Policy Analysis Report (WP3)

Spain

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PREFACE

The following report is based upon a bibliographic review and upon the analysis of documents (plans, pacts and accords) and legislation on migration policy, gender, and intercultural dynamics in Spain. Given that upcoming fieldwork will be conducted in the city of Barcelona, we have focused our attention upon the Catalan context.

As indicated by a myriad of studies,[1] the processes by which nation-states are built, their political and legal cultures, and the ways in which they understand and organize their diversities are crucial for exploring ideas about identity, otherness, citizenship, ethnicity, integration, social cohesion, and multi/interculturality as these are manifest in both public debate and academics.[2] Also, a consideration of the autonomous sphere makes necessary the deployment of methodological strategies which allow us to question the supposed homogeneity of state models of integration.

No exploration of immigration politics should overlook either the state political structure or its own mechanisms for managing internal diversity, the main feature of which in the Spanish case is the system of autonomous governance. With the Constitution of 1978 Spain shifted from considering itself as having one State for all its regions to a decentralized structure with 17 autonomous communities that link together 50 provinces as well as two enclave cities in Africa which are subject to special regulations. The result: a federal state with distinct grades of autonomy. Between 1979 and 1983 all of the autonomous communities developed and approved statutes for their autonomy, which implied the gradual (and unequal) transferral of legislative and executive abilities from the state, as well as of administrative capacities in the areas of education, sanitation, social services, agriculture and fishing, tourism, transport, commerce and culture. At present, all of the *peripheral nationalisms* continue to demand the recognition of this multinational character.

1. Introduction: Spain: from a "country of emigration" to a "country of immigration"

More discursively than quantitatively, Spain has recently transformed into a "country of immigration" under the impetus of two determining factors—the characteristics of its labor market[3] and its incorporation into the European Union—both of which have impacted as much the intensity of the phenomenon as the model of administration adopted[4]. This

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[1] See: Rogers Brubaker, 1999; Stephen Castles, 1995; Adrian Favell, 2000; Sandra Gil Araujo, 2002; Cristhian Joppke and Ewa Morawska, 2003; Ruud Koopmans and Paul Statham, 2000.

[2] Valérie Amiraux and Patrick Simon, 2006; Philomena Essed and Kwane Nimako, 2006; Stephen Small and John Solomos, 2006.

3 The characteristics of the Spanish labor market are precariousness; high rates of work stoppages compared to other EU countries—affecting primarily women and young people; large regional differences with respect to the distribution of work, unemployment, and the economically active population; little geographic mobility among workers; a large social services sector; high decentralization and use of subcontractors in the construction sector; a broad underground economy and important informal sector.

[4] Belén Agrela and Sandra Gil Araujo, 2005.

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transition is evident in the heterogeneity of Spain's immigration patterns, which are made up of different, interconnected processes: a) Spanish emigrants permanently settled in Latin America and northern Europe, b) guest workers who emigrate to European countries but who usually return to their regions of origin when they retire, c) the immigration of European retirees settled in Spanish territory either permanently or for determinate seasons, d) the immigration of workers who accompany transnational capital, e) the immigration of people from non-EU countries of diverse origins and profiles and who increasingly choose Spain as a destination, and within these streams, f) returning descendents of Spanish and Italian emigrants to Latin America. It is worth noting the low number of refugees and the strong female presence, with women constituting half the immigration flow. The colonial past is a highlighted variable in the migratory panorama. The majority of foreign residents originate from one of Spain's former colonies, particularly Morocco and Latin America.

In the 1980s, varied processes coincided which impacted Spain's current political and economic profile, such as its democratic consolidation, its integration into the transnational economic sphere via its political and economic opening, and its alignment with advanced capitalist nations with its 1986 entry into the EU. These produced an explosion of high paid professional and technical jobs but also an increase in low salaried jobs and in employment in the informal sector[5].

The triggering factor in Spain's immigration phenomenon has been the imbalance between the native workforce, within which there has been a gradual increase in the level of *acceptable employment*, and the demand for workers in the secondary labor market, which local workers shun due to poor conditions in terms of salary, security and hardship[6]. The increasing incorporation of Spanish women into the labor market, together with the lack of public childcare services and the disparity between male and female participation in the sharing of domestic work, have provoked increased demand for non-EU immigrant workers in domestic service.[7]

Over the last 11 years Spain has maintained steady economic growth which has stimulated the creation of jobs in a context characterized by an extensive underground economy with a large number of undocumented workers, a segmented and highly gender-divided labor market, and an increased demand for flexible and cheap laborers to work without contracts or controls in the informal sphere. Various researchers[8] agree in signaling the elevated proportion of immigrants participating in this economy as a chronic, structural feature of the Spanish migration panorama.

1.1. The Antecedents of Immigration Policy

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[5] Yolanda Herranz, 1998, 2000.

[6] Lorenzo Cachón, 2002.

[7] In Spain, the rate of female economic activity went from 30.9% in 1987 to 37.6% in 1997 and reached 74.5% in the case of women between 25 y 29 years of age. However, the rate of shared domestic chores between men and women has varied little. Sònia Parella Rubio, 2000.

[8] Lorenzo Cachón 2002; Joaquín Arango 2004; Francisco Torres 2006.

The elaboration of Spanish migration legislation has been conditioned by Spain's relationship with the EU. In 1986 its entry into the European Economic Community redefined the migration question. Since then the control of Spanish borders has become a matter of European interest. Although the number of immigrants entering Spain at the time was of little relative significance, in 1984 Spain ratified a Law of Asylum (la *Ley de Asilo)* and in 1985 the Law of Foreigners' Rights and Liberties (la *Ley de Derechos y Libertades de los Extranjeros,* known as the Law of Foreigners or Ley de Extranjería). This law, approved during the government of the Partido Socialista Obrero Español (PSOE), regulated the settlement of foreigners in Spanish territory until 1999.

The 1985 law attempted to limit the length of immigrant residency to short periods, attributing to it a purely functional character. Residency permission was made equivalent to the duration of a work contract (usually, one year), as was renovation. In this way, immigration from non-EU countries was treated as a temporary phenomenon, with no guarantees given as to the right to stay permanently or to family reunification.

Faced with the highly irregular situations subsequently generated by this legislation, various governments have carried out regularization processes. In 1991 the first of these attempts was carried out in an effort which gave increased visibility to the important number of immigrants from non-EU countries, principally Morocco but also to a lesser extent the Dominican Republic and Peru. This same year, a Directorate General for Immigration was created and the following year an inter-ministry commission (la Comisión Interministerial de Extranjería) undertook the function of coordinating distinct departments within the Ministries of the Interior, Labor and Social Affairs, and the Exterior. In 1994 the first state plan for immigrant integration was presented and in 1996 regulations for the implementation of the *Ley de Extranjería* were approved to introduce certain reforms: to implement indefinite work and residency permits after five years of residency, to regulate family reunification, and to expand immigrant rights.

Parallel to the permits conceded via the Régimen General, as of 1993 other permits were awarded by means of designated contingencies. These contingencies established a certain number of jobs available in activities whose demand could not be satisfied by the native workforce.

In 1998, different political parties presented proposals to elaborate a new law which was approved, after a year of negotiations, in 1999, although without the support of the then-governing Partido Popular (PP). The Organic Law 4/2000 on the Rights and Liberties of Foreigners in Spain and their Social Integration (*Ley Orgánica 4/2000 sobre los derechos y libertades de los extranjeros en España y su integración social),* which came into effect in February 2000, widened the rights enjoyed by documented and undocumented immigrants with respect to legal assistance; it also widened their access to education and to health care and awarded the explicit right to strike, unionize, and to associate. This same year the Government Delegation for Foreigners and Immigration (Delegación del Gobierno para la Extranjería y la Inmigración) was created under the Ministry of the Interior and the second plan for immigrant immigration, known as Plan GRECO, was elaborated.

With the Ley de Extranjería 4/2000, family reunification became a recognized right, marking the first time this issue was addressed in the framework of foreigners' rights and obligations. Although it has been scaled back in recent years, this law is still the basis for currently enforced norms.

1.2. Organic Law 4/2000 and its Reforms

Once Organic Law 4/2000 was approved, the government made public its intention to modify it during the next legislative session. To justify the change, the Ministry of the Interior insisted upon the *efecto llamada* ("*call effect[9]*") the new norm generated. Finally, in June 2000, the government of the *PP* presented a new law, backed by the majority it obtained during the general elections in March of the same year. Law 8/2000 was approved in December with the opposition voting against it. At the same time, immigration became a public question, not only via its appearance in the mass media and in political debates but also through its institutionalization as a public question.

Law 8/2000 suspended automatic regulation, eliminated motives for the negation of visas, reduced the rights enjoyed by undocumented immigrants, and modified the disciplinary regimen for detaining and deporting immigrants without residency permits. In August 2001 the law became implemented, although 11 articles were later annulled by the High Court in March 2003 in response to protests presented by NGOs and some autonomous governments.

The implementation of the law in January 2001 was preceded by the death of a group of Ecuadorian immigrants working informally in the countryside of Murcia, on the southern portion of the peninsula. In this context the governments of Ecuador and Spain signed an accord to regulate the migration flow via the recruitment of potential workers in their country of origin. Similar accords were later signed with Colombia, the Dominican Republic, Romania, Poland, and Morocco.

In 2003 the government implemented that last reform of the *Ley de Extranjería*, already modified three times in two years, in order to simplify the work application process but also to strengthen controls. Following trends in EU migratory policy undertaken after the 2001 attacks in the US, transportation companies were involved even more in border control[10]. This last modification, undertaken with the support of the PSOE in the opposition, gave way in November 2003 to Organic Law 14/2003[11]. Family reunification was also made more difficult.

The legislation established that foreigners over 16 years of age who wanted to work in Spain had to obtain, in addition to a residency permit, a work permit. For their part, employers who wanted to hire a foreigner without a work permit had to arrange for prior authorization. One regulation which altered non-EU immigrants' access to the labor market was that which made reference to the national work situation: for a work permit to be awarded or renewed the availability of Spanish labor nationally and within that geographic zone had to be considered.

Currently, there are diverse means by which one can enter and formal residency in Spanish territory. The most common are residency with a work permit, residency as a student, family reunification, and less frequently, residency for humanitarian reasons or as a refugee. Since January 2002 permits have only been granted via contingencies for workers recruited in their

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[9] According to this perspective, an increase in the number and diversity (vis-à-vis place of origin) of people who attempt to enter Spanish territory was brought about by certain aspects of the new legislation that exercised a force of attraction upon people from countries with systemic poverty/impoverishment.

[10] Sandra Gil Araújo 2002, 2006.

[11] A reform of the Organic Law 4/2000, from January 11, on the Rights and Liberties of Foreigners in Spain and Their Social Integration, modified by Organic Law 8/2000, from December 22; from Law 7/1985, from April 2.

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country of origin, as well as by the 2005 regularization process. Along general lines, the government of the *PSOE* (2004-2008) has followed the course in migration policy set by the *PP* governments (1996-2004).

2. Statistics

In the case of Spain, most available statistics are official, released by the State (the Ministry of Labor and Social Affairs, the Ministry of the Interior, the Ministry of Foreign Relations, the national statistics institute, etc.), by regional governments (the secretary/immigration authority, observatories), and/or by local governments. Neither NGOs nor immigrant associations have the resources necessary produce their own extensive figures. These organizations, as well as research institutes and universities, usually employ official statistics and conduct studies on concrete themes, using both qualitative and quantitative analysis.

Statistics on the immigrant population come from two sources:

1) Data on foreigners with work and/or residency permits, social security enrollment or work contract figures elaborated by the Ministry of Labor.

2) Municipal registries, where inhabitants of a municipality are supposed to be enrolled, including documented and undocumented immigrants. Registry data is gathered by the national statistics institute (*Instituto Nacional de Estadística* or *INE*).

With respect to the criteria for classifying populations, statistics on immigration refer to the nationality of origin. When a foreigner acquires Spanish citizenship they cease to figure in statistics on the immigrant population. The only way of calculating this population is by registry data, where both place of origin and current nationality are recorded. It is important to note that in Spain, the category 'ethnic minority' ("*minoría étnica*") is used to refer to the Spanish Gypsy population.

2.1. Some Data on the Immigrant Population

Until 1985, immigrants settled in Spain were primarily of European origin. Between 1992 and 2000 the European population doubled while that originating from African countries quadrupled. However, the beginning of the 21st century saw the beginning of a new phase which led Antonio Izquierdo (2002) to describe Latin American immigrants as the 'Favorites of the 21st Century' (*Preferidos del Siglo XXI*). The increased visibility of this population has been, in part, the product of State politics, such as the regularization processes of 2000 and 2001 (Latin American immigrant petitions had the highest percentage of favorable resolutions) and the signing of accords with Ecuador, Colombia, and the Dominican Republic which prioritized workers from these countries for the fulfillment of contracts via contingencies.

The largest increase in immigration to Spain was produced between 1997 and 2004, with the highest intensity occurring over the latter four years of this period. The increase implied an increased diversity of national origin: 26 nationalities in 2000 and 56 five years later[12]. Over the period from 2000 to 2006 the entry of immigrants reached an average of 500,000 per

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[12] Trinidad Vicente Torrado, 2006.

year, becoming the primary factor in population growth at the state level and in all of the autonomous communities.

The composition of the immigrant population is heterogeneous, with notable differences between nationalities in terms of age, education levels, migration projects, and degrees of labor insertion. As for distribution by sex, immigration flows from Latin America are the most feminine, although intra-regional differences exist depending upon the country of origin. The extreme opposite is the case for immigrants from Africa, with a more than 65% male immigrant stream. While immigrants' geographic distribution is diverse, their insertion into the labor market is limited to a reduced number of sectors, displaying a rapidly developing tendency toward segmentation and ethnicization[13].

Data from the national statistics institute (INE) indicate that as of January 1, 2007, people born in the exterior represented 11.61% of Spain's 45,200,737 registered inhabitants (documented and undocumented), a percentage that ranks Spain as the second leading receiving country in the world after the US. The principle countries of origin are Morocco (11.83%), Romania (9.73%), Ecuador (8.28%), the United Kingdom (6.13%), Colombia (5.56%) and Argentina (5.20%). Almost 40% of those registered as born outside of Spain are from the Latin American and Caribbean regions, with more than half of these women (54%). An important part of this population holds Spanish nationality and does not appear in statistics on immigrants with residency permits.

As for documented immigrants, at the end of 2007 there were 3,979,014 immigrants with registry certificates or valid residency cards. 40% live in either Catalonia or the Community of Madrid (22% and 18% respectively). As for region or origin, 39% of documented immigrants are from the EU, 30% from Latin America, 21% from Africa, 6% from Asia, and 3% from European nation outside the EU. The principle countries of origin are Morocco, Romania, Ecuador, Colombia and the United Kingdom (OPI; 2008). As for distribution by sex, 46% are women, with notable differences according to region of origin: Africa 35% female, EU 45% female, Europe 55%, Latin America 54% and Asia 41%. Focusing further on nation of origin, the most feminized flows stem from Russia (68%), Brazil (66%), Paraguay (64%), the Dominican Republic (59%), Venezuela (59%), the Philippines (58%), Colombia (56%), Bolivia (55%), and Cuba (55%).

3. Gender in Migration Policies

Generally speaking, the immigrant imagined by policy and lawmakers is a male worker, with the consequence that the same norm impacts male and female immigrants differently14. The connection between access to rights and to work permits permeates all the norms regulating foreigners in Spain, making it evident that the non-EU immigrant is perceived of as basically linked to the labor market. However this link between residency permits and work contracts imagines a regulated labor market that does not correspond to the actual situation of informality, even less so when we consider especially feminized rubrics such as domestic service. Such work requires neither a written contract nor the payment of social security contributions on the part of the employer. It does however allow the employers to easily terminate employment while denying workers access to unemployment benefits. Given the

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[13] Andrés Pedreño, 2005.

[14] Claudia Pedone and Sandra Gil Araujo, 2008.

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importance of social security contributions for renewing work and residency permits, many times the workers themselves cover this expense15. A similar phenomenon occurs in the sex industry, again due to the connection between work permits and contracts.

3.1. Family Migration Policy

The conditions established for family reunifications offer another example of the role the State plays in the construction of family norms and in the establishment of gender relations, particularly those linked to marital status and social reproduction. To understand the implications that these conditions have upon gender relations in the Spanish context, it is important to consider other variables as well, such as the limitations to work access placed upon non-EU immigrants, the features of the labor market, and its highly gendered nature. Female migrants' work conditions (insufficient incomes or incomes not reflected in work contacts, living at the workplace, low salaries, job instability) make it difficult for them to meet requirements set for income and housing established by family reunification legislation[16].

For women who enter Spain for family reunification purposes, the legislation reproduces that traditional conceptualization of female dependence upon a private sphere regulated by men. As a general norm, the reunited spouse can access a permit individually after five years of residence. However, there are other paths:

a) When the conjugal bonds that initiated the reunification are broken by legal separation or divorce, however, only if and when the spouses lived together in Spain for a period of at least two years.

b) When the spouse is a victim of domestic violence, once a judicial order of protection has been issued. Generally, for the police to accede to the existence of domestic violence, three prior complaints had to have been filed. However, "if we take into account women legally bound to theirs spouses through the Ley de Extranjería, it is virtually impossible that they will file such complaints"[17]. Another petition can be initiated by doctors, with the stipulation that three do so, however, not all aggressions require medical assistance.

c) The dependent, reunified spouse can obtain temporary independent residency when they acquire a full-time job with a salary superior to that of the minimum inter-professional salary. Many non-EU immigrant women only obtain part-time jobs, or they work 'for hours' and/or for low wages, and therefore while they may be able to obtain a work permit they cannot obtain one independent of their status as a reunified spouse.

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[15] Domestic work has been the principle means of access to Spanish territory for 63% of non-EU immigrants. Colectivo IOE, 2001.

[16] Sandra Gil Araujo 2006, VV. AA. 2004.

[17] Marta Casal and Ruth Mestre, 2002; 142

In such a way, state legislation submits women to greater dependencies and inequalities, a situation which the same state then attempts to overcome with equal-opportunity policies, supposedly to promote emancipation and the empowerment of women.

3.2. Autonomous Migration and Human Trafficking[18]

Over the past several years EU countries have paid increasing attention to different forms of human trafficking, albeit from a restrictive and reductive perspective. In both the EU and Spain, an eagerness to control migratory flows has consolidated a so-called *trafficking focus* around international migrations, criminalizing all uncontrolled migration and reducing the questions posed by population movements to the classification of *good* or *bad* immigrants. From this perspective, all migration unauthorized by the receiving state is rejected and classified as trafficking.

It is necessary to view this criminalization of autonomous migration as part of the judicial system for foreigners, locating it among the measures European states have taken to control migratory flows from the South. The interpretive key to Spain's Law of Foreigners can be found in Article 59: *For having been victims of, witnesses to, or harmed by an act of trafficking, foreign persons who have entered in an irregular manner and who find themselves working without authorization can be found exempt from responsibility and not be expelled… for sexual exploitation that takes advantage of a situation of need, if they denounce to the appropriate authorities the perpetrators or collaborators of the trafficking, providing the essential data or testifying.*

This vision also impregnates the European Council's Directive 2002/90CE from 28/11/2002 which classifies facilitating the entry, circulation, and settlement of irregulars, as much through authorship as through complicity and attempt, within a clearly penal nomenclature. Following the norms introduced by Belgium (1994), Italy and the Netherlands (1998), and Spain, the Commission presented to the Council *a proposed directive relating to the expedition of a short-term residency permit for victims of the assistance of illegal immigration or human trafficking who cooperate with the appropriate authorities*, which was approved in 2004. The logic behind these norms is that autonomous immigration should be rejected and irregular immigrants have administrative responsibility for having entered a state without authorization. Entering illegally is not only a cause for expulsion but also a motive for a prohibiting reentry for a period of five years, given that a state norm protecting borders has been violated. However, if migrants decide to denounce their traffickers, collaborate with the state and its objective of controlling its borders, and present themselves as victims, their rights can be recuperated.

In reducing all autonomous migration to the category of traffic, the trafficking perspective legitimizes a restrictive policy for immigration and for the policing of frontiers. This vision of migration constitutes an important part of strategies of control and criminalization of non-EU migration in accordance with the interests of a changing, unstable, and precarious labor market. These norms present enormous difficulties not only for asylum-seekers, but also for economic migrants and most especially for women. States organize economic migration taking into consideration the needs of the formal labor market which they negotiate with unions and managers, that is to say, an organized migration fundamentally destined for a highly masculine market. In relation to these regulations, jobs performed by women are

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[18] An important part of this epigraph is based on Ruth Mestre, 2005.

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fundamentally excluded from any type of labor recognition, as is the case with sex work and domestic employment. Given that many women move along alternative circuits (Sassen, 2003) outside state attempts to order migration, the comparison of autonomous migration with human trafficking imposed by the trafficking perspective rejects and criminalizes much female labor movement.

According to Ruth Mestre, the whole structure of the Spanish Law of Foreigners revolves around the belief that men and women serve different purposes and that women are "fragile and subordinate". In Spain, legislation includes and compares trafficking with "slave trade", a comparison that makes any kind of autonomous migration a crime, but most especially for women migrants engaged in prostitution. The extended comparison with female migration, in addition to offering a victimized and infantilized image of women, functions as an argument for greater control over their mobility and sexuality. As Laura Agustín points out, the battery of anti-trafficking laws sanctioned by various countries over the past few years restricts freedom of movement and criminalizes migration[19].

3.3. Discourses and Practices of Social Intervention for Women Migrants at the local Level[20]

The significant number of women migrants, together with the increasing amount of research produced on their migration, have encouraged their consideration as subjects with their own unique characteristics, regardless of whether their mobility is linked to that of men. As such, a new category has emerged, that of *non-EU women immigrants*, that places them at the center of programs and plans encouraging their integration and equality, of training courses, of NGO activities, and also of moralizing discourses about migration processes and the role women play (or do not play) in their elaboration.

One of the most common ways social agents attempt to foster the "social integration" of immigrant families is to organize literacy courses, often favoring the participation of women. As the 1995 Plan for Immigrant Social Integration (*Plan de Integración Social para los Inmigrantes*) states, "female literacy and cultural adaptation are of strategic importance, not only because of their numbers, but also because of the crucial role they play in helping the entire family adapt to a new social context" (1995:60). These social agents insist upon the fundamental importance of women migrants as mothers and as promoters of integration and of family harmony and unity. As such, it is not surprising that political documents and plans dedicate special sections to exploring the function of women migrants in integration processes[21] or to how they help to maintain the *cultural customs* of their country of origin[22].

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[19] For a critical and alternative view of the trafficking perspective see: Laura Agustín, 2007, López Precioso and Ruth Mestre, 2006.

[20] An important part of this epigraph is based on Belén Agrela Romero, 2006.

[21] Plan for Evaluating Social Services in Andalusia (1998) (*Plan de evaluación de Servicios Sociales de Andalucía*); Plan for the Social Integration of Immigrants (1995) (*Plan de Integración social de los inmigrantes*); Spanish Federation of Municipalities and Provinces (FEMP) (1995) (*Federación Española de Municipios y Provincias*).

[22] Regional Immigration Plan 2001-2003, Community of Madrid (*Plan Regional para la Inmigración 2001-2003, Comunidad de Madrid*).

It is worth noting the proliferation of "*intercultural seminars*" in municipal activities with the objective of "*getting to know each region, its language, and the music that characterizes it.*"

Another recurring image is that of women as *driving forces behind the changes necessary for adaptation to a new environment*[23]. From here the deficiencies and difficulties that inhibit social integration are often highlighted; emphasis is placed on problems relating to the *process of acculturation* and the risk of social marginalization[24]. Distinct organizations such as *Caritas* and *the Red Cross* offer courses, instructional workshops, and cultural activities with the objective of facilitating access to the labor market. Some projects are financed by the *Fondo Social Europeo.* Community initiatives conducted by groups such as *Horizon*, *Integra*, *Equal* and *Now* also attempt to facilitate the socialization of women immigrants with respect to the social norms and behaviors of the receiving society[25].

As part of the investigatory process involved in elaborating the National Immigration Pact (Pacto Nacional para la Inmigración) undertaken by the Catalan Government (Generalitat de Catalunya) in June, 2008, workshops were organized around the six themes that structure the Pact: 1) Migration Flows: Female Strategies and the Right to Citizenship; 2) Labor Insertion and Survival Strategies Based upon Sex, Origin, and Migrant Family Dynamics; 3) Family Reunification and the Migration Trajectories of Young Migrants: Gender and Generational Inequality; 4) The Regulation and Control of International Migrations; 5) Adapting Public Services in a Diverse Reality; 6) A Common Public Culture.

4. Migration in Gender Equality Policy

In Spain, gender initiatives undertaken by the state have been based on a series of policies meant to promote equality between men and women and, more recently, to facilitate the reconciliation of work and family life. This initiative has been described as a family policy or as a policy on women «with a gender perspective». Although these policies generally refer to gender, most of the time women are the implicit or explicit target of the programmes. This serves to confirm the common assumption that, since their massive incorporation into the labor market, women face problems reconciling family and paid work and that they need to be helped (by men and by the state) in order to be able to sustain better family lives; assisting their families constitutes part of the design of the so-called 'gender policies' or policies (on labor, housing, social services, etc.) «with a gender perspective». Since women are indeed the ones being incorporated or integrated, the hegemonic structures of social organization –for instance of work, of shopping/commerce, of institutional scheduling, and of the implicit model of the breadwinner or the contributive character of social benefits it implies– most of the time remain unquestioned. This has been widely observed in feminist literature on work and social policies.

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[23] Regional Immigration Plan 2002-2003 for the Community of Madrid (Plan Regional para la Inmigración 2002-2003 de la Comunidad de Madrid).

[24] Plan for the Social Integration of Immigrants for the Murcia Region (2002, 38 and 95) (*Plan para la Integración Social de los inmigrantes de la Región de Murcia*); Regional Immigration Plan, Community of Madrid (2001: 102) (*Plan Regional para la Inmigración de la Comunidad de Madrid*): Interdepartmental Plan for Immigration (2001-2004), Catalan Generalitat (p. 215) (*Pla Interdepartamental d'Inmigració (2001-2004) de la Generalitat de Catalunya*)

[25] María García-Cano, 2002.

During the 1980s, the PSOE government created distinct institutions and launched various programs with the objective of promoting gender equality. The Woman Institute (*El Instituto de Mujer*), part of the Ministry of Labor and Social Affairs, was created in 1983, and since then it has undertaken the design and execution of various plans (Plan de Igualdad de Oportunidades de las Mujeres y los Hombres, PIOM I 1988-90, PIOM II 1993-95, III PIOM 1997-2000, IV PIOM 2003-2007).

These plans are partially financed by European Social Funds (*Fondos Sociales*). This funding has operated as one of the mechanisms by which European norms are introduced into Spanish policymaking. The principle areas of intervention have been in legislative change, education, health, social services, work, participation, cooperation, and culture, through campaigns that address knowledge and information, education, analysis, and evaluation. The main objective of these interventions has been legal equality, to turn back a situation established during the dictatorship in which a complete dependence of women upon men was institutionalized (equality between men and women was established by the 1978 Constitution). This new orientation emphasized the importance of widening of civil and political rights.

Women's participation in public life and work were central at the end of the 80s, whereas the 90s witnessed the increased visibility of the private sphere in questions such as violence, sexuality and domestic and care work. By the end of the decade, gender policies emphasized the unequal distribution of domestic work in heterosexual households and the difficulties faced by the so-called 'new family units' (especially single mother households). Questions such as indirect discrimination at work, the reconciliation of work and family, the resources directed to female victims of violence, and the promotion of self employment among women are currently a significant part of contemporary equality plans. Nevertheless, there is little consideration given to women's employment in relation to other rights that regulate working conditions. If we look at their insertion into work—holding irregular, part time, flexible, precarious and/or multiple jobs—we must come to the conclusion that most policies are directed at a minority of women/households, ones already are inserted into «standard» structures of employment. This, and the way in which policies predetermine household configurations, have been two of the main criticisms levelled at 'reconciliation' proposals by feminist groups and unions.

The EU and international institutions and agreements, at least at the level of recommendations and guidelines, have been of great importance at the discursive level, particularly so since the 1995 5th Conference in Beijing and the 4th Action Programme of the UE. The latest manifestation of this influence is the introduction of the notorious «mainstreaming» approach[26.] This phrase appears in every single document and its real impact still needs to be determined.

The situation of migrant women, heavily influenced by legal status which determines their access to benefits and which often imposes conditions of exploitation, solitude and emotional stress, is still totally absent from the picture as it is drawn by these institutions and from the programmes they promote. Furthermore, there is no mention of one of the key elements in their vulnerability: immigration law (La Ley de Extranjería) and its gender subtext. The institutional invisibility of migrant women has been added to the traditional invisibility of gypsy women. The acknowledgement of their situation is always dependant upon their legal status.

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[26] Something that was first introduced in the IV European Community Program in 1996.

Migrant women began to appear in equality plans and projects in the mid-1990s. The Third Plan for Equal Opportunity between Men and Women (*III Plan para la Igualdad de Oportunidades entre Hombres y Mujeres*) (1997-2000) included women migrants in the area of "women in situations of social exclusion," noting that: "women immigrants; membership in the Gypsy population; prostitution, at times linked to drug abuse and to AIDS infection; incarceration in penitentiaries; and monolingual families imply different levels of exclusion"[27].

Currently, a gender perspective forms part of the official discourses of all political parties. The PSOE Government played a crucial role promoting some of the laws approved over the last several years, through a Secretary for Equality that promoted the Comprehensive Law against Gender Violence (la *Ley Integral contra la violencia de genero)* (2005) and the Law for the Effective Equality between Women and Men (2007) (*la Ley Orgánica para la igualdad efectiva entre mujeres y hombres*)[28]. However, until recently, gender dynamics were understood in terms of equality/inequality between the female and male populations. However, in the Strategic Plan of Equal Opportunity 2008-2011 (*el Plan Estratégico de igualdad de oportunidades,* 2008-2011) (December 2007), gender is linked to diversity through the notion of gender diversity. Immigrant populations (non-EU) are also conceived of in terms of diversity, mainly in relation to their culture, religion, and national origin. That said, women migrants are again made subject to measures directed at vulnerable groups, as much through the Organic Law for Effective Equality between Women and Men (approved in March, 2007) as through the Strategic Plan for Equal Opportunity, in which women migrants appear at the center of the attention given to diversity and social inclusion together with women in the Gypsy population, current and former female prison inmates, female prostitutes, and victims of the sex trade.

As for the Law against Gender Violence (*la Ley contra la violencia de genero*), enforced since January 2005, women migrants are recognized as a group deserving special protections. According to a 2007 Amnesty International report, it remains unclear in the law's codification if this protection is guaranteed to irregular migrant women.

The autonomous governments have also implemented diverse plans for gender equality. In the case of Catalonia, the Catalan Women's Institute (*el Instituto Catalán de las Mujeres* or *ICD*) devised the Fifth Action and Development Plan of Policies for Women in Catalonia (*V Pla d'acció i desenvolupament de les polítiques de dones a Catalunya*) (2005-2007). Women migrants appear in two points (axes). In Point Two, the Construction of a Culture for a New Social Contract (*Construcción de una cultura para un nuevo contrato social*), one measure proposes promoting and making visible the cultural diversity of women migrants' different ethnic collectivities. Taking into account this diversity, Point 3, Increasing the Presence and Participation of Women in All Realms of Social Life (*Incrementar la presencia y la participación de las mujeres en todos los ámbitos de la vida social*) relates precarious labor conditions to a lack of training—a rather overstretched link which nonetheless explains why some of its proposals focus on instruction. The Plan also recommends recognizing professional qualifications and official academic degrees. Finally, among the resources they propose to put at migrant women's disposal, they emphasize linguistic services to help them learn Catalan.

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[27] The Third Plan for Equal Opportunity between Men and Women, 1997:83.

[28] In April 2008 the new legislature created the Ministry for Equality.

5. Intercultural Interactions as a Policy Objective

In the mid-1980's, in order to justify in the national political arena the importation of restrictive migratory policies that did not fit with the limited migrant presence in Spain, policy markers rapidly sought to profile non-EU immigrants as a category in need of public policy intervention. Although various dimensions of this were problematized, there were two principle nodes of focus: the representation of the immigration as a security problem and as a cultural problem[29].

By then, throughout the EU, a mixed model for wellbeing was being consolidated, one which discouraged the broadening of social rights for the new collectivities and which promoted transferring to the non-profit sector the responsibility of covering the minimal social needs of the most vulnerable populations. Following the welfare tradition, until the mid-1990s, in Spain, the social policies aimed at the immigrant population were mounted by NGOs[30].

Some aspects of the 1985 law show a lack of attention to immigrant integration, which was not considered to be a state concern until the beginning of the 1990s. The Catalan Generalitat proposed the first plan, the Interministerial Plan for Immigrant Social Integration (*Plan Interministerial para la Integración Social de los Inmigrantes),* written by the Ministry of Social Affairs in 1994, with the objective of socially integrating established immigrants, cooperating with sending countries, and fighting against illegal immigration. The Plan put forth that access to civil and social rights based upon equality was the first step necessary for achieving integration in the receiving society. However, to do this, only those immigrants who could be guaranteed such rights through their integration into the labor market should be allowed entry. As in other European countries, this institutional discourse directly linked control over entry to the possibility of integrating those settled in State territory, making one the consequence of the other. In essence, this first Plan established a list of general goals (fighting discrimination, reducing barriers to integration, etc.) more than it provided a project for concrete action. Integration was proposed in a manner that stressed cultural questions and family immigration, putting particular emphasis on the importance of the role played by women and their ability to bridge the societies of origin and of destination, as reproducers and adaptors-socializers of the family unit[31]. NGOs continued to be the primary agents of administration and intervention, which promoted a surge of specialized services outside the realm of social services. The role played by NGOs in integration is currently one of the distinguishing characteristics of the Spanish model of immigration administration at both the autonomous and municipal levels.

And the end of the 1990s, other debates about non-EU immigrants joined that concerning their regulation at the state, regional, and local levels[32]. The political perspective which impregnated migration policies both in Spain and in the EU had great influence over the second state plan for immigrant integration, known as the Plan GRECO. The GRECO was criticized, among other reasons, for conceptualizing a unidirectional and assimilationist

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[29] Enrique Santamaría 2002; Gunther Dietz and Belén Agrela Romero, 2004; Sandra Gil Araujo, 2002a.

[30] Carlos Giménez Romero, 1995; Gunther Dietz, 2000.

[31] Belén Agrela Romero, 2005.

[32] Sandra Gil Araujo, 2006a.

approach toward immigration[33]. From the beginning it lacked a specific budget, hindering the development of initiatives by other administrations. For some analysts, with the GRECO, concerns over integration gave way to a growing link between immigration and insecurity[34].

5.1. Politics and Discourses of Sameness and Difference

As much through discourse as through political practice, Latin Americans were configured as the favorites of the 21st Century[35]. One example of this can be found in legalization process data for undocumented groups: a 69% legalization rate for Moroccans versus an 87% rate for Ecuadorians. For some observers this reflects a preference for immigrants who (supposedly) share a common history, language, and religion: "in the administration of this new multicultural society Spain is currently in the beginning of a type of Hispanic revival"[36]. In this sense, the facilitated access to Spanish nationality awarded to immigrants from the former colonies (except Morocco), Brazil, Portugal, and the Sephardim (who need two years of residence while other nationalities need 10 years) establishes a link between citizenship, national identity, and cultural attributes. Although some modifications have been made with respect to recognizing the nationality of children born in Spanish territory to foreign parents, for the moment, nationality legislation has been the principle means by which rights have been extended to the Spanish emigrant population and their descendants (children and grandchildren).

In 2004 the PSOE won the general elections. Migration came to be managed by the Secretary of State for Immigration under the Ministry of Labor and Social Affairs. Under this framework a Directorate General for Immigrant Integration (*la Dirección General de Integración de los Inmigrantes*) was created to manage the Strategic Plan for Citizenship and Integration 2007-2010 (*Plan Estratégico de Ciudadanía e Integración 2007-2010)*. Integration is one of the Plan's main organizing principles, which takes as its reference point the Basic Common Norms for the Integration of Immigrants in the European Union (*Principios básicos comunes para las políticas de integración de los inmigrantes en la Unión Europea)* approved by the Council of the European Union on November 19, 2004. The EU document defines integration as a dynamic, bi-directional process of mutual adjustment on the part of immigrants and residents of the member states, and it affirms that integration implies respecting the basic values of the EU. In the Spanish case, the elements which configure the framework of values and basic norms within which "this process of mutual adaptation which is integration" can be articulated are: the social, democratic State of rights; liberty; justice; equality and political pluralism; the dignity of the person; inherent, inviolable rights; the free development of personhood; respect for the law and for the rights of others; the Universal Declaration of Human Rights and the treaties and international accords on subjects ratified by Spain.

The three political principles of the Strategic Plan and their actions are: (1) the principle of equality and non-discrimination, (2) the principle of citizenship, and (3) the principle of interculturality. The principle of citizenship makes reference to the concept of civic citizenship

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[33] Carla Bonino Covas et al 2003; Sandra Gil Araujo, 2002a.

[34] Javier De Lucas and Francisco Torres, 2002.

[35] Antonio Izquierdo, 2002

[36] Ricard Zapata-Barrero, 2003: 537.

developed by the European Commission in its November 2000 communication. According to the Strategic Plan, recognizing the right to economic, social, political, and civic participation is a necessary condition for the advancement of the immigrant population's integration. The Plan bases its position on the principle of interculturality from the 2004 Basic Common Norms for the Integration of Immigrants in the European Union (*Principios Básicos Comunes para la Política de Integración de los Inmigrantes en la Unión Europea*). The principle of interculturality is presented as the basic guideline for relations between people and groups from different cultures, with the objective of guaranteeing social cohesion based on shared constitutional principles and a respect for diversity.

The new government of José Luís Rodríguez Zapatero (2008-2012) confirmed the continuity of the Secretary of State for Immigration and Emigration, now dependent upon the Ministry of Labor and Immigration. The declarations made by the new Minister foretell the imminence of more restrictive Spanish migration policies. Over the period during which this report was being prepared, the following changes in migration policy were being debated: 1) restrictions to family reunification (for parents and in-laws), 2) economic incentives for returning, and 3) increasing the detention time for unauthorized immigration from four to six months (under the Community Directive for Return approved on June 18, 2008 by the European Parliament).

5.2. An Administrative Model for Foreign and Native Diversities

In June 1977 the first democratic elections after over 40 years of dictatorship were celebrated. The democratic transition, the approval by referendum of the new Constitution in 1978, and of the Statutes of Autonomy, all defined a new political model. The Constitution established "the conception of Spain as a single nation, depositary of sovereignty, with the existence of Autonomic Statutes guaranteed for all the territories and the distinction, within these territories, of the three historical nationalities."[37] Spain was conceived as a State of autonomies: a decentralized structure composed of seventeen autonomous communities comprehending fifty provinces. Some of these autonomies reproduced historical regions, but others, such as the Autonomous Community of Madrid, were created at that moment. The majority had originated in the pseudo-autonomies, provisional representative bodies formed previous to the new Constitution. Between 1979 and 1983, all of the autonomous communities developed and approved their Statutes of Autonomy. In the end, the right to autonomy of all the regions of Spain was recognized. By this means, the State is gradually transferring extensive legislative and executive competence, as well as the administration of education, health, agriculture and fishing, tourism, transport, commerce, and culture. Both the Basque country and Catalonia have an autonomic police force. The central State maintains control in other areas (international relations, foreign commerce, justice, economic policy, defense) and the capacity to collect taxes, with the exception of the Basque country and Navarre, according to economic agreements from 1878.

Since the 1980s, the processes involved in transferring, decentralizing, and diversifying state, autonomous, and local policies and responsibilities, together with the emergence of immigrant integration as a State question, have been making way for the configuration of a regimen of public administration of multilevel immigration. This regimen in different ways repeats the same structure at varied levels: Immigration Secretaries or Authorities;

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[37] Xosé Manuel Nuñez Seixas, 1999, pp.143.

Observatories and Forums or Councils (where NGOs, immigrant associations, and government representatives gather).

Although by law immigrants should have access to general primary social services, in fact the culturally-crossed definition of their problematic converts them into distinct users who are often transferred to special-needs programs, administered by regional governments but often carried out by private agencies and NGOs. Over the last few years, in the realm of Spanish migration policy, the combination of the principles of centralization/federalism and of statism/privatization has promoted a third tendency: the gradual but clear displacement of universalistic and generalist approaches by particularistic and multicultural measures[38].

5.3. Authority in Spain's Autonomous Regions with regards to Immigration: The Integration of Immigrants in Catalonia and Madrid.

The process of transferring, decentralizing, and diversifying authority and policy on the state, regional, and local levels undertaken since the 1980's, together with the emergence of immigrant integration as a state question, are giving rise to the configuration of multilevel immigration policy making.

The government of the Catalonian Generalitat was the first to consider the integration of the non-EU immigrant population to be an object of specific regional intervention. In 1986 the first program dedicated to foreign immigration in the areas of health and education were carried out. In September 1993 the Generalitat approved the Interdepartmental Immigration Plan 1993-2000 even before they did a State Plan. Since then, diverse autonomous regions, including Madrid, have developed their own integration plans directed at the immigrant population, a road the councils and municipalities have followed.[39]

5.3.1. Public Policy and Immigration in the Catalonian Generalitat

In Catalonia, throughout the 1990s, non-EU immigration was a central theme for debate in the media, academics, and politics (Pascual de Sans 1998) and it began to configure the field of public policy in certain autonomous regions. The 1992 Girona Report (*Informe Girona*), jointly written by NGOs and official entities, was the first document to propose a series of concrete measures linked to the social insertion of the immigrant population at the local level (Nadal et al 2002). The monitoring and coordination of these immigration-oriented actions by the Interdepartmental Commission for Immigration (la Comisión Interdepartamental de Inmigración) gave way to the first Interdepartmental Immigration Plan (Pla Interdepartamental d'Immigració 1993-2000) whose objectives were to "stimulate foreign immigrant participation in the national construction of Catalonia, and through their

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[38] Belén Agrela Romero and Gunther Dietz, 2005.

[39] Some examples: *Pla integral d'atenció a la imigració deles Illes Balears* (2001-2004); *Plan Integral para la Inmigración* (2001-2004) by the Andalusian *Junta*; *Plan para la integración social inmigrantes en la región de Murcia* (2002-2004); *Plan Integral para la inmigración en Aragón* (2002-2004) *Plan vasco de inmigración* (2003-2005). In cities: *Pla Municipal per a la Interculturalitat* (1997) and *Plan Municipal de Inmigración* (2003) by the Council of Barcelona, *Plan Madrid Convivencia e Interculturalidad* (2005), by the Council of Madrid. Other municipal plans directed at the immigrant population have been elaborated in Getafe, Irún, Reus, Mataró and Valencia.

contribution figure in the collective identity and patrimony" (Departamt de Benestar Social 2000, 11). This same year the Consulting Council for Immigration (Consell Assessor d'Immigració) was created.

In 2000, in the context of the sanctioning of a new Immigration Law, a Secretary for Immigration (Secretaría para la Inmigración), attached to the Presidency, was created with the charge of elaborating a new Plan, which was then approved on July 11, 2001 and which proposed a *Catalan path toward immigration*. According to the text of the 2001-2004 Plan, Catalonia has not become either a dual society or culturally conflictive. Given the varied provenance of the current immigration flows and the subsequent increase in cultural diversity, the Plan describes a need for a doctrine that maintains equilibrium between social cohesion and diversity. A doctrine of integration is considered the most convenient, as it is that which most respects both the rights of immigrants and the right of the receiving society to maintain its cohesion and identity. To integrate those who originate elsewhere, the respectful defense of cultural plurality is proposed as the most logical path to take. The directive is to promote lines of action that empower a unique form of co-existence based on democratic values and unique languages and cultures that have developed over centuries and have enriched foreign contributions. Both public policy and civil society should enable foreign citizens to understand and accept that Catalonia forms part of the Spanish state, but it also constitutes a nation with its own characteristic identity.

In 2003 under the tripartite Catalan government, the Secretary of Immigration promoted the elaboration of the Citizenship and Immigration Plan 2005-2008 (*Plá ciutadanía e immigració*). We highlight here the innovations with respect to previous Plans:

1) *The definition of integration policy as linguistic policy*. Although language has been a recurrent theme in discourses about immigrant integration, until now the language-integration relationship has not been put forth in such an explicit manner. According to the Plan, the arrival of immigrants in bilingual societies highlights the power relationships between languages, given that immigrants generally adopt the language which offers the most access to social, political, and economic power. That many immigrants use Castilian Spanish is an indicator of the complex social situation in Catalonia.

2) *The focus on citizenship based on residency and on the will of the person to maintain a stable position in a determined social milieu. Following the guidelines of the Plan, the basic criteria for recognizing an immigrant as a citizen is residency effective via registration.* This concept of citizenship, defined as civil and plural, assumes as the core of its legitimacy and as its principle reference point the values of justice and of respect for Human Rights as recognized in the Universal Declaration of Human Rights. It also makes reference to the Tampere Council of October 1999 and the notion of civic citizenship, based on the Letter of Fundamental Rights introduced by the European Commission.

At the time that this report was composed (June 2008) the Generalitat of Catalonia had promoted the construction of a National Pact for Immigration (*Pacte Nacional per a la Immigració)* which in its third central point addresses *Integration in a Common Public Culture*. From the Secretary's perspective (Secretaria per a la Immigració 2008), increased diversity in

an "open society like ours" should guarantee the existence of a common public culture, defined as a shared space for communication, co-existence, recognition, and participation in a diverse Catalan society "so that the Catalan nation can continue to be a referent for the entire population living and working in Catalonia"[40]. The fundamentals of this common public culture, also the basic organizing principles of Catalan society, are democratic values, human rights, equality, and pluralism. The Pact proposes making Catalan the common public language with the understanding that a knowledge of Catalan constructs the possibility of communication "because it generates confidence, expresses the desire to belong, and manifests a desire to contribute to social cohesion; on the contrary, the lack of linguistic competence impedes autonomy and therefore does not guarantee inclusion". In this way the Pact continues the argument proposed in the Citizenship and Immigration Plan 2005-2008 in which Catalan integration policies are defined as linguistic policy. The Pact establishes a new category, that of *new Catalans of foreign origin* (*nuevos catalanes de origen extranjero*) which is added to that of Catalan immigrants in reference to the immigrants who came from other parts of the State from the end of the 19th through mid 20th centuries.

5.3.2. Public Policy and Immigration in the Autonomous Community of Madrid

Interior migration, which in the 1970's reached unprecedented dimensions, is also a structural feature of Madrid's history. Starting in the 1960's Madrid became the principle receptor for immigration from other points in the State and, together with Catalonia and the Basque Country, became the center of concentration in a territory that was losing population overall.

The emergence of Madrid as a principle receptor for intrastate migration flows reflected the gradual transformation of the socioeconomic structure in a country that was becoming less predominantly agrarian and starting to organize industrial and service sectors. Part of this immigration was made up of women who worked in domestic service. At the end of the 70's the migration tide turned, and an important part of the flow of immigrants arriving in Madrid was made of up Spaniards returning form the exterior. This initiated a change in the Spanish migration system characterized by a reduction in internal migration, the return of emigrants from the exterior, and at the end of the 70's, a slow but steady increase in foreign immigration.

The province of Madrid became an Autonomous Community when its Statute of Autonomy was approved on February 18, 1983. At that time the presence of foreign immigration began to acquire certain social relevance which, regardless, did not correspond to its numerical weight. Some researchers pointed out the lack of involvement on the part of Madrid's public administrators. They warned about the dangers of a marginalized immigrant population if public policies failed to emerge which counteracted the effects of precarious and weak judicial, labor, and housing contexts[41].

As was the case in the rest of Spain, the first social initiatives targeted at foreign immigrants were promoted by the NGO sector. At the end of 1992, the assassination of Lucrecia Pérez, a Dominican immigrant who worked as a domestic servant in the Aravaca municipality,

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[40] Secretaria per a la Immigració, 2008: 57.

[41] Carlos Giménez Romero, 1995.

detonated the first programs propelled by autonomous regional and municipal administrations, which to a large extent functioned to provide interim answers.

In the realm of autonomous regions, in 1992 a Section of Attention for Foreigners was created within the Service of Special Programs, located within the General Sub-office for Specific Services of the Council of Social Integration. An Action Plan of guiding principles for Madrid Community integration policy was also created. Five years later, in 1997, the General Office for Social Services elaborated the first proposal for a Regional Plan for immigration. In 1998, a Regional Forum for Integration in the Madrid Community was launched, as was a Regional Office for Immigration in Madrid (Oficina Regional de Inmigración de Madrid-OFRIM), under the management of the Red Cross. This same year the School for Social Mediators in Integration (Escuela de Mediadores Sociales para la Inmigración-EMSI) passed from the Madrid Community's General Office of Social Services to the Red Cross. In 1999 a General Office for Immigration, Cooperation, and Voluntarism, dependent upon the Council for Social Affairs, was created.

In December 2000, in the context of the approval of the Law of Foreigners 4/2000, the Madrid Community's Regional Assembly approved the Regional Plan for Immigration 2001-2000, a declarative heading "not linked to any norms" (Zapata-Barrero 2004ª, 183). One of the novelties of Plan 2001-2003 was the launching of Centers of Attention for Immigrants (Centros de Atención Social a Inmigrante-CASI), mechanisms of social intervention for immigrants at risk of exclusion, managed by NGOs. With the commencement of Plan 2006-2008, some CASI offices were replaced by National Homes (Casas Nacionales) or Centers for Immigrant Participation and Integration (Centros de Participación e Integración de Inmigrantes-CEPI), among these, the Hispano-Colombian Center, Hispano-Marroqui Center, and the Hispano-Romanian Center, which have also been configured as public services managed by NGOs, private businesses, foundations, or immigrant associations[42].

In June 2008 the Madrid Community Council for Immigration and Cooperation elaborated the preliminary version of an Integration Plan 2009-2012. In its own words: "The immigrant is a free and responsible individual. Every immigrant person should be treated like a free subject who makes rational decisions, with individual rights and duties toward himself and toward the receiving society. The principle agent and protagonist of integration is the immigrant himself[43].

6. Conclusions

- Diverse immigration reforms, far from decreasing irregular entry, have

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http://www.madrid.org/cs/Satellite?cid=1158156469891&idPaginaAsociada1158156469891&language=es&pagename=PortalInmigrante%2FPage%2FINMI_portadillaDosColumna.

[43]

http://www.madrid.org/cs/Satellite?blobcol=urldata&blobheader=application%2Fpdf&blobkey=id&blobtable=MungoBlobs&blobwhere=1202791830225&ssbinary=true

increased the proliferation of different levels of civic and socioeconomic stratification.

- The politics of ethnic commonality are laws and administrative practices through which a State awards a privileged migratory or citizen status to possible migrants, based on their perceived common origin. In Spanish public policy the logics of ethnic commonality are manifest in the blood rights that form the basis of nationality laws, in the preferred status awarded to Latin American immigrants, and more recently in the processes of legalization, in discourse, in administrative practices, and in state, some regional and local policies towards emigrants and returned citizens.

- The politics of preference for Latin American immigrants descended from the Spanish and from Europeans reproduces the colonial image of European ethnic superiority over colonized others (Africans, the indigenous, and their descendents), and makes visible the wide ties between immigration policies, citizenship, and the myths of nation-building.

- An analysis of Spanish migration policy from a gender perspective shows that these are designed with a fundamentally masculine point of reference. Although women are the first link in some migration chains, they continue to be conceived of and treated as their husbands' dependents.

- The inclusion of a gender perspective in public policy is limited to dealing with women's problems. From this vantage point we can summarize some of the underlying images in documents, discourses, and practices that take women migrants as their objects:

  ✓ Women immigrants in their role as maintainers of family unity, conceived of as instruments for integration by means of the traditional roles assigned to their gender, their presence conceived of as fundamental for emotional equilibrium, for "social normalization", and even as an agent of education.

  ✓ Women as the keepers of the "culture of origin" in their roles as mothers

  ✓ Both images constructed as privileged "instruments" for socialization and adaptation in a new context, therefore women are perceived of as mediators between the "culture of origin" and the "culture of the receiving society"

  ✓ Migration policies, in the realm of work and labor, are designed with a fundamentally masculine point of reference. Women are mentioned in relation to the family and the domestic sphere. In more recent documents they are increasingly depicted as workers, recognizing their right to labor incorporation and paid employment, but still associated with the performance of certain feminized jobs.

  ✓ An excessive emphasis on cultural difference, which not only tends to reinforce distance and increase impediments to integration but which also an proposes image of woman migrants as extreme otherness, the opposite of what is imagined to be "European culture"

- In the politics of gender equality, migration only figures in references to women migrants, conceived of as a vulnerable and/or excluded risk group. Neither men nor families are the object of these interventions. Women migrants and their families are also excluded from initiatives to help reconcile work and family life, even though for

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many Spanish families, such "reconciliation" is made possible only through the work performed by women migrants.

• The notion of interculturality is used primarily in the academic realm. The administration of the diversity that stems from non-EU immigration is articulated around the concept of integration. However, the implications of using this term in state policymaking are not the same as those that arise from their use by autonomous governments. In the Catalan case, the explicit objective of these policies is the transformation of immigrants into *new Catalans*. Such a link between integration and national construction does not emerge in state policy, likely due to the difficulties inherent in the definition of *Spanish-ness* (*españolidad).*

• In synthesis, in the Spanish case, it is possible to discern some of the characteristics of the model implicit in the administration of immigration. One model is conditioned by the form of political organization within the Autonomous Communities and by the transfer of authority in terms of education, health, and social services from the State to the autonomous governments, as well as by the particular historical forms that local government has been acquiring in the Spanish context, with an important role given to religious entities through the current moment, the limited deployment of the welfare state, and the features which characterize the restructuring process. A third tendency has been added the processes of (a) state decentralization and (b) privatization/tertiarization of social policy: (c) the gradual but clear displacement from universalistic approximations toward specific and (so-called) multicultural measures. Thus two apparently mutually exclusive perspectives prevail: a policy of equality versus one of difference, of polarization, which reflects the dilemma of universalism versus particularism. In the case of non EU-immigration, particularism implies cultural difference basically conceived to be a type of disability or deficiency in the ability to be or act normatively. The failure to integrate is conceived to result from the lack of an appropriate cultural willingness to lead an independent life with the ability to manage oneself in a responsible manner. As in the case of unemployment, this discursive strategy seeks to have people assume responsibility for regulating the limitations to which they are subjected.

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