logic of individual responsibility that results from the development of a unilateral and binding conception of integration, and on the other the positive reinforcement provided by the compensatory logic of antidiscrimination law and policies.

## 2. Some versions of integration policies

We shall try to understand the main threads and goals of integration, in order to take the pulse of the major trends and so as to assess concrete policies and decisions. Without forgetting that responses to migration processes in a democratic state often reflect tensions between integration policies and immigration policies. So far, the focus of the rights of accommodation or integration has run parallel to a lack of progress on an international standard of migrants' rights, made evident by the threefold fact that no European country has ratified the *Convention on the protection of rights of all migrant workers and members of their families*; that State policies remain focused on controlling migration flows and combating illegal immigration; and that the weight of return policies is excessive. A clear example of the latter is the Directive 2008/115/EC of the European Parliament and the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals.

The concept of integration is indeed not univocal, but has different uses that it is helpful to consider. Not without tensions, the approach to integration that formed part of the "area of freedom, security and justice" adopted in the Hague Programme, within the framework of the European Union, was the so-called holistic perspective on integration. It was a conceptual proposal that received some input from the political-philosophical debate of the early nineties on changes in the traditional understanding of citizenship and was reflected at the normative level in the *Common Basic Principles on Integration*, passed by the Council of Justice and Home Affairs of the European Union on November 19, 2004 and contained in COM (2005) 389 on the Common Agenda for Integration. Integration is defined there as "a dynamic, two-way process of mutual accommodation by all immigrants and residents of Member States (that) implies respect for the basic values of the European Union." However, from 2000, some European countries began to change their philosophy and their national integration programmes.

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These changes have transformed the notion of integration as a process of mutual adjustment between immigrants and the host society, named the two-way process principle, to the idea of integration as a prior and compulsory condition of access to the status of legal resident. This transformation has left a mark within the European Union, which debates the self-proclaimed European Agenda For The Integration Of Non EU Migrants (European Commission COM 2011, 445), which states that "Europe needs a positive attitude towards diversity and strong guarantees for fundamental rights and equal treatment, building on the mutual respect of different cultures and traditions. Actions targeting especially vulnerable groups of migrants are also needed" This message contradicts those migration policies of some EU members, characterized by new brands, noted by Bilj and Verweij (2012, p. 13): difficulties to the labour migration and the integration, since it requires the acquisition of a minimum qualification before starting the migration process. On the contrary, integration was offered in the host country in the past, after the arrival. At the same time, labour migration has become much more difficult in many European countries, if not a matter of public order and national security.

As Careers & Faure underline: "The concept of integration in the EU Framework on integration has mutated into a conditioning criterion access by (nationals of third states Directive) to social inclusion, security of residence and EU Rights. Integration has transformed into a regulatory Gradually technique for the state to manage access by the foreigner to social inclusion and Rights. The conditionality subsumed In this new version of integration paradoxically Demands That foreigners demonstrate knowledge on the way of life, values, culture and history of the host state as a condition sine qua non for current integration "(2011, 54). The integration process, as a two-way or twofold nature process, through which the host society gives to immigrants the opportunity to acquire a place in, is changing its background, and its weight depends upon the performance of duties for immigrants. Thus, a conception of integration as a basis of a positive social inclusion has become a judicial and police mechanism (Solanes 209, 2013). Currently, in the EU, some data confirm the need of change of some policies, specifically, but not only, regarding the labour market. Among these data, Bilj and Verweij (2012, p. 15) emphasize prevalent very low levels of employment among immigrant population, especially immigrant women, increasing levels of employment for high-qualified jobs, increasing risk of social exclusion, gaps in educational outcomes, and public commitments on the shortcomings related to the integration of immigrant population.

In order, from one side, to allow an examination of the integration policies of Member States and, from the other side, to contribute to provide indicators for good practices in terms of integration, thethen Directorate General for Justice, Freedom and Security of the European Commission published since 2003, a Handbook on Integration for Policy Makers and Practitioners. This Handbook is written by the Migration Policy Group led by Jan Niessen, with the support of antennas or "National Contact Points" in each Member State. Its content is based on the axes defined by Communication on Immigration, Integration and Employment, and it is organized around five areas: labour market, legal residence, nationality, 'civic citizenship', family reunification and anti-discrimination measures. From 2004, it is based on the *Common Basic Principles on integration policies for immigrants*. Since the 2010's edition, it has paid special attention to the role of media in formulating effective strategies for the integration, sensitization and training of immigrants, the role of government and civic organizations, and the relationship between youth, training and the labour market.

### **3. The Interpretation of the Concept of Integration in Spain**

Thus was forged a concept of integration that is characterised by the following (Cachón 2008, p. 214): Bidirectionality, as a complex social process of mutual adjustment of two societies, an integral or global process across all social dimensions, with shared responsibility in which all public bodies and social actors associated with the implementation of policies must collaborate, and which requires collaborative relations between public administrations at different levels. It was a concept that raised a great deal of expectation, described by De Lucas as a lost opportunity (2006, p. 11), and which was already included in some Spanish regional plans for immigration, as in the case of the 1st Basque Immigration Plan (2003-2005), which specifically referred to this concept (p. 62), later included in the National Strategic Plan of 2007. The normative fabric of Spain regarding integration is articulated from the outset by autonomous programmes and, with the exception of some limited state programmes, by the national strategic plan. This is an articulated outline of the division of powers, which has traditionally attributed immigration policy to the central state and integration policy to regional authorities with important differences, not only because of the volume of immigration but also because of qualitative factors, such as the evolution of socio-political perceptions of migration and the priorities of government agendas.

Currently Spanish regions have the authority in most of the areas that affect social integration - social services, health, education, employment and housing - which they exercise along with local bodies. Most regions have assumed their responsibilities these areas by approving plans for the integration of immigrants, especially those regions with a larger population of foreigners

Regional plans largely share basic approaches, objectives and principles. The regional and local planning documents share the same integration areas: reception, education, work, training, health, housing, social services, awareness raising, co-development, and legal assistance -in this regard see GarcíaAñón 2003-. Among the first, Martínez Lizarrondo (2009, pp. 58-61) highlights three: the aspiration, in some cases more explicit<sup>2</sup> and in others rather more vague, of attending to the population regardless of legal residency; the identification of integration policies with multidimensional policies; the principle of standardisation and universality, as a guiding principle of all social policies, avoiding, if possible, the creation of specific resources that could involve the establishment of a parallel network - though the regions do not reject *a priori* the possibility of coordinating specialised services to facilitate access to those services that are standard for the whole population. Furthermore, we can deduce from the comparative analysis of regions that the characteristics of the labour market and of the welfare model are determinants in the integration of immigrants in Spain. Although many elements come from basic state regulations, differences in the economic and demographic situation, the labour market and social policies, in addition to geographic location, give rise to different situations in each area. At the regional level there is a stratification of immigration that forms different settlement areas, based primarily on the socio-structural characteristics of the host area (Laparra& Martínez De Lizarrondo 2003, pp. 321-350).

The Spanish State national plan of 2007 tried to respond to one of the classic demands in the field of immigration, that of integration, but without resorting to the law as the means of carrying out a project aimed at all citizens (on the meaning and scope of the plan see Solanes 2010, p. 90). The first *Strategic Plan for Citizenship and Integration (2007-2010)* (hereinafter SPCI I) fully assumes a two-way, multi-dimensional perspective of integration established through the dialogue on "civic citizenship" that the institutions of the European Union have taken part in since Tampere. The text of the SPCI adheres primarily to the Basic Principles, to Commission communications and to the European Union programmatic framework. It is based on three principles: equality, citizenship and interculturality with their corresponding objectives and measures.

For the purposes of this discussion it is interesting to note some of the most important aspects of the principle of interculturality: (a) Cultural diversity as a characteristic value of Spanish and European pluralism. (b) A conception of integration as a process of mutual adaptation that requires respect for and valuing of the different cultures that immigrants bring with them, and that denies the possibility of a simple assimilation into the dominant cultural patterns of the Spanish population. (c) Preventing isolation or cultural fragmentation or an ahistoric and uncritical consideration of cultures. (d) Recognising and respecting differences, while seeking communication, critical dialogue, networking and interaction of people from different cultures based on shared core values and the common use of official languages in Spain. The result of this communication and interaction will be the production of new cultural realities, in which all individuals and groups can be transformed and enriched. (e) Disputes shall be settled through constructive intercultural and religious dialogue, education and commitment, within the framework of possibilities offered by the Constitution and laws. In brief, the three principles: equality, citizenship and interculturality are certainly crucial for integration; we can say that integration is possible through the three, and necessarily all the three.

To the Strategic Plan for Citizenship and Integration (2007-2010) or PECE followed the plan PECE II (2011-2014), which was born in a context of economic and social crisis. The first one was developed in a time of economic growth and in a steadily increasing flow of immigrants, while five million new residents arrived in less than 10 years, representing 12 per cent of the population.

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<sup>2</sup>The 2nd Basque Plan reads "The development of this policy aims to overcome a major stumbling block: the Organic Law 14/2003 of November 20 to amend the Organic Law 4/2000 of 11 January on the rights and freedoms of foreigners in Spain and their social integration, which puts immigrants who settle in our community in a vulnerable situation. These obstacles to some extent have been overcome by sentences of The Spanish Constitutional Court and now incorporated into the immigration law reform bill. The sentences are: STC 236/2007 of November 7, 2007. STC 259/2007, of December 19, 2007. STC 260/2007, of December 20, 2007. STC 261/2007, of December 20, 2007. STC 262/2007, of December 20, 2007. STC 263/2007, of December 20, 2007.

Regarding this, the idea that flows have slowed or changed everything should be approached cautiously because many immigrants, who have come to Spain in the last twenty years, have settled and are unlikely to return. At the same time, while the crisis worsens and unemployment has increased among immigrants (35%, compared with 22% unemployment rate among Spaniards), there have been severe basic and social services cuts. Therefore, some expectations of return have been consolidated. Current migration is also characterized by the increase of migratory flows due to family reunification, or incentives to high-qualified immigration. In this scenario, the ground of PECE II is the need to maintain the mechanisms of management of migratory flows, and to do this there are systems of reception of immigrants. The plan states that the aim of reception should be retained, but "remodelling" it according to the new reality of flows. The current mechanisms should be maintained but also adapted to the flow intensity at a particular time. In that sense, it is still necessary to develop some actions related to the knowledge of environment, learning languages, temporary residence, or the access to services. While in the first Strategic Plan this was a priority area, in the PECE II there is a shift in favour of other areas, related to coexistence, equity and the existence of stable migration projects: employment, health care, training, the fight against racism and a peaceful coexistence in neighbourhoods. But the most significant implementation of these proposals is the Support Fund for the Reception and Integration of immigrants, which has decreased from 200 million euros in 2009 to 66,6 in 2011. The plan has contributed to the fight against discrimination, introducing this item into the political agenda.

In terms of Spanish legislative developments it is worth dwelling on Law 2/2009 of December 11, amending Law 4/2000 of January 11 on the rights and freedoms of foreigners in Spain and their social integration. This regulatory text introduces for the first time in Spanish law a provision that expressly speaks of integration. The new law establishes an Article 2 *bis* immigration policies, i.e. policies that focus on control, and an Article 2 *ter* on integration<sup>3</sup>. Leaving aside the provision's lack of method, it is important to note that the introduction of the principle of integration into Spanish legislation has not happened as it should. To start with because the law does not provide a clear concept of integration, and the somewhat disjointed ideas presented in the text do not provide all the clues to clearly understanding the conception of integration proposed. We can trace elements of a conception of integration as a two-way, integrated, transverse process but also ingredients that may well support a unilateral conception of integration.

Such an approach generates more questions than answers. Though the law makes no mention at this point of the main instrument of a unilateral conception of integration, i.e. integration contracts, when we examine the content of the right to education in Article 9, it is unclear what the implications of the requirements of non-formal education for foreigners are, in particular in section 3 of Article 9 on the right to education<sup>4</sup>.

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<sup>3</sup> Article 2 *ter*. *Integration of immigrants*.

1. The public authorities shall promote the full integration of foreigners into Spanish society, within a framework of coexistence of diverse identities and cultures limited only by respect for the Constitution and the law.

2. Public Authorities will incorporate the goal of the integration of immigrants and host society across all policies and services, promoting the economic, social, cultural and political participation of immigrants in the terms provided by the Constitution, the Statutes of Autonomy and other laws, and with equal treatment.

Through education they will especially promote knowledge and respect for Spanish constitutional and statutory values, European Union values and human rights, civil liberties, democracy, tolerance and equality between women and men. They will develop specific measures to promote entry into the education system, guaranteeing at all times the age of compulsory schooling, the learning of official languages, and access to employment as essential factors of integration.

3. The Central Government shall cooperate with the Autonomous Regions, the cities of Ceuta and Melilla and the Municipalities to achieve the purposes described in this article as part of a multi-year strategic plan that includes among its objectives addressing the integration of unaccompanied minors. The Central Government, Autonomous Regions and Municipalities will collaborate and coordinate their actions in this area, with reference to their respective integration plans.

4. In accordance with the criteria and priorities of the Strategic Plan for Immigration, the Government and the Autonomous Regions shall agree in the Sectoral Conference on Immigration biennial action programmes to strengthen the social integration of immigrants. Such programs will be funded from a state fund for the integration of immigrants, which will be provided for annually, and may include provision for co-financing by those administrations receiving from the fund. "

<sup>4</sup> Article 9. *Right to education*.

1. Foreigners under sixteen have the right, and obligation, to education, including access to basic, free compulsory education. Foreigners under eighteen are also entitled to post-compulsory education.

This right includes obtaining the relevant academic qualification and access to the public system of scholarships and grants

Law 2/2009 is expressly indebted to the *Common Basic Principles on Integration*, formulated in 2004, which embrace the two-way conception of integration, and to the *European Pact on Immigration and Asylum* (Doc 13440/08 approved by the Council, September 25, 2008), recipient of that notion of integration interpreted in a more securitarian key than in its origins. The refounding of a common European immigration policy has been made possible with this Pact, which is a political document through which the Member States of the European Union undertake to guide migration policies based on five commitments, a set of policy goals and strategic guidelines for the development of European policy on immigration and asylum. The objectives include: organising legal immigration, taking into account the priorities, needs and reception capacities determined by each member state, and encouraging integration; combating illegal immigration, ensuring the return of illegal foreigners to the country of origin or a transit country; strengthening the effectiveness of border controls; and building a Europe of asylum. Among the measures considered adequate for supporting integration the following are referred to: (i) Balancing the rights of immigrants, in particular access to education, employment, security and social services, and their obligations. (ii) Specific measures to promote language learning and access to employment. (iii) Respect for the national identities of member states, for the European Union and for its fundamental values such as human rights. (iv) Combating forms of discrimination that migrants can be victims of.

#### **4. Integration as a Legal Obligation**

European countries with the strongest immigration tradition have implemented policies and programmes of integration since the nineties of last century, while other countries have done so as of a decade later (Guiraudon 2008; Solanes 2009, 54-60, Mulkahy 2011). Spain, in this sense, has been an exception given that integration has always been centred on the labour market (Solanes 2008, 135-172). Public policies include a wide range of possibilities and at its extremes we find on the one hand the aims of full and autonomous social integration, and on the other, cultural and social assimilation. However, gradually we are moving to a contractualisation of the integration of migrants, concomitantly with a similar process orientating the European welfarist public policy.

These policies, employment activation particularly being the paradigm, are based on three pillars or characteristics (Moreno & Serrano 2007, p.38): (i) *Individualisation*: measures orientated towards intervening in individual behaviour, motivations and attitudes - rather than towards establishing adequate political conditions for a fair redistribution of wealth - fostering a growing personalization of interventions and calling for greater participation of the person concerned. (ii) *Emphasis on employment*: the goal of these policies is participation and economic independence through employment. They are aimed at intervening in the behaviour of the individual with respect to the labour market (encourage, persuade, motivate). They therefore tend to be limited to the economic dimension of citizenship, rather than the political or social. (iii) *Contractualisation* principle: the contract becomes the core metaphor in orientating and legitimising these policies. But it also significantly implies a mutation in the terms of the *social contract* that traditionally have articulated the concept of citizenship. It makes it a moral contract, rather than a political or social one: access of citizens to their rights becomes conditional, and depends on their attitude and behaviour regarding their economic participation.

In the field of integration policies, responses differ in their approaches and we can speak of two major policy groups. On the one hand, those based on the idea of a contract or commitment to integration, wherein integration is understood as a legal obligation. Here we speak in contractual terms, but establish obligations only for those people who should integrate and training includes courses in civics and culture with assimilationist overtones. We are witnessing, as indicated by Carrera (2006, pp. 38-39), an emerging trend towards a theory and practice that makes the social integration of immigrants an obligatory legal condition for inclusion in the different facets of the host society and in the state as a whole.

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under the same conditions as Spanish citizens.

In the case of turning eighteen during the academic year, they maintain the right until the end of said year.

2. Foreigners over eighteen in Spain have the right to education in accordance with education legislation. Foreign residents over eighteen have the right to the other stages of post-compulsory education, to the relevant qualifications, and to the public system of scholarships under the same conditions as Spanish citizens.

3. The public authorities shall promote the fact that foreigners can receive education for better social integration.

4. Foreign residents responsible for children in Spain of compulsory school age must prove school attendance, in a report issued by the competent regional authorities, when applying for renewal of authorization or when applying for long-term residency."

In various European legal systems a relationship between policy, immigration and integration is arising through a "perverse" link between the social inclusion of immigrants and, in the legislation on foreigners, the legal framework concerning admission and residency. They are now explicitly called "legal immigration policies."

Access to a "secure legal status," i.e. the full inclusion of people from third countries in all relevant dimensions of the host society (employment, education, access to housing, social benefits and rights, civil participation in the political life of the host State, etc.), depends on or is the result of the participation in integration programmes and courses. This understanding of the integration of migrants is based on the premise or the image of the host society as a "well integrated", homogeneous society that is the repository of a distinct and unique identity (De Lucas 2003). This suggests some incompatibilities within the integration programmes, and tests them in relation to the two-way process. Specifically, regarding the utilization of these practices as mechanisms for implementing restrictive immigrations policies in some member states.

Although the content and structure of integration programmes or plans for immigrants vary widely with respect to the personal and material sphere, the institutional actors involved, the penalties in the case of the immigrant's failure to comply, the history of each country and the migratory traditions of each state, Carrera highlights some common elements referring to the German law on residency, immigration laws in Austria, Denmark and France (Carrera 2006, p. 51). They are generally language courses, civic courses to familiarise immigrants with the norms, history, values and cultural traditions of the host countries, and courses in professional practice and training.

They are mandatory and must be successfully finished; they are the gateway to benefits and social services, in some cases, and to permit applications or renewals in others. It is, therefore, its binding nature and its effects that makes integration a condition of access to rights. These features foster a conception of integration as a process focused on securing a legal residency. And this is understood as a criterion to social inclusion, and therefore, to social cohesion. Integration, as Carrera & Faure emphasize (2011, p. 54 and following), "has gradually transformed into a regulatory technique for the state to manage access by the foreigner to social inclusion and rights. The conditionality subsumed in this new version of integration paradoxically demands that foreigners demonstrate knowledge on the way of life, values, culture and history of the receiving state as a *sine qua non* for actual integration". In the context of the Spanish state, a bill was presented in the Parliament of Catalonia on March 8, 2011 entitled *Bill regulating the integration contract of newcomers to Catalonia*. The starting point for this project is, on the one hand, that immigrants are required to prepare their integration into European, Spanish and Catalan society and must have an expressed willingness to integrate. And on the other, that the success of a migration process depends on the ordering and control of migration flows and that immigrants are "welcome when they come to work and respect our values and customs, and assume their duties as such."

Regarding the contents of the contract (Article 2), the migrant acquires the following commitments: (i) to learn both languages (Spanish and Catalan); (ii) to get to know Catalan society, to understand its rights and duties; (iii) to respect the values of Western society, especially regarding women and children; (iv) to respect the laws and municipal regulations and (v) to commit to returning to their country of origin if in a given time they cannot find enough work to maintain themselves. For its part, the administration assumes the following responsibilities: to support integration, adopt the necessary measures for coordination with the state and local bodies and to establish a system of first asylum. The proposal aims to establish a form of contractual integration that understands integration as a legal obligation of the migrant. Compliance is by way of attending language courses, courses on civics and culture, and includes an evaluation of the immigrant's behaviour. The "contracts", "integration courses" and "paths to citizenship" have a number of features in common, as stressed by Guiraudon (2008)<sup>5</sup>:

(i) they focus on integration as an individual process in which the new immigrant must take responsibility for his or her success in the host society, without being a burden on the welfare state;

(ii) the idea of a "contract" emphasizes integration as a "two-way process," thus we speak in terms of rights and duties. In the context of duties is understood the idea that immigrants have, to some extent, the obligation to become integrated. Especially in northern European countries, this understanding has been called "welfare chauvinism", referring to the simultaneous attacks on immigrants and the welfare state made by politicians who accuse immigrants of jeopardizing these countries generous systems of social protection

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<sup>5</sup>For a reflection on the content and consequences of these policies see A. Solanes "¿Integración por ley..." art. cit., pp. 68-71

Among the criticisms of these policies we can, along with Guiraudon, underline the following: (i) the contract is signed between two unequal parts. This asymmetry of positions leaves no room for negotiation, but rather for the unilateral imposition of conditions which gives rise to obligations. (ii) The contract, language courses and/or civics courses, in their various forms, are not generally sensitive to the fact that each person has different needs and perspectives at the time of arrival. (iii) The contract shows a very narrow concept of integration. It is a concept that cannot be interpreted in a two-way fashion, but rather responds to a one-sided conception of integration. (iv) In countries where traditionally this has been seen as the means to integration, the successful completion of courses has not actually been shown to reinforce or provide opportunities for people in the labour market or in social interactions. (v) The contract does not see integration as a process that involves the host society. The latter plays no role in "welcoming" immigrants. (vi) The contract establishes an unequal treatment in relation to those who are exempt (EU citizens and, often, highly skilled workers, or immigrants from the OECD), which reinforces the idea that only some immigrants need integrate or have difficulty doing so. (vii) Successful integration is reduced to quantitative indicators of the success rates of civics and language tests and the number of contracts signed, which does not say much about what is really happening to newcomers on the ground.

### **5. The path of integration as a non-binding policy.**

Another perspective takes on the goal of integration but does not see it as legal obligation of the immigrant. Examples can be found in *Law 15/2008, December 5, of the Generalitat Valenciana, on the Integration of Immigrants in Valencia*, which establishes a commitment to integration, or *Law 10/2010 on Reception of Immigrants and Returners to Catalonia* (For an analysis of this legislation, Solanes 2009, pp. 61-72).

Reception is the first stage of stabilisation, settlement or residency of new arrivals (immigrants or returners). The law regulates reception activities, organised for the acquisition of basic skills to enable migrants "to become autonomous individuals in order to promote the autonomy of the person." Among the considerations that the regulation explicitly states is the benefit, on one hand, to the host society of "immigrants and returners becoming better prepared and freer, and more able, therefore, to participate and contribute to the improvement of society itself." And on the other, the need for the Catalan society to take on the fact of migration and manage it as one more process. The law establishes that the responsibility for integration depends not just on the new arrivals, but rather is a mutual responsibility shared with the host society. In Spain, it is possible to find case law given to a greater flexibility in processes of nationalization, built on a notion of integration as life, knowledge, and experience of social interaction, but not rote accumulation. About the integration test to get the Spanish citizenship, according to Articles 21 and 22 of the Civil Code, it is relevant the judgment of the Supreme Court of October 4, 2005.

However, the non-binding nature of these commitments is not entirely free of the criticisms we discussed earlier. It is particularly vulnerable to three aspects. Firstly, there is the individual factor and the principle of responsibility that *de facto* falls solely on the immigrant. Integration programmes for awareness raising in the host society are thus unknown. Secondly, there is the meaning itself of courses in civics and culture. The claim that they teach "national values and European values" has been widely questioned and biases have repeatedly been pointed out in the preparation of contents, and of course materials and exams, in many European countries (Niessen & Schiebel 2004). Finally, there is the need to evaluate these programmes. So far there has been no proper evaluation even in those countries where they are traditionally used.

Integration policies in Spain have emphasized the need for the so-called "social roots" and "integration effort" to decide on the renewal of temporary residence or family reunification. To do this, public institutions have to issue some previous reports, such as the report about social integration and social roots. This is a report carried out by the municipality or local authority and it is based on the registration of the applicant. It is significant to evaluate the elements that report.

Among them, there must be determined whether he or she knows enough about the society where he or she lives in, whether he or she has basic Spanish communication skills, whether he or she has participated in hosting services or associative networks. If their skills are inadequate, municipal services will guide him/her towards host courses. The applicant of this report is the Non-EU foreigner, of legal age and in an irregular administrative situation, who must certify a residence time in Spain (three years), sufficient economic means, and one-year contract.

This last requirement may be exempt for some reasons (i.e., self-employed, spouse's financial means, sufficient economic means, children or parents with means, family, etc; Family links, when there are other persons residing in the country; and when there is participation in social and labour programmes and cultural and language knowledge).

As Solanes highlights, it is possible to maintain the path of non-contractual integration and to that end the *Common Basic Principles on Integration Policy* in the EU (Council document 16054/04) are still valid (2009, p. 71). The fourth basic principle states that a "basic knowledge of the language of the host society, its history and institutions is indispensable to integration; providing immigrants the means to acquire this basic knowledge is essential for attaining successful integration." It is possible to achieve language training without the need to articulate a whole programme of binding contracts. In this regard, continues Solanes, the option in Spanish law of promoting and encouraging the learning of language, and respect for constitutional values and human rights, without it being a condition of access to further legal status and without venturing into the area of cultural identity, seems more appropriate.

## 6. Final Thoughts

We can conclude with the following considerations. First, the trend adopted by the integration policies of those European countries with the greatest migratory trajectory has been judged a disappearance of multiculturalism. Joppke (2007) sees in this evolution the "return of assimilation" and the loss of an egalitarian perspective that addresses the assessment of individuals, according to the position of the group with which they share relevant characteristics. That is, the process focused on the individualisation of obligations, on the commitment to the culture and to civic standards, and on a work-centred perspective are not able to pick up on structural inequalities and the thesis that the unequal treatment of a person due to their sex, race or ethnic origin, religion, beliefs, age, sexual orientation, etc, are of a group nature. As has been pointed out, discrimination is experienced in relation to characteristics a person shares with a group and extends into all aspects of life, both in public and private ~~W~~. (Vanderhole, 2005, Añón 2011). Moreover, and from the factual point of view, integration contracts are more stringent in countries where labour migration is limited or where there is a negative net migration. Therefore, as noted by Guiraudon (2009), in this regard we are actually dealing with a context of symbolic politicisation.

Second, and closely linked to the above, one of the ways most in use to achieve integration is that of strengthening anti-discrimination regulations both for reasons of principle and for operational reasons to do with the development of integration processes in the European context. To this end, it is enlightening to note the process and effects of adoption of Council Directive 2000/43/EC of June 29, 2000 *implementing the principle of equal treatment between persons irrespective of racial or ethnic origin*. Doing so allows us, on one hand, to consider whether this European regulatory framework is suitable for states to develop instruments capable of both, reversing the causes of structural inequality, especially in the most vulnerable groups that are considered wrongly treated (Guiraudon 2009, pp, 527-549), and learning from developments in the field of domestic law.

It also allows us to see if it has generated a debate about equality in contexts of diversity and whether it has meant the taking on of opportunities, opened up by the directive (Esteve 2008), to decentralise its implementation, completing the logic of responsibility with the compensatory logic of antidiscrimination law. In Spain, surveys assume there is no discrimination.

Cea de Arcona (2011, pp. 239-240) shows as a result of the combination of multivariate analytical techniques that the *rejection* of immigration, in terms of measurement by survey, is manifested mainly with the following opinions: (1) The denial of *social rights* and *citizenship* to immigrants. Especially those of suffrage, nationalization and family reunification. (2) The tacit rejection of *coexistence* with immigrants. (3) The desire to tighten *immigration policy*. Being against the regularisation of economic migrants and the reception of political refugees. (4) Sharing a *stereotyped negative image* of immigration, which relates it to increases in crime and worsening working conditions. In the latest polls, immigration is, above all, blamed for the taking away of public resources and job opportunities. (5) Denying the existence of *discrimination* because of racial or ethnic origin. Instead, they claim that all the aid goes to immigrants, and argue for *precedence* of Spaniards over foreigners (in access to health care, education, labour market).

(6) A tepid criminalization of racism and the acceptance of *political parties* with *xenophobic* ideologies. (7) The minimising of acts of *violence* against immigrants. (8) The fear of *immigrant settlement*. The position held is one of being against policies of family reunification.

Third, the approaches to integration policies should be consistent and not ignore the fact that there are a number of significant challenges that immigration policies of the immediate future will have to face.

The fight against social exclusion will become one of the main challenges for the EU in the coming years, and here specialists are advocating two types of response. On the one hand, establishing strategies, which will necessarily be complex, to ensure intergenerational solidarity so that older people do not fall into social exclusion. On the other hand, the principle of fairness and equality for resident third-country nationals agreed at the Tampere Summit in 1999 should guide the EU regulations and policies in the field. Finally, from the standpoint of labour and the labour market, the EU should rethink its policies towards third-country nationals and become a more welcoming space for those who come to work here.

Fourth, regarding mandatory civic integration programmes, and especially those that involve training in "national and European values", it cannot be ignored that they involve serious conflicts in the area of fundamental rights and antidiscrimination law. The values and national identity imposed on immigrants in the context of immigration law become the gateway to the rights and freedoms of the EU, and this generates contradictions of various orders. Firstly, as underlined by Guild, Carrera and Eggenschwiler (2010), the fundamental rights exist to establish the limits of the interpretive criteria that lead to the nationalization of immigrants by means of national identity, something that clearly goes beyond any acceptable and proportionate mandate of the principle of legality. Secondly, insistence on social cohesion through the adoption of so-called national values has changed the idea of responsibility for integration, shifting it from the state and the host society to immigrants considered individually.

## References

- Añón, M.J. (2010). "Integración: unacuestión de derechos", *Revista Arbor*, nº 477 julio-agosto, 625-638.
- Añón, M.J. (2011). "Diversidad cultural y espaciopúblico: respuestas en clave de igualdad", *Construyendosociedadesmulticulturales*, M.J. Añón y A Solanes (eds), Valencia, Tirant Lo Blanch, 83-126.
- Bauböck, R. & Guiraudon, V. (2009). "Introduction: realignments of citizenship: reassessing Rights in the age of plural memberships and multi-level governance", *Citizenship Studies*, vol. 13, nº 5, October, 439-450.
- Bell, M (2008) The implementation of the European anti-discrimination directives: converging towards a common model?"; *Political Quaterly*, 79 (1), 36-44.
- Bijl, R. & Verweij, A. (2012). *Measuring and monitoring immigrant integration in Europe*, The Hage, The Netherlands Institute for Social Research.
- Cachón, L. (2008). "La integración de y con los inmigrantes en España: debates teóricos, políticas y diversidad territorial", in *Política y Sociedad*, vol. 45 nº 1, 205-235.
- Carrera, S. (2006). "Programas de integraciónparainmigrantes: unaperspectivacomparada de la Unión Europea", *Migraciones*, nº 20, 37-73.
- carreras, s. & faureatger, a. (2011). *Integration as a two-way process in the EU?*, Brussels, Centre for European Policy Studies (CEPS).
- Cea de Arcona, M.A. (2013). "Racismo, xenofobia y conflicto: unanálisis de la situación en España" *Construyendosociedadesmulticulturales: espaciopúblico y derechos*, M.J. Añón and Á. SolanesCorella (ed.), Valencia, Tirant Lo Blanch, 212-249.
- De Lucas, J. (2003). *Globalización e identidades. Claves políticas y jurídicas*, Barcelona, Icaria.
- De Lucas, J. (2006) "La integración de los inmigrantes: la integraciónpolítica, condición del modelo de integración", in J. De Lucas and L. DíezBueso, *La integración de los inmigrantes*, Madrid, Centro de EstudiosPolíticos y Constitucionales.
- De Witte, B. (2009). The Crumbling Public/Private Divide: Horizontality in European Anti-Discrimination Law, *Citizenship Studies*, nº 13, 5, 515-525.
- Esteve, F. (2008). "Las directivaseuropeas contra la discriminación racial y la creación de organismosespecializadosparapromover la igualdad. Análisiscomparativo de sutransposición en España y en Francia", *Revista de DerechoConstitucionalEuropeoReDCE*, nº 10, Julio-Diciembre, 189-230.

- García Añón, J. (2003). “La integración social de los inmigrantes y la concreción de sus derechos en los planes autonómicos”, *Cuadernos electrónicos de filosofía del derecho*, nº. 7.
- García Añón, J. (2013). “Discriminación, exclusión social y conflicto en sociedades multiculturales: la identificación por perfil étnico”, *Discriminación racial y étnica*. J. García Añón y M. Ruíz (ed), Valencia, Tirant lo Blanch, 281-316.
- Guild, E., Carrera, A. & Eggenschwiler, A. (2010). *The Area of Freedom, Security and Justice ten years on: Successes and future challenges under the Stockholm Programme, Justice and Home Affairs, CEPS Paperbacks*.
- Guiraudon, V. (2008). “Contratos de integración para inmigrantes: tendencias comunes y diferencias en la experiencia europea”, Real Instituto El Cano, Fecha: 10/06/2008
- Guiraudon, V. (2009). “Equality in the making: implementing European non-discrimination law”, *Citizenship Studies*, vol. 13, nº 5, October, 527-549
- Joppke, Ch. (2007). “Transformation of Immigrant Integration in Western Europe: Civic Integration and Antidiscrimination Policies in the Netherlands, France, and Germany”, *World Politics*, 59 (2), 243-273
- Laparra, M. & Martínez De Lizarrondo, A. (2003). “Espacio local, escenario para la integración social” in M. Laparra (ed), *Extranjeros en el purgatorio. Integración social de los inmigrantes en el espacio local*, Bellaterra, Barcelona, pp. 321-350
- Martínez De Lizarrondo, A. (2009) “Una mirada a los planes de integración de las comunidades autónomas”, *Inmigración y política sociales*, L. Cachón y M. Laparra (eds), Barcelona, Edicions Bellaterra, 2009, 51-70.
- Moreno, L. & Serrano, A. (2007) “Europeización del Bienestar y activación” *Política y Sociedad*, Vol. 44, nº 2, 31-44.
- Mulcahy, S. (2011). *Europe’s Migrant Policies. Illusions of Integration*, Palgrave Macmillan, New York.
- Niessen, J. & Schiebel, Y. (2010). *Handbook on Integration for policy-makers and practitioners*, European Community. (3<sup>rd</sup> Edition).
- Oers, R.V., Ersboll, E., & Kostakopoulos, Th. (2010), *A Re-definition of Belonging? Language and Integration Tests in Europe*, Martinus Nijhoff Publishers / Brill Academic Publ.
- Rey Martínez, F. (2009). “¿Cuánta diversidad (cultural) admite una comunidad (política)?”, *Repensar la pluralidad*, A. Viana Garcés (ed), Valencia, Tirant Lo Blanch, 19-40.
- Sánchez Lorenzo, S. (ed) (2009) *La integración de los extranjeros. Un análisis transversal desde Andalucía*, Barcelona, Atelier.
- Solanes, A. (2009). ¿Integrando por ley: de los contratos europeos al compromiso de la Ley autonómica valenciana 15/2008 *Revista de Derechomigratorio y extranjería*, nº 20, 47-75.
- Solanes, A. (2010) “Un balance tras 25 años de leyes de extranjería en España: 1985-2010”, *Revista del Ministerio de Trabajo e Inmigración*, 2010, nº 90, 77-102.
- Solanes, A. (2013). “Indicadores para la integración de los inmigrantes desde las directrices europeas”, *Integración, inmigración y derechos: a la búsqueda de indicadores*, J de Lucas y M.J. Añón (eds), Barcelona, Icaria.
- Vanderhole, W. (2005), *Non-Discrimination and Equality in the View of the UN Human Rights Treaty Bodies*, Oxford-Antwerpen, Intersentia.