

Report prepared for the project
A European Approach to Multicultural Citizenship. Legal Political and
Educational Challenges
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1. SPAIN AS CONSOLIDATED IMMIGRATION COUNTRY	2
2. THE IMMIGRANT POPULATION IN SPAIN	2
2.1 SIZE AND ORIGIN OF IMMIGRANT POPULATION	2
2.2 SOCIO-ECONOMIC CHARACTERISTICS: SEX, AGE, EDUCATION AND WORK	5
3. THE LEGAL AND INSTITUTIONAL FRAMEWORK	6
3.1 IMMIGRATION LAWS	6
3.2. INTEGRATION PROGRAMS AND THE DEVELOPMENT OF AN INSTITUTIONAL FRAMEWORK	9
4. SOCIAL INTEGRATION CHALLENGES	11
4.1 PUBLIC OPINION, SOCIAL CONFLICTS AND DISCRIMINATION	11
4.2 THE MANAGEMENT OF RELIGIOUS PLURALISM	13
5. FINAL REFLECTIONS: CURRENT TRENDS AND CHALLENGES	13

1. Spain as consolidated immigration country

In the second half of the 1980s Spain has transformed from a country of emigration to a country of immigration. Before this period Spanish citizens used to migrate to Northern European and Latin American countries, while immigrants from North Africa and Latin America mainly used Spain as a transit country. After the accession to the European Community (EC) in 1985 the Spanish economy began to flourish, guest worker programs of North European countries ended and immigrants started to settle down in Spain. Although the country still represents relatively low numbers of immigrants compared to other European states (6,1% of the population in 2005)¹, the foreign population has more than doubled in 5 years time. The economic and historical connections with Northern Africa and South America have mainly triggered immigration flows, but also Europeans represent a large group of foreign residents in Spain.

Immigration has become an important political issue only since 2000, when political parties started to include immigration in their electoral campaigns (R. Zapata-Barrero, 2003a) and immigration became institutionalized after several legislative changes (L. Cachón Rodríguez, 2006; 182). The year 2000 also started first debates on the social integration of immigrants, after riots against Moroccan immigrant workers took place in El Ejido, a market-gardening town (*ciudad-cortijo*) in south-eastern Spain (R. Zapata-Barrero, 2003a and 2003b). Also other incidents of social unrest (like immigrant strikes to obtain papers or civil, cultural, social and economic rights), racism and ethnic prejudice have triggered public and political debate on the social integration of immigrants. More recently the accommodation of cultural and religious claims raised by the Muslim community has entered the debate on integration.

More than integration though, the social and political debate has been focused on the management of immigration flows. Due to increased border control in the Strait of Gibraltar and strategic diplomatic relations between Spain and Morocco, irregular immigration routes have recently changed towards the Canary Islands.

The remaining of this paper gives a description of the Spanish immigration situation. We start in section 2 with the development of the immigrant population in Spain and its main socio-economic characteristics. Section 3 introduces the legal and institutional framework, addressing the main changes in the Spanish Immigration Law and giving an overview of the main immigration programs and institutions. The social integration of immigrants is the main topic of the 4th section. Section 5 ends with some final reflections on recent trends and challenges.

2. The immigrant population in Spain

2.1 Size and origin of immigrant population

In statistics there is no mention of immigrants, but rather of foreigners (*extranjeros*), referring to residents without Spanish citizenship. There are two different types of residence schemes for foreigners in Spain: foreign nationals of European Community countries, as well as their relatives and relatives of Spanish nationals, for whom the European Community residence scheme is applicable (28,5%) and foreigners included in the General Scheme (71,5%), who must obtain the corresponding residence permit,

¹ Informe Estadístico 31-12-2005, Ministerio de Trabajo y Asuntos Sociales.

which may be temporary or permanent.² Access to Spanish citizenship is based on a combination of *ius soli* (birth in territory) and *ius sanguinis* (descent). Being born in Spain with at least one parent also born there (the third generation) acquires citizenship automatically at birth. Second generation immigrants (children born in Spain with foreign parents) can obtain Spanish citizenship after one year of residence. First generation foreigners may acquire Spanish citizenship after a certain period of residence, depending on their nationality. According to the current legislation on nationality most foreigners have to be resident for ten years to be able to request Spanish nationality (asylum seekers can apply after 5 years of residence). However, this is reduced to only two years for those with a preferential nationality and, if they can claim some historical link with Spanish nationality, just one year.³ The preference groups are: Latin Americans, Portuguese, Filipinas, Andorrans, Guineans, and Sephardic Jews. Only these groups can hold a double nationality (Código Civil, articles 17-26, Law no. 36/2002, October 2002). In 2004 38.335 foreigners obtained Spanish citizenship, most of them proceeding from Latin America (63,3%).⁴

Foreigners with a valid residence card or permit in 2005 (2.738.932) make up 6,2% of the Spanish population, compared to 1,2% in 1995. The annual increase of the foreign population was only 2,2% on average from 1975 to 1985 and was outweighed by emigration. From 1985 to 1991 the foreign population started to grow more rapidly, with 7% annually, thereby transforming Spain into a country of immigration. The main increase of the immigrant population occurred in the last 5 years, with 20% annually.⁵

Most immigrants come from Latin America (36%), followed by European countries (EU and non-EU) (33%) and Africa (24%). The largest national immigrant groups are Moroccans, Ecuadorians, Columbians, Rumanians and British, representing 51% of all foreigners.⁶ Moroccans have seen the largest and most sustained increase over the last 25 years. When tracing back the development of the main immigrant nationalities (see table 1), especially immigration from Ecuador and Rumania has increased considerable the last 5-10 years, thereby reflecting the labor quota policy that has been based on selecting immigrant workers for specific sectors of the economy by nationality (see also R. Sandell, 2006; 3-5).

² Informe Estadístico 31-12-2005, Ministerio de Trabajo y Asuntos Sociales.

³ Spain in this context permits their emigrants to transfer nationality by descent from generation to generation without any residence requirement.

⁴ Informe Anuario Estadístico de Extranjería 2004, Ministerio de Trabajo y Asuntos Sociales.

⁵ Except of 2000, when the increase was 19,4%. Anuarios Estadístico de Extranjería and Informes Estadísticos, Secretaría de Estado de Inmigración y emigración, Ministerio de Trabajo y Asuntos Sociales.

⁶ Informe Estadístico 31-12-2005, Ministerio de Trabajo y Asuntos Sociales.

Table 1. Main foreign nationalities residing in Spain in 1995, 2000 and 2005 (31/12), based on the largest foreign nationalities in 2005

	1995	% of foreign population	2000	% of foreign population	2005	% of foreign population	% increase 1995-2005
Total foreign population	499.773	100,0	895.720	100,0	2.738.932	100,0	5,48
Morocco	74.886	15,0	199.782	22,3	493.114	18,0	6,58
Ecuador	1.963	0,4	30.878	3,4	357.065	13,0	181,90
Colombia	6.992	1,4	24.702	2,8	204.348	7,5	29,23
Rumania	1.208	0,2	10.983	1,2	192.134	7,0	159,05
United Kingdom	65.251	13,1	73.983	8,3	149.071	5,4	2,28

Source: Anuarios Estadístico de Extranjería 1996, 2000 (31/12) and Informe Estadístico 31-12-2005, Ministerio de Trabajo y Asuntos Sociales

Next to these numbers on foreign residents with a valid residence card or permit, there is a large group of undocumented immigrants residing in Spain. The number of applications in the different regularization rounds is an important indicator to estimate the number of undocumented immigrants in Spain (see table 2).⁷

Table 2. Extraordinary Regularizations 1985 – 2005

Year	Number of applicants	People regularized (x1000)
1985-1986	?	43.800
1991	128.127	110.067
1996	24.637	19.634
2000	247.598	163.913
2001	351.269	223.428
2005	691.655	573.720

Source: For 1985-1986: C. Blanco, 2006; 9, for 1991-2001: B. López Garcia & M. Berriane, 2004; 522, for 2005: Balance del Proceso de Normalización de Trabajadores Extranjeros, Ministerio de Trabajo y Asuntos Sociales (30-12-2005).

Spain had six major regularization programs since its first Immigration Law in 1985. In the last regularization round (between February and May 2005) which was mainly focused on the regularization of illegal workers, 691.655 people applied, with 573.270 applications resolved positively.⁸ There has been a lot of criticism in the EU on Spain's amnesty policy. As the beneficent groups were from Ecuador (1), Colombia (3) and Bolivia (4), K. Rostek and G. Davies (2006; 16) argue that their possibility to acquire Spanish - and therefore also European - citizenship in only two years (as part of the preference group "Latin America") has strengthened criticism in Europe about Spanish liberal immigration policy.

⁷ For more information on regularizations in Spain see also P. Santolaya, 2006.

⁸ It should be noted that once a foreigner has obtained a legal status, this is no guarantee for remaining legal, due to restrictive requirements for renovation. As a consequence the number of people applying for regularization also includes people that have lost their legal status.

2.2 Socio-economic characteristics: sex, age, education and work

Of the immigrant population, the percentage of men (54,3%) is slightly higher than that of women (45,7%).⁹ The relative increase in women in the last decade is due to both family reunification and larger shares of female emigration. For both sexes, the most important reason to migrate is to find work. On 15-01-2005 1.140.426 foreigners (of whom 36,4% women) were registered within the Social Security System (representing 6.65% of the total number of workers registered as in employment in the Social Security System) and over 2004 there were 2,004,803 contracts corresponding to foreign workers registered in Public Employment Offices (representing 12.26% of the total number of contracts registered in Spain in that year). At 31-12-2004 some 35.769 foreigners held a residence card for educational purposes, 5.553 applied for asylum and the Spanish Consular Offices issued a total of 750.859 visas in 2004.¹⁰ The immigrant work force is to a large extent responsible for the economic growth witnessed in Spain in the last decade, being one of the fastest growing economies of the EU (see also Caixa Catalunya, 2006).

On the average immigrants are younger than the Spanish population, as most of them fall within the economic active age cohort of 16-64 years (84,2%).¹¹ The average age is 34 years (for both men and women).¹² The natural increase of the immigrant population is much higher than that of the Spanish population. Consequently 80% of the population growth since 2000 is generated by immigrants (Caixa Catalunya, 2006; 122). This also means that there is a growing population of so-called “second generation” immigrants in Spain. At the moment though, only few are adolescent (see also R. Aparicio Gómez and A. Tornos Cubillo, 2006; 15).

In terms of levels of education there is not much of a difference between immigrants and Spanish nationals (although there are differences between different national groups). What is striking is the relatively high number of immigrant workers with secondary studies. Of the immigrant workers who signed a contract in 2004, 68,7% had completed secondary education, 14,9% had not completed primary education, 12,9% were on record as illiterate and 3,4% had post-secondary education.¹³ The levels of education however do not fit quite well the positions of immigrants on the Spanish labor market. The labor union *Comisiones Obreras* (CC.OO) in this context comments that some 42% of the foreign workers in Spain do not occupy harmonious jobs with their levels of education (P.M. Sandri, 2006). Often immigrants have temporary jobs (91%) for which they are overqualified (C. Fernández and C. Ortega, 2006) in sectors of the economy that are dirty, dangerous and demanding, where salaries are low and working conditions bad (L. Cachón Rodríguez, 2006; 201). While the majority of the women work in (domestic) services (82,4%), men are concentrated in both the service (43,4%) and construction (30,2%) sector.¹⁴

While the activity rate of the Spanish population is 56,3%, foreigners have an activity rate of 77,5%, which is mainly due to their age structure. In spite of this, foreigners have higher unemployment rates than Spaniards. In the second trimester of 2006 the unemployment rate for Spaniards was 8,0% compared to 12% for foreigners. Beyond this reality, unemployment rates among women are twice as high for both

⁹ Informe Estadístico de extranjería 31-12-2006, Ministerio de Trabajo y Asuntos Sociales.

¹⁰ Anuario Estadísticos de Extranjería 2004, Ministerio de Trabajo y Asuntos Sociales.

¹¹ Informes Estadísticos de Extranjería 31-12-2005, Ministerio de Trabajo y Asuntos Sociales.

¹² Anuario Estadísticos de Extranjería 2004, Ministerio de Trabajo y Asuntos Sociales.

¹³ Anuario Estadísticos de Extranjería 2004, Ministerio de Trabajo y Asuntos Sociales.

¹⁴ Anuario Estadístico de Extranjería 2004, Ministerio de Trabajo y Asuntos Sociales.

Spaniards and foreigners.¹⁵ Moreover there are differences between nationalities. In July 2005, Moroccan job seekers represented 21,4% of the total number of foreign job seekers, followed by Ecuadorians (9,6%), Columbians (8,8%), Italians (4,8%) and Portuguese (4,1%).¹⁶

It should be mentioned that some segments of the labor market operate without any regulation at all and imply a high proportion of foreigners. On the one hand the restructuring of the Spanish economy after the accession to the European Community has resulted in labor demands in specific sectors of the economy in where nationals no longer wish to work. The lack of facilities for Spanish employers to contract foreigners and the difficulty to access the Spanish labor on the other hand has resulted in irregular immigration flows and labor markets (see also M. Aparicio Wilhelmi and E. Roig Molés, 2006). This is especially the case in domestic services, home care not covered by public services and to a lesser extent agriculture. The presence of undocumented foreigners has become a structural phenomenon here (see also R. Zapata-Barrero, 2003c; 5). The extent of the problem is also reflected in the last regularization round which was mainly focused on the regularization of “illegal” workers.

3. The legal and institutional framework

3.1 Immigration Laws

Spain has been quite unprepared for the arrival of immigrants, creating problems of governance both in terms of political decisions making and in terms of maintaining coherence of policy. This problem of governance explains in part the numerous legislations, regulations and regularizations since the first Immigration Law of 1985. Spain has had five Immigration Laws, four Regulations¹⁷ and six Extraordinary Regularization Processes. In a few years three Immigration Laws were discussed, of which one law even was approved without a Regulation (4/2000) and others (like LO 8/2000) were declared to be in conflict with the constitution (see also P. Santolaya, 2005; 242-243). This means that the legal framework is still not politically consensual and highly dependent on ideology. Let us trace the main legal developments (see also table 3).

The first Immigration Law 5/1985 (*Ley Orgánica sobre derechos y libertades de los extranjeros en España*) passed on the 1st of July 1985. With the admission to the European Community scheduled for 1986, Spain had to conform to EC legislation that restricted immigration of non-EC citizens. Basically the first Law was therefore not so much about the rights and freedoms of foreigners, but rather about the control of their access and the expulsion of those residing illegally in the country. Moreover immigration was mainly interpreted as temporal phenomena. As legal ways of migration were almost impossible (requiring a labor contract before arrival), almost all immigrants entered by overstaying tourist visa.

The increase of irregular immigrants resulted in the first extraordinary regularization process of 1991 and the hidden regularizations by way of so-called

¹⁵ Encuesta de Población Activa (EPA), Segundo trimestre de 2006, Instituto Nacional de Estadística.

¹⁶ Boletín estadístico de extranjería e inmigración, 2005; for more information see also L. Cachón Rodríguez, 2006; 198-199.

¹⁷ The immigration Law in Spain is an organic Law. This means that it is directly a development of a constitutional article (art. 13). The Law needs regulation (*Reglamento*), which is the administrative focus for developing the different articles of the Law. The Law 4/2000 never had a regulation, and thus never generated action and political implementation.

contingents, the yearly establishment of labor quota to respond to short and long-term shortages on the labor market. This system of labor quota (used in 1993-1995 and 1997-1999) was aimed to channel legal immigration flows towards sectors of the Spanish economy with a shortage of labor, but in practice gave illegal immigrants already residing in Spain an opportunity to regularize their status (E. Aja, 2006; 24, 35). The first regulation had many shortcomings and was replaced in 1996 by a new one that was less restrictive in terms of delinquencies, recognized permanent work and resident permits and the rights of children. The main problem with this new regulation though was its incompatibility with the LOE 5/1985 (E. Aja, 2006; 26-27).

The second Immigration Law 4/2000 (*Ley Organica sobre derechos y libertades de los extranjerios en España y su integración social*) was initiated by the Socialist Party in opposition and approved just before the general elections in January 2000 (N. Ortega Pérez, 2003). The new immigration Law introduced important innovations: expanding notably the rights and liberties of both legal and illegal foreign residents, recognizing family reunification, introducing the possibility of permanent residence, modifying the system of infractions and sanctions (including sanctions on discrimination), aggravating fines on human trafficking and promoting decentralized action of autonomous communities and local governments. With regard to the latter, most important was the complementary nature of registration of domicile, which after two years of residence made regularization possible (E. Aja, 2006; 27-29). The 4/2000 Law also granted a stronger role to political institutions. It reorganized and created the majority of administrative structures, including the construction of the Superior Council of Immigration (*Consejo superior de politica de Inmigracion*) a Permanent Observational Body (*Observatorio Permanente de la Inmigración*) and a Forum on Social Integration (*Foro para la Integracion Social*) (E. Aja, 2006; R. Zapata-Barrero, 2003c; 12). The new Law therefore represented the acceptance of immigration as structural phenomena and for the first time created conditions to facilitate the social integration of foreigners.

But this new Immigration Law never had a regulation and therefore was never implemented (see also E. Sagarra i Trias, 2002). The new Law was widely criticized by the ruling *Partido Popular*, finding the Law too permissive (producing a so-called “call effect”). The party’s parliamentary majority after the March 2000 elections enabled it to amend the recent Law by a new (third) Law 8/2000, which took effect in January 2001. This meant a change from an open and humanitarian approach to a more restrictive Law separating the immigrants in undocumented and documented and conceding rights only to the former. The Law also reformed the agenda for issuing work and residency permits and visas, making it impossible to receive a work permit after arriving in Spain irregular¹⁸, restricted family reunification and introduced stronger border control¹⁹ (E. Aja, 2006; 29-31).

Next to the fight against illegal immigration, the right-wing government also put the (problem of) integration on the political agenda, as it was the starting point for plan GRECO (*El Programa Global de Regulación de la Extranjería y la Inmigración en España*) a Global Program to Regulate and Coordinate Foreign Residents’ Affairs and Immigration in Spain (see also section 3.2). The regulation accompanying the new law consisted mainly of general criteria that made decision-making open to preferences of

¹⁸ In order to contract laborers in their countries of origin Spain signed bilateral agreements with Morocco, Colombia, the Dominican Republic, Ecuador, Rumania and Hungary.

¹⁹ This resulted in intensified police surveillance in the context of “Plan Sur”, the installment of the “Integrated System of Exterior Surveillance” (SIVE) (S. Alscher, 2005; 12,13) and the facilitation of the expulsion of illegal immigrants within 48 hours within the legal framework of agreements of return (E. Aja, 2006: 31).

responsible administrators. The right wing administration thereby failed to follow a clear strategy, on the one hand introducing an integration program (GRECO), while on the other hand restricting legal immigration and negating rights for illegal immigrants.

The 11/2003 Law of concrete measures in matters of civic safety, domestic violence and the social integration of foreigners (*Ley Orgánica 11/2003 de medidas concretas en materia de seguridad ciudadana, violencia doméstica e integración social de los extranjeros*) can be regarded a heterogeneous and populist law. Approved a week before the local and regional elections, it links the increase of immigration with the increase of delinquencies. Most important in this context is the multiplication of possibilities for expulsion of illegal immigrants.

As a consequence of a sentence by the Supreme Court in 2003, several articles from the in 2001 approved regulation needed to be changed, which paved the way for a new Organic Law 14/2003 to be approved in November 2003. Important changes were the simplification of visa requirements, by the provision of work-search visa, the confluence of the contingency policy with bilateral agreements, the elimination of the possibility for individual regularization after 5 years of illegal residence and the possibility for police to have access to personal information of foreigners registered at the municipality level (*padrón municipal*) (E. Aja, 2006; 37-40).

When the Socialist Party won the elections in March 2004, it did not initiate a new law or approved the elaborated regulation for the new law, but opted for the development of a new regulation (by Real Decree 2392/2004) and gave priority to the so-called “normalization” (instead of regularization) of illegal immigrant workers by Orden and 140/2005. An important difference in the approach of the new government is the belief in the informal economy to be the main pull factor and cause of sustained irregularity in Spain. This means that there is a different interpretation of the “call effect”, not coming from the law, but from the informal economy. Another change has been the broadening of the general system of contracting as a way for legal immigration and the possibility for social and labor *arraigo*, which basically provides work and residence permits for those who can proof irregular residence in Spain for three consecutive years and have an employment offer. The immigration Law though has remained unchanged, and is mainly focused on the management of immigration flows, the fight against illegal immigration and the cooperation with countries of origin in terms of border control and repatriation agreements (E. Aja, 2006; 40-44).

Next to the development of Spanish Immigration Law, it should be mentioned that Spain has implemented the European Racial Equality Directive (Directive 2000/43) and the Employment Equality Directive (Directive 2000/78) by Law 62/2003 of 30 December on fiscal, administrative and social measures; Legal Decree 5/2000 of 4 August 2000 (Law on Infractions and Sanctions on the Social Order, amended in January 2004) (European Commission, 2006; 12). Article 13 of the Racial Equality Directive states that Member States must designate “a body or bodies for the promotion of equal treatment of all persons without discrimination on the grounds of racial or ethnic origin” (Council Directive 2000/43/EC) implementing the principle of equal treatment between persons irrespective of racial or ethnic origin. In Spain however this body has not started working yet (European Monitoring Centre on Racism and Xenophobia; 31). The European Commission against Racism and Intolerance (ECRI) comments that legislation on racial discrimination in Spain still needs to be adequately implemented and that there is a need for a specialized body to combat racism and racial discrimination (ECRI, 2006; 6)

Table 3. Main legal changes since 1985

Year	Law	Regulation	Party in government
1985	LO 5/1985		Partido Socialista Obrero Español (PSOE) – F. González
1986		Royal Decree 1119/1986. Approval of regulation for LO/1985	Partido Socialista Obrero Español (PSOE) – F. González
1996		Royal Decree 155/1996. Approval of new regulation for LO 5/1985 (Replacing the <i>Reglamento</i> of Real Decreto 1119/1986.)	Partido Socialista Obrero Español (PSOE) – F. González
2000	LO 4/00		Partido Popular (PP) – J. M. Aznar
2000	LO 8/00		Partido Popular (PP) – J. M. Aznar
2001		Royal Decree 864/2001. Approval of regulation for LO 4/2000, reformed by 8/2000	Partido Popular (PP) - J. M. Aznar
2003	LO 11/03		Partido Popular (PP) - J. M. Aznar
2003	LO 14/03		Partido Popular (PP) - J. M. Aznar
2004		Royal Decree 2393/04. Approval of regulation for 4/2000, reformed by LO 14/2003	Partido Socialista Obrero Español (PSOE) – J. L. Rodríguez Zapatero

Source: Own elaboration of data on regulations and jurisprudence in Immigration Affairs from <http://extranjeros.mtas.es> and E. Aja, 2006; 17-44

3.2. Integration programs and the development of an institutional framework

The first initiative for explicit Integration Policy was the “Inter-ministerial Plan for the Integration of Immigrants” (*Plan para la Integración Social de los Inmigrantes*) approved in 1994. This plan facilitated the gradual access of basic civil and social rights to immigrants and produced two important institutions: *Foro para la Integración Social* and the *Observatorio Permanente de Inmigración*. The first institution consists of a network for the participation of stakeholders, while the latter constitutes a permanent research group on immigration. Integration until 2000 though was understood mainly as a one-sided process in where only the immigrant had to adapt to their new society.

Specific policies for the integration of immigrants started to take shape with the “Overall Program for the Regulation and Co-ordination of Immigration Affairs and Immigration in Spain” (*Programa Global de Regularización y Coordinación de Extranjería e Inmigración*, generally abbreviated as GRECO). GRECO covered several years (2000-2004) and consisted of 4 basic actions: 1) A coordinated overall framework for immigration as a phenomenon that is desirable for Spain within the context of the European Union; 2) the integration of resident foreigners and their families, who contribute actively to the country’s growth; 3) the regulation of migratory flows with the goal of guaranteeing peaceful coexistence in the Spanish society; 4) the maintenance of a system of protection for refugees and displaced persons. While taking the legal criteria of full citizenship as a starting point, in practice these policies have been centered on the controlled selection of immigrants for the labor market, including some

measures to train immigrants for employment. The main problem of the GRECO program was that it defined a broad scheme for central government action in the area of Immigration Affairs, but did not indicate priorities or concrete actions (R. Zapata-Barrero, 2003c; 21,22).

The Home Affairs Ministry had the main role in all four areas of intervention, mainly one and three, followed by the Ministry of Labor and Social Affairs, Education, and Culture and Sports, but also the importance of local and regional governments in the integration of immigrations became acknowledged. Institutionally, the 8/2000 reform of the law has increased the responsibilities of the Ministry of Interior (Home Affairs Ministry), thereby opposing the room provided for other actors within the management of immigration in the former Law (R. Zapata-Barrero, 2003c; 12). It is important to mention in this context that from the first Law in 1985 until today, there has been a permanent change in ministerial responsibility to run immigration policy. With the right wing *Partido Popular* in power, the focus has been on Law and Order with the ministry of Interior in charge, while the Socialist Party has been focused on labor and has centered its policies within the Ministry of Labour and Social Affairs.

Recently the *Secretaría de Estado de Inmigración y Emigración* (of the Ministry of Labor and Social Affairs) is developing a new integration program (*Plan Estratégico de Ciudadanía e Integración*) to give a new impulse to integration policy. The plan should provide the political framework for integration programs, most of them to be implemented by regional and local governments, labor unions, NGO's and immigrant associations. Integration is now explicitly defined as a continuous process of mutual adaptation within the framework of some basic values shared within the European Union.²⁰ The plan aims to stimulate a broad range of immigration policies within the specific fields of reception, education, employment, housing, social services, health, youth, non-discrimination, women, participation, raising awareness and development cooperation. It should be noted that in practice integration policy is mainly a responsibility of regional and local authorities. This is partly due to the territorial political structure of the Spanish state, which makes the central government responsible for border control, while reception policy and social integration of immigrants are a responsibility of the autonomous communities and local administrations. A common critique has been the lack of finance and competences for these authorities to develop immigration and integration policy.²¹

In this context the multinational character of the Spanish state poses another challenge to immigration policy. In fact there are in Spain two multicultural processes at work: multi-nationality and immigration. The link between the two started to enter the political agenda mainly in Catalonia, where different questions related to immigration appeared, like: What are the effects of immigration on the process of national identity building? How should the accommodation of immigrants take place within the specific context of minority nations at the sub-state level? Most important for minority nations in Spain are the effects of the accommodation of immigrants on the demand of self-government, as immigration can be perceived as a threat to the national project if not regularized and controlled by the national community (see also R. Zapata-Barrero, 2005c; 2006a; 2006b).

²⁰ Consisting mainly of democratic values like the rule of law, freedom, justice, equality and political pluralism (see *Secretaría de Estado de Inmigración y Emigración*, 2006: 10).

²¹ In the new Statute of Autonomy of Catalonia (constitutional Catalan Law - *el Estatut*), the Catalan government for the first time has competences with regard to immigration policy, like issuing temporal residence work permits (see also R. Zapata, 2006b).

4. Social integration challenges

Within the social and political sphere there are many challenges posed by immigration, that is, issues/ topics pressing the governmental approach and focus of Spanish policy-making. We could mention the previous challenge of how to manage immigration within a multinational context as an example, but there are also other relevant challenges we have no space to develop here.²² For this overview of the immigration situation in Spain, we have selected two important challenges: public opinion, social conflicts and discrimination (section 4.1) and the management of religious pluralism (section 4.2)

4.1 Public opinion, social conflicts and discrimination

Not only politicians, but also Spanish society has been unprepared for immigration. In the monthly barometer question of the CIS (*Centro de Investigaciones Sociológicas*) there appears a structural question about what the respondents conceive to be the three most important country problem. Immigration is within the top 3 of mentioned problems since April 2005 and within the top 2 since March 2006. The highest score is found in August 2006, where immigration is mentioned by 43,6% of the people. The high preoccupations are a result of increasing irregular immigration flows to the Canary Islands. The arrival of 4.772 immigrants in the month August only broke all records and made irregular immigration a daily news item.

Public opinion data manifest that immigration is highly linked to the illegal entry, which is perceived as a threat to national security. North Africans and especially Moroccans are the main representatives of the “immigrant” (see for example *Barómetro del Centro de Investigaciones Sociológicas*, February 2000). In this context, the majority of Spanish citizens link opposition to immigrants to the Muslim community, especially Moroccans, which are presented by the media as extremely different and a danger to Western values and quality of life (see also R. Zapata-Barrero, 2006c; 153).

Surely, this reactive attitude towards immigrants has a practical expression through discrimination. Several social conflicts have made explicit discrimination and xenophobia in Spain. In February 2000 a group of residents in El Ejido attacked undocumented Moroccan immigrant workers, after a mentally unbalanced Moroccan immigrant had killed someone. This made Spanish society not only aware of racism, but also of irregular markets and precarious working conditions of undocumented immigrants. Another event with similar effects was a bus accident in Lorca in January 2001 that killed 12 undocumented immigrant laborers (see also R. Zapata-Barrero, 2004a; 109-111 and R. Zapata-Barrero, 2003c; 8-11). Another example of racism took place in September 2004, when Spanish workers in Elche, a long-time shoe-producing town in the coastal province of Alicante, set fire to two Chinese shoe warehouses in an (unauthorized) manifestation against Chinese shoemaker taking over Spanish business. Different from El Ejido though, the Chinese seem to have caused resentment, because Spaniards felt that the Chinese economic practices threatened age-old social customs,

²² In several works R. Zapata-Barrero (2004b, 2005a, 2005b) identifies other challenges acting as restriction to policy-building. These are among others: the politicization of immigration (political discourse on immigration or the use of populist arguments by the traditional political parties), the management of perceived effects and interpretations (prejudices, stereotypes, etc.) and how to manage the distribution of policies when taking into account the territorial administrative structure of Spain, where local authorities have to manage problems that go beyond their local resources.

employment norms, and labor relations in Spain, with racism as effect (see also L. Cachón, 2005).

Next to these incidents, discrimination and xenophobia structurally operate in Spain at different levels: work, housing market, education, and political rights. In terms of work, according to the labor union *Confederación Sindical de Comisiones Obreras* (CCOO), non-communitarians earn 33% less than Spanish citizens (P.M. Sandri, 2006). Tendencies of underpayment are especially strong in sectors like the hotel business, construction and domestic services. Likewise, the rate of precariousness of the employment is very high as well, as many immigrants have temporal jobs. For those who enter the country irregular, it is even more difficult, because immigration Laws have made it almost impossible to apply for a work permit. This results in the exploitation of undocumented workers: considerably lower payments, a lack of safety standards, labor security and worker rights.²³

A similar situation appears at the housing market. A recently published study on immigration and housing highlights that more than 60% of the immigrants share their room and some 19% live in rooms less than 10 m² (C. Pereda, 2004; 112-114). Another shocking result is the practice of so-called “warm beds” (*camas calientes*), referring to some 12.000 persons only renting a bed to sleep, whereby rooms are rented to more people in shifts (C. Pereda, 2004; 201). Also racist texts, like “not for immigrants” on websites of housing agencies are reported. In general the housing sector has a lot of xenophobic practices and high prices and lack of papers do not improve this situation.²⁴

As the right to education is concerned, the share of immigrants receiving education is increasing fast²⁵, although the number drops considerable when regarding non-obligatory education.²⁶ This number is relatively low for North African and Latin American immigrants (El País, 08-09-2006). The main education challenges are found in the concentration of immigrant students in public schools (resulting sometimes in scholarly ghettos), the existence of racist admission practices²⁷ and the lack of religious education other than Catholic. Although in 1992 the agreement between the state and the *Comisión Islámica de España* guarantees the right of Islamic education to Muslim students in both public and private schools, in practice many schools do not provide this opportunity and local governments do not give priority to Islamic education either (SOS Racismo, 2003; 193).

In terms of political rights, although immigrants have the right to assembly, association and syndication, they are withheld from the right to vote or be elected (active and passive suffrage rights). The nation-state paradigm still is used as the main argument. The only way to obtain voting rights is through naturalization (the acquisition of Spanish nationality). Beyond this paradigm, voting rights can be granted by way of Art.13.2 of the Constitution, allowing voting rights at the local level to immigrants by the reciprocity principle. That means that there is only a possibility for foreigners to vote in local elections when their countries of origin provide the same right to Spanish nationals (CE art. 13.2)²⁸. This “reciprocity” mechanism has been incorporated in the new integration program, by way of a program stimulating the signing of bilateral agreements that make voting rights possible (Secretaría de Estado de Inmigración y

²³ SOS Racismo 2001;166-171, 2002;89-94, 2003; 111-123, 2004; 197-210.

²⁴ SOS Racismo 2001; 172-174, 2002; 96-98, 2003; 205-210, 2004; 222-227.

²⁵ In 2006-2007 immigrants represent 8,4% of total inscriptions of non-university studies (*El País*, 08-09-2006).

²⁶ Education from 6 to 16 years is a right and obligation.

²⁷ SOS Racismo 2001;175-180, 2002; 86-88, 2003; 193-195, 2004; 211-221.

²⁸ See http://extranjeros.mtas.es/es/normativa_jurisprudencia/Nacional/Constitucion.pdf

Emigración, 2006; 212), but discriminates foreigners from non-democratic countries. There are several social movements²⁹ fighting for voting rights of immigrants and it continues to be a social and political issue, especially after the recently launched debate to change the Law in order to give all foreigners the possibility to vote in local elections (see *La Vanguardia*, 17-08-2006; L.R. Aizpeolea, 2006; *El País*, 20-08-2006)

4.2 The management of religious pluralism

Despite the 1992 agreement that guarantees religious pluralism by Law (Jefatura de Estado, 1992), the Muslim community lacks the infrastructure that would lead to a normal religious life. Religious demands have resulted in different conflictive situations between Muslims and Spanish citizens, public administration and the private sector. The building of mosques is probably the most important religious demand. The protests of neighbors and resistance of local governments show a major lack of social integration and source of social conflict. *SOS Racismo* in this context uses the term of Islamophobia to describe the xenophobic reactions to the increased visibility of Muslims in public space (i.e. mosques, cemeteries, Muslim shops) (SOS Racismo, 2002).

After the terrorist attacks in both New York 2001 and Madrid 2004, the Islam has become presented as the most opposed civilization in the Western world. As a consequence, in Spain mosques are being feared as centers of terrorism. In order to prevent the radicalization of Muslims, the government has proposed to control financial flows to the Muslim community, as is the case with the Catholic Church (E. Giralt, 2004; 39). Next to finance, a major problem is the lack of control over imams. ATIME (*La Asociación de Trabajadores Inmigrantes Marroquíes en España*), the main Moroccan immigrant workers organization has proposed to construct a democratic Muslim council for each autonomous community that is responsible for the supervision of Mosques and appointment of Imams, in order to stop the radicalization of the Islam financed by Saudi Arabia (E. Granda and T. Bárbulo, 2004; 21 and T. Bárbulo, 2004; 14). The main Muslim organizations also asked the current Socialist government to end religious discrimination and open faculties for Islamic theology to teach future imams, in order to prevent radical Imams educated abroad (J. Bastante, 2004; 15).

Similar problems resulting in struggles with the public authorities are the demands of Muslim cemeteries or spaces to allow funeral rites (G. Martín Muñoz, 2003; 119), the demand for *halal* (meat that has been sacrificed according to Islamic rites) in public buildings, the wearing of headscarf's at schools and the lack of Islamic education. An example of cultural demands from the Muslim community related to the private sector has to do with banks that have not yet provided services that are consistent with the Islamic Law the *Sharia*, in which both paying and receiving interests are conceived as a sin. (see also M. Rius, 2006; 13).

5. Final reflections: current trends and challenges

Spain has a relatively short history of immigration, transforming in 20 years from a country of emigration to one of the main immigrant receiving countries of the European Union. The fast increase of the foreign population since 2000 has resulted in growing awareness that immigration is a structural phenomenon and Spain a multicultural society. It was already multicultural, because of the different nations residing together in the Spanish multinational state. Immigration though adds a new dimension and new

²⁹ Most important are the NGO *SOS Racismo* and the labor union *Confederación Sindical de Comisiones Obreras* (CC.OO).

challenges. The fluctuations in Spanish immigration Law over the last 6 years demonstrate that a political discourse on immigration is still in construction. The development of immigration policy has been (and to a large extent still is) mainly a matter of controlling immigration flows (prevention), while lacking politics for the social integration of immigration. Explicit integration policy was long absent, but at the moment of writing a new immigration program is in the making. Immigrant's lack of integration is found among others in discrimination and xenophobia on the job and housing market, scholarly segregation and the lack of full political rights. The social integration of Muslims is perceived most difficult, because of claims for religious infrastructure that are unfamiliar to Spaniards. Rather than social conflicts related to social integration, the pressure of undocumented immigration at the European outer borders, have recently dominated the social and political debate on immigration in Spain. There is an increasing awareness that these irregular immigration flows are not merely a Spanish, but also a European problem and Spain is pressing the EU to take responsibility. In this context there can be witnessed three recent trends.

1. From *pateras* to *cayucos*, or the "Africanisation" of immigration flows: Between January and September 2006 some 20.000 undocumented immigrants (of whom 700 minors) mainly from Sub Saharan Africa arrived by boats at the Canary Islands (La Vanguardia, 10-09-2006). Those who survive the dangerous crossing of the Atlantic Ocean are taken to reception centers where officials try to establish their nationality, in order to repatriate them if agreements of return are signed with their countries of origin. If they cannot do this within 40 days, the immigrants are shipped to the mainland and territorially distributed, where they are released and told to leave the country within 15 days. Many stay or travel on in the European Union (EU) and get involved in black labor markets.

2. Related to this, there can be witnessed a Spanish political strategy of Europeanization of immigration. While first the European Union pressed Spain to control its borders, nowadays it is Spain that is increasingly pressing the European Union to consider border control as a European issue.³⁰ That immigrants crossing the sea come to Europe rather than to Spain in this context poses a challenge to define "European borders", especially European maritime borders (see for example A. Missé, 2006) and to develop European border policy.

3. The politics of return or repatriation by way of bilateral agreements has become one of the main pillars of Spanish border policy. This politics of return consists of making compromises with countries of origin, in order to make them responsible for immigration flows and accept their own citizens or third country nationals that enter

³⁰ Special mention should be made of the Spanish presidency of the EU, where the fight against "illegal" immigration was made one of the main topics on the European Council meeting in Seville (June 2002). But also more recently Spain has put immigration on the EU political agenda at the informal meeting of heads of state in Hampton Court, London, taking place just after the tragedies in Ceuta and Melilla in October 2005 (European Commission, 2005) and at the EU council meeting in Brussels in March 2006, when the Canary Islands started to receive large amounts of immigrants. Spain efforts to put immigration on the EU political agenda is most recently reflected by the visits of the Spanish vice-president De La Vega to Brussels and Helsinki to make immigration (again) a priority on the next European council meeting in Helsinki December 2006 (A. Missé, 2006; 21).

Spain irregular.³¹ The European Union is working on similar agreements as one of the main instruments to fight illegal immigration (European Commission, 2005).

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³¹ Spain has signed nine such bilateral agreements. The first one with Morocco (1992; renovated in 2005) applies only to third country nationals, which is similar to the agreement with Italy (1999). Other bilateral agreements only apply to citizens, which is the case for Agreements of Return with Rumania (1996), Bulgaria (1996), Lithuania (1998), Slovak Republic (1999), Lithuania (1999), Estonia (1999). The Agreement of Return with France finally applies to both nationals and non-nationals that cross the border with Spain irregular (P. Santolaya, 2005; 249).

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