Immigration in Catalonia. In search of a public philosophy

Vicent Climent-Ferrando

IMMIGRATION IN CATALONIA
IN SEARCH OF A PUBLIC PHILOSOPHY

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# TABLE OF CONTENTS

**Introduction** 3

1. Immigration and population growth in Catalonia  
   A bird’s-eye view 6
   
   1.1 European Migration trends 7
   1.2. Catalonia: a land shaped by migration 9
   1.3. Immigration in Catalonia: a changing paradigm? 19

2. The Policies and Politics on Immigration in Catalonia 22

   The initial debates on immigration: the early 90’s 23

   2.1 The distribution of powers on immigration:  
       The unresolved question 27

   2.2 Immigration dynamics in two different decades:  
       The 90’s and the 2000’s 31

      2.2.1 The decade of the 90’s 31

       2.2.1.1 The Girona report 31
       2.2.1.2 Commission for coordination 32
       2.2.1.3 1st Immigration Plan 1993-2000 33

      2.2.2 The 1st decade of the 20th century:  
          The turning point 35

       2.2.2.1 The Secretariat for Immigration 35
       2.2.2.2 2nd Immigration Plan 2001-2004 36
       2.2.2.3 The Citizenship Plan 2005-2008 38
       2.2.2.4 New Statute of Autonomy 2006 43
       2.2.2.5 Agreement on Immigration 2008 48
       2.2.2.6 The Citizenship Plan 2009-2012 54
       2.2.2.7 Law on Reception 2010 56

3. Concluding remarks. The Road Ahead 59

4. Bibliography 62
INTRODUCTION
The settlement in Catalonia of people of diverse origins has been a historical reality that has taken place on three occasions over the 20th century, with the most recent example also entering the first decade of the 21st. A range of economic, structural and political factors have brought to Catalonia more than 1 million people from more than 170 nationalities and speaking around 300 languages.

These migratory flows have led to major demographic and social changes. For this reason, Catalonia's public services such as education, health, employment and social services have had to adapt to the sudden, sharp increase in the territory's foreign population. Specific units have been established in the main towns and cities and within local administrative structures (regional councils) to manage immigration; various new services and resources have been created, including public service translation and interpreting teams, specialised training programmes and multilingual informative material for immigrants, to name only a few.

The pressure to properly manage this intense population inflow has surfaced one of the underlying issues in Catalan-Spanish politics: the transfer of competences on immigration issues. As we shall see in the lines that follow, one of the distinguishing features of Spain has been that immigration was not included in the democratic transition agenda, so that no definition in the distribution of competences or in the Spanish administrative structure ever took place. And here lies the problem.

Immigration has never been considered as a competence to be defined either in the Constitutional framework, or in any other Constitutional law delimiting governance and policy management, not to mention the first regional Statutes of Autonomy. Immigration in Catalonia, and in Spain, emerged as an administrative and technical issue in the 1990s, and became a political and social issue in 2000.
From the outset, Catalonia has battled for more competences on immigration issues. It is not by chance that the Constitutional Court has had to decide on a number of issues regarding immigration competences between the State and Catalonia, as we shall see in detail in this report.

Catalonia began to develop its competence on immigration inductively, by taking the very few policy-instruments it had in its administrative and policy structure, and constructing its legal and regulatory instruments within the limits of its Statute of Autonomy. Over the years, this inductive approach became deductive, with more competences, vision and strategy for a future built by all members of society, regardless of origin or nationality.

It can be argued that Catalonia is a laboratory in process of constant (re)definition: a minority nation with a minority language, with a distinct identity within a State. And this is why it is difficult to analytically devise it, because it shares some features of different countries such as the U.S., Australia or Canada – which have been shaped taking immigrants into account – and other features from other more multinational structures with a strict division of territory along identity or language lines such as Switzerland or Belgium. All these features explain, as we shall see below, Catalonia’s constant request for its own public philosophy on immigration.

This report seeks to offer a bird’s-eye of Catalonia’s evolution on immigration management over the last twenty years, systematize the most important developments in the field throughout this period and analyze their impact both at social and political level.

It is divided into three sections. Section one provides a detailed account of Catalonia’s demographic change in recent history as a consequence of immigrant population. Reference to the three different immigration waves over the 20th century – 1900-1940 period, 1940-1970 period and the 2000-
2010 period – will be made, even if particular attention will be paid to the most recent period, the object of analysis in this report.

**Section two** develops a detailed account of the most remarkable legal, political and social developments on immigration in Catalonia from the early 90’s – time in which immigration began to rank high on the Catalan political agendas – until today. Catalonia being a territory within Spain, constant mention will be made to Spanish laws and the Constitution.

Finally, **section three** offers some concluding remarks and points at the most recently developments being currently discussed, namely the Government of Catalonia’s 2013-2016 Immigration Plan and the 2013-2016 Immigration Plan by the Barcelona City Council which, at the time of finalizing this report, are at a negotiation stage with the different political parties.
1.

IMMIGRATION AND POPULATION GROWTH IN CATALONIA.
A BIRD’S-EYE VIEW
1.1 European Migration trends

Over the last few years, migration movements have reached a scale and complexity that are unprecedented in most Western societies. As a result of globalization processes and the new international division of labor, the incorporation of new citizens into host societies has been one of the main factors leading to social, economic and political transformation as societies have increasingly become more heterogeneous, complex and diverse.

Migration issues are having an increasingly significant political and social impact in the European Union. The number of immigrants arriving in the EU has been steadily increasing. According to the EU’s statistics agency, Eurostat, Spain, the United Kingdom, Germany and Italy are the countries recording the highest number of immigrants in Europe. Today, these four countries host more than two thirds (67%) of all immigrants residing in the EU.

Catalonia is no exception to this migration trend. The number of immigrants living in this territory has risen sharply in the space of just a few years. The latest migration statistics published in March 2012 show that to date, almost 1.2 million people out of 7.5 million are of foreign origin, accounting for 15.7% of the population. The figures below underline the tremendous population growth undergone in a very brief period: in the year 2000, immigration only accounted for 2.9% of the total population in Catalonia. Ten years later, in 2010, that figure had lept to almost 16%, one of the largest population growth phases in history. Figure 1 below shows the evolution during the 2000-2011 period.

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The social and demographic change derived from migration has had a remarkable impact on the major Catalan urban settings. An example of how this migration trend has changed the socio-demographic landscape is the city of Barcelona and its metropolitan area. In 2000, immigration accounted for 3.5% of the population. Nine years later, in 2009, that figure reached more than 18%. In some areas such as *Ciutat Vella*, the city centre, the figure has leapt to more than 40% of the total population as shown in figure 2 below.

**Figure 2. Foreign population in Barcelona 2000-2012**

<table>
<thead>
<tr>
<th>Year</th>
<th>Number</th>
<th>Percentage over population</th>
<th>Yearly increase</th>
<th>Increase rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>January 2000</td>
<td>53,428</td>
<td>3.5%</td>
<td>12,525</td>
<td>30.6%</td>
</tr>
<tr>
<td>January 2001</td>
<td>74,019</td>
<td>4.9%</td>
<td>20,591</td>
<td>38.5%</td>
</tr>
<tr>
<td>January 2002</td>
<td>113,809</td>
<td>7.6%</td>
<td>39,790</td>
<td>53.8%</td>
</tr>
<tr>
<td>January 2003</td>
<td>163,046</td>
<td>10.7%</td>
<td>49,237</td>
<td>43.3%</td>
</tr>
</tbody>
</table>
1.2 Catalonia: a land shaped by migration

Migration is not a new phenomenon in Catalonia. For the past hundred years, the influx of migrants in Catalonia from other regions in Spain has been a constant occurrence. Over this period, the Catalan demographic model has been characterized by population growth derived primarily from immigration. Today, this statement still holds true. A case in point: in 2007 Catalonia's population grew by 3.5% due to natural causes and by 17.3% as a result of immigration\(^2\). Immigration is therefore a key feature in the shaping of the Catalan people.

Catalonia has undergone different immigration phases over the past century. We can clearly identify three main periods:

- a) End of the 19\(^{th}\) century to the 1930’s. Beginning of the Second Republic
- b) 1940s-1970’s. End of the Franco period
- c) Last decades of the 20\(^{th}\) century/beginning of the 21\(^{st}\): a new paradigm

\(^2\) Source: Catalan Institute for Statistics. [http://www.idescat.cat/territ/BasicTerr?TC=5&V0=3&V1=3&V3=914&V4=921&ALLINFO=TRUE&PARENT=1&CTX=B](http://www.idescat.cat/territ/BasicTerr?TC=5&V0=3&V1=3&V3=914&V4=921&ALLINFO=TRUE&PARENT=1&CTX=B) [consulted June 22 2012]
a) End of the 19th century to the 1930’s

At the beginning of the 20th century, Catalonia was a land of emigration. In 1897, the number of residents in Catalonia born out of the territory – chiefly in the rest of Spain – did not go beyond 3%. Even if that figure increased slightly in 1910, immigration only accounted for 5.4% of the total population.

This somewhat stagnant situation underwent a remarkable transformation by the late 1920’s. For the first time in Catalan contemporary history, population growth derived from immigration and not for natural causes\(^3\). The economic expansion due to Spain’s neutrality during the I World War and the increase in large-scale public works promoted by Primo de Rivera’s dictatorship translated into a massive population inflow in Catalonia, most specifically Barcelona, from other Spanish regions such as Valencia, Aragon, Murcia or Andalusia. A case in point: during the 1910-1930 period, around three quarters of the population growth in Catalonia were due to immigration. Put in absolute terms, in the year 1930, out of 706,424 new inhabitants in Catalonia, 546,379 derived from migration. Figure 3 below illustrates the migration trend during the first decades of the 20th century and the difference between natural population growth versus population growth derived from immigration.

\(^3\) Zapata-Barrero R., Immigration, autonomie politique et gestion de l'identité : le cas de la Catalogne, Outre - Terre 2006/4, 17, p. 189-209.
This sharp population increase in such a short period of time sparked numerous debates among the Catalan society revolving around the issue of immigration and its economic, political, cultural and demographical impact on the Catalan society.

The debates intensified during the 1920’s, especially around the issue of the Catalan identity, culture and language. While some immigrants came from other Catalan-speaking neighboring regions (València, Castelló and the Aragonese area of Franja de Ponent) and integrated easily – others were seen as a potential threat to the Catalan nation and identity. This societal malaise was echoed through numerous press articles, papers and political and academic debates.

**b) 1940s-1970’s (the end of the Franco period)**

As indicated in the table above, the period ranging from the 1940’s to the 1970’s (the post-Spanish Civil War period until the end of the Franco dictatorship), the influx of migrants into Catalonia reached the figure of 1,400,000 people. It was, however, during the 60’s where immigration
Immigration in Catalonia. In search of a public philosophy

Vicent Climent-Ferrando

sharply accelerated in Catalonia, increasing at an average rate of more than 72,000 immigrants every year. Immigrants were originally from Spanish rural locations wishing to move into urban, industrial and more prosperous areas. As a consequence, the main urban settings in Catalonia, and more specifically Barcelona and its satellite cities, experienced a deep structural and social transformation.

In a context of cultural, identity and linguistic repression such as the Franco period and in the absence of democratic institutions capable of advocating for the Catalan identity, culture and language, the Catalan academic, philosophical and political circles began to pose the question on what it meant to be a Catalan and how to define the Catalan nation and identity.

One of the most influential pieces of work at that time revolving around the issue of this migration wave was *Els Altres Catalans*⁴ [the Other Catalans], by Francesc Candel, a masterfully well-written journalistic account of the rapid demographic transformation taking place in Catalonia due to migration during the 60’s. The term “the other Catalans” was rapidly coined to refer to those immigrants from Southern Spain who came to work and live in Catalonia. This work became highly influential among Catalan elites and intellectuals as it provided fresh, new ideas and approaches on how to conceive the Catalan identity.

c) Last decades of the 20th century and beginning of the 21st.
Anew paradigm

The first years of democratic Spain were not particularly significant from an immigration perspective. It is only after the late 1980’s beginning of the 1990’s that immigration became an increasingly important political issue nationwide. For the first time, the Spanish Parliament passed an Act on Foreign Nationals (*Ley de Extranjería de* 1985). It is, however, during the 1990’s that a more holistic approach on immigration is adopted.

Catalonia did not lag behind in the adoption of its own immigration policy. Back in 1992, the Government took the first measures geared towards the management of a recently new phenomenon: immigration from outside Spain. These measures included the creation of the first Inter-Departmental Commission on Immigration Management Coordination [Comissió Interdepartamental per al Seguiment i la Coordinació de les Actuacions en matèria d’Immigració], created in 1992, or the first Inter-Departmental Plan on Immigration [Pla interdepartamental d’immigració] in 1993. These and the subsequent measures will be dealt with in section two of this report below.

It is, however, during the first decade of the 21st century that immigration flows accelerated at an unprecedented pace in Catalonia. In less than ten years, the immigrant population grew by more than 1 million people. In the year 2000, immigration population accounted for only 2.9% (181,590). Eleven years later, it reached the figure of 1,182,957, almost 16% of the population, as illustrated in figure 4 below.

**Figure 4. Immigrant population growth in Catalonia. 2000-2011 period**

Source: IDESCAT. Catalan Institute for Statistics
Immigration in Catalonia. In search of a public philosophy

Vicent Climent-Ferrando

This upward trend is not an exclusive phenomenon in Catalonia. Statistics show that population mobility worldwide is on the rise, especially from poor to rich areas. The latest edition of the Atlas of Migration 1 reported that there are an estimated 200 million migrants around the world representing about 3% of the world’s population\(^5\).

Over the same period, Europe has also experienced a remarkable population growth due to migration, even if it is not equally distributed in all European countries. It is worth highlighting that in 2010 more than 75% of the foreigners in the EU resided in five Member States, namely: Germany, the United Kingdom, Italy, France, and Spain\(^6\).

The growth rate in these five countries has been remarkable, especially in Spain, and most notably in Catalonia, which is one of the regions in Europe in which immigration has grown more rapidly. Figure 5 below compares the Catalan migration trend over the past decades with other regions and illustrates this rapid growth and intensity over a short period of time.

**Figure 5. Immigration in the world. Comparative perspective 1960-2005 period**

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As indicated above, immigration is not a recent phenomenon in Catalonia. Over the past hundred years, the arrival of immigrants from other Spanish regions has been a constant occurrence. Three features, however, define the most recent migration wave in Catalonia:

a) Intensity
b) Diversification of origin
c) Immigrant population distribution in Catalonia

**a) Intensity**

The first decade of the 21st century has witnessed the beginning of a wave of immigration to Catalonia of an intensity that has brought about far-reaching demographical, societal, political and economic changes. From 2001-2008, the population of Catalonia underwent one of the largest growth phases in its history. Immigrants have come to represent over 16% of the active population in less than 10 years, this figure surpassing most EU countries with a solid tradition in immigration such as Germany (5,9% in 2009), France (5,8%) or the United Kingdom (6,8%). This proportion is of unprecedented nature as figures have skyrocketed in a short period of time.

Over the last 10 years, immigration has gone from accounting for roughly 3% of the population in 2000 to almost 17% in 2009. The following graph serves to clearly illustrate this trend. No other European country has experienced such a rapid, intense population growth derived from migration in such a short period of time, and only Luxemburg, Switzerland and Latvia show today a higher percentage of foreign population, experienced over a much longer period of time. Figure 6 below offers a bird’s-eye view on foreign population in different European countries.

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8 Source: EUROSTAT https://docs.google.com/spreadsheet/ccc?key=0AonYZs4MzlZbdHAwSUM1cJJaTEc5YUljZkFld2IWSJE&hl=en#gid=0 [last consulted June 22 2012]
The combination of two main factors can help explain the sharp immigration increase in Catalonia and Spain in general: 1) major economic growth, which has attracted predominantly young unskilled migrants in their working age and has had an impact over the labor force; and the demand for certain types of labor which has not been met by the local population (due to rising educational levels and the lack of workers brought about by constantly declining birth rates between 1977 and 1997).

b) Diversification of origin

As seen in sections above, Catalonia has received a great deal of immigration since through the 20th century, resulting in a significant rise in its population. Between 1950 and 1975, Catalonia's immigrant population reached a level of 1.5 million people, the vast majority of whom arrived from other parts of Spain in the 1960s.

As of the late 1990’s, the profile of Catalonia's immigrants has changed. It was no longer the case that people set out from the rest of Spain to find work in Catalonia, but rather from other countries and continents. People with different cultures, religions and ethnic backgrounds thus began to arrive in the country, looking to establish themselves both economically and socially. A closer look at official census data shows that immigration has involved people from a wide range of origins. We must add a whole array of new countries – new member States of the European Union (EU) such as the Eastern European countries; and new immigration derived from different African, Asian and Latin-American countries. Figure 7 below provides a kaleidoscopic view of Catalonia’s foreign population by origin, the main countries of origin being Morocco, Romania, Ecuador and Bolivia.

**Figure 7. Immigrant population by nationality in Catalonia. 2011**

Source: IDESCAT. Catalan Institute for Statistics 2011

c) Immigrant population distribution in Catalonia
In contrast to previous large waves of immigration in Catalonia, which mainly affected Barcelona and its metropolitan area, the immigrants who have arrived in recent years have settled throughout the territory, not only in its major cities and their respective metropolitan areas, but also, in many cases, in coastal and inland towns, rural areas and even mountainous zones.

On average, foreigners make up 15% of the population of each of Catalonia's administrative regions. There are a number of medium-sized towns where the proportion of immigrants from outside the EU is particularly high, such as **Ulldecona**: 6,987 inhabitants, 29.07% of whom are immigrants; **Salt**: 28,763 inhabitants, 39.2% of whom are immigrants; **Guissona**: 5,683 inhabitants, 43.46% of whom are immigrants; **Manlleu**: 20,505 inhabitants, 23% of whom are immigrants.

Generally speaking, the immigrants who have made their home in Catalonia have tended to settle in groups of the same nationality. For example, outside Barcelona (which, as Catalonia's capital, attracts the highest proportion of immigrants of all nationalities), the Ukrainian population has mainly established itself in inland towns and cities, such as Guissona, Tàrrega and Lleida. High concentrations of Romanians, meanwhile, can be found in towns and cities on or near the coast, such as Reus, Tarragona, Lloret de Mar and Vilanova i la Geltrú.
1.3. Immigration in Catalonia: a changing paradigm?

At the time of writing this report (first semester 2012), the latest immigration figures seem to indicate a remarkable change in the migratory cycle. As a consequence of the deep financial and economic crisis, the number of registered immigrants in Catalonia decreased for the first time in 2010, going from 1.198.538 immigrants (16%) to 1.182.957 (15,7% in 2011). As indicated in figure 1 above, the immigration curb has starts to show a downward trend.

This trend is also taking place in the major urban cities such as Barcelona, which has experienced a negative growth for two consecutive years, as shown in figure 8 below.

Figure 8. Immigration trend in Barcelona. 2001-2012 period

Source: Barcelona City Council

It is worth highlighting that this downward trend is not taking place uniformly across Catalonia. Put in other terms, some regions within Catalonia still see the number of immigrants rising while others are indeed experiencing this downward trend. Figure 9 below provides an overview of all the Catalan regions and the immigrant population evolution in just one year.
Another phenomenon observed is the immigrants’ countries of origin. The most recent figures (2012) indicate that only immigrants of certain countries are returning. Nationals of Latin-American countries are those showing a higher percentage of returns: Ecuador, Bolivia, Argentina, Brazil and Argentina are rank high on the list. Opposite to this trend we find a continuous inflow of migrants from Asian countries, especially Pakistan, who are still arriving and settling in Catalonia. This trend is tightly linked to economic reasons as Latin America is one of the world regions with a highest economic growth rate. Figure 10 below indicates the immigrant inflow-outflow and their countries of origin.
Only time will tell whether we are facing a new phase in the Catalan immigration history or it is just a short, transitional period.
2

The Policies and Politics on Immigration in Catalonia
The initial debates on immigration in Catalonia: the early 90’s

The settlement in Catalonia of people of diverse origins has been a historical reality that has taken place on three occasions over the 20th century, which has intensified in an unprecedented manner over the first decade of the 21st century. Few places in Europe have experienced such a rapid, sharp increase of foreign population in such a short period of time, as illustrated in section 1 above.

This increasing heterogeneity in the Catalan population has contributed to the social transformation of towns and cities across Catalonia. As a result, Catalan authorities at all levels – Catalan Government, comarques [administrative units], municipalities and districts - have had to adapt to these changes and adopt mechanisms to manage this phenomenon.

Section 2 of this report seeks to offer a bird’s-eye view on the actions undertaken by the various levels of government from the early 90’s – period in which the first steps on immigration are taken – through the first decade of the 21st century until today (2012) – a decade in which immigration has been one of the top priorities in Catalonia both from the economic, political and social standpoint.

Two important ideas need to be highlighted at this point, for they are key to understanding the rationale behind Catalonia’s approach to immigration.

a) Competences on immigration

b) Immigration as a source of identity and nation-building
Immigration in Catalonia. In search of a public philosophy

Vicent Climent-Ferrando

a) Competences. As we shall see throughout this section, the Catalan immigration policy is not based on borders or nationality but rather on integration and accommodation of migrants and managing immigration flows, policies on acceptance, integration and citizenship.

The subject of the distribution of competences in immigration is a deep-rooted issue both in Spain and Catalonia and is often present in controversial political and social debates. While the management of borders, and all those issues related to immigration flows into Spain and nationality is exclusive responsibility of the Spanish Government, issues related to accommodation/integration have fallen to the autonomous communities, and especially to local governments. There is, however, no clear definition in terms of administrative distribution of functions.

This is largely explained by the way the process of political and administrative decentralisation agreed upon during the transition to democracy. Competences on immigration were not discussed during the transition to democracy as it was not an issue back then. This lack of an administrative reference on how powers on immigration are distributed is the basis for the often diverging – and conflicting – interpretations over the division of powers between the Spanish state and Catalonia. Today, this issue remains unresolved and is the basis of much of the political and legal confrontation between the Spanish and Catalan authorities. This section will refer to the different Constitutional Court rulings on diverging views over competences on immigration.

b) Immigration as a source of identity and nation building. As a minority nation with its own language and societal culture, Catalonia as a distinct society within Spain does not share the political culture of the dominant [Spanish] society and state, which has serious implications on the Catalan conception and approach to immigration management. As we shall see below, Catalonia has been deeply aware of the fact that if it wishes to keep its different societal culture, it must have control over immigration
policies. Otherwise, immigration will become another element of pressure against identity and nation building. This is why immigration has played a pivotal role Catalan national politics over the last decade, especially after 2006 with a new Statute of Autonomy and new legislation on immigration management.

Bearing these two initial premises in mind, this chapter will be divided into 2 broad sections:

Section 2.1 will describe the distribution of powers between Spain state and Catalonia which, as stated above, will help us understand some of the diverging and often legally contested issues over competences on immigration.

Section 2.2 will be devoted to analyzing the main pieces of legislation on immigration in Catalonia and its evolution over the years. Two clearly distinct periods can be identified:

2.2.1 The decade of the 90’s. This period will allow us to describe and analyze the first measures taken on immigration which will help us illustrate how immigration emerged purely as an administrative and technical issue. This period will include the following key actions:

2.2.1.1 The Girona report. The demands from the civil society. 1992

2.2.1.2 The setting up of Commission for monitoring and coordinating immigration actions. 1992

2.2.1.3 Intergovernmental Immigration Plan. The first governmental action 1993-2000
2.2.2 The **first decade of the 21st century** until today, in which immigration became a highly relevant political and social issue. This section will tackle the following actions:

2.2.2.1 Creation of the Catalan Secretariat for Immigration: 2000. The key instrument for immigration policies in Catalonia

2.2.2.2 The second Interdepartmental Immigration Plan. The beginning of a new Catalan approach on immigration. 2001-2004

2.2.2.3 The Immigration and Citizenship Plan 2005-2008: the quantum leap on immigration

2.2.2.4 Catalonia’s new Statute of Autonomy. New competences on immigration. 2006

2.2.2.5 National Agreement on Immigration. A true consensus, 2008

2.2.2.6 Immigration and Citizenship Plan and the Reception Law on Immigrants and Returnees to Catalonia 2010. The beginning of a new era on immigration. 2009-2012

2.2.2.7 The Law on Reception of immigrants and Returnees to Catalonia 2010

As we shall read in the concluding remarks, a new Immigration and Citizenship plan for the 2013-2016 period is being currently drafted. At the time of drafting this report, the Plan in the process of negotiation being currently drafted to give account of the changes taking place in society today. Mention will therefore be made.
2.1 The distribution of powers on immigration. The unresolved question

The subject of the distribution of powers on immigration remains a highly controversial issue in Spain today. It is linked to the way the process of political and administrative decentralisation was agreed upon during the transition period in the mid 70’s, in which the competences were not defined in terms of the administrative distribution of tasks and functions (the ‘who does what’ in terms of immigration involving different government bodies).

Powers on immigration were not discussed during this period and were not included in the Spanish Constitution of 1978. The only reference in the Constitution on this issue is article 149.1.2, which defines immigration as a matter of exclusive state jurisdiction: “The State has exclusive authority over matters of nationality, immigration, emigration, aliens and asylum law”. This is so because back then, the transfer of powers to Spain’s autonomous communities was yet to begin and immigration hardly had any significance in the early years of democratic Spain.

With the exception of the Canary Islands, the first Statutes of Autonomy made hardly any reference to immigration, and recognized the exclusive authority to the State on these issues. It was assumed that any legislative or executive action concerning immigration was fully covered by the abovementioned article 149.1.2.

After the first Acts of 1985 (Rights and Duties of Foreigners in Spain, Organic Act 7/1985) aimed at establishing a more robust legal framework on immigration, a debate began on the scope of article 149.1.2. Some voices, especially from different Autonomous Communities such as Catalonia, began to advocate for a broader, less restrictive interpretation of this article, allowing greater room for the intervention and management of
Immigration in Catalonia. In search of a public philosophy

Vicent Climent-Ferrando

immigration by the Autonomous Communities and, to a lesser extent, local councils.

Royal Decree 155/1996\textsuperscript{10} became the first of a series of regulations aimed at providing a more holistic approach to immigration. An example of the growing awareness and the need for closer cooperation between the State and the different Autonomous Communities is section 5 of the Decree, which seeks to establish coordinating mechanisms in different fields such as health, education, social services or protection of minors, among others. The granting/processing of visas, residence and work permits, however, remained an exclusive competence of the State even if these issues were local in nature.

This lack of a clear administrative reference on how powers on immigration were distributed in administrative and territorial terms was no impediment to the practical approach adopted by the Spanish government over the years until today: while the management of borders and everything related to flows was the exclusive responsibility of the central Government, competences related to integration have progressively fallen to the Autonomous Communities, and especially to local governments, which are responsible for practically all reception and integration issues. As immigration turned progressively into a factor of outmost importance in regions such as Catalonia, it became evident that power had to be transferred to the regional and also the local level.

In this respect, the Spanish Government has supported initiatives for the integration of immigrants by distributing the budget for the integration and reception of immigrants between town councils and autonomous regional governments. This financial distribution has been undertaken through the bodies managing immigration policies in each autonomous region, with accredited demographic and objective criteria. The Government has in turn started to divert responsibilities for the internal management of immigration

Immigration in Catalonia. In search of a public philosophy

Vicent Climent-Ferrando

towards the different Autonomous Communities, as required and recognised in the different Statutes of these communities.

The issue of division of competences has not been devoid of controversy in the case of Catalonia. Article 138 of Catalonia’s new Statute of Autonomy (2006) set a new framework of powers on immigration. This article was considered unconstitutional by the Spanish People’s Party (Partido Popular), claiming that it exceeding State competences on immigration and was taken to the Constitutional Court. The Constitutional Ruling 31/2010 of June 28\(^{11}\) claimed article this article was not unconstitutional. This would be thoroughly analyzed under 2.2.2.4 below.

It is often claimed that despite the efforts made by the State to decentralize its immigration policies, Spain’s current distribution of powers on these issues prevents Autonomous Communities from developing comprehensive public policies. This lack of a clear distribution and division of competences can be exemplified in the current immigrant census system in Spain. The regime enables towns to register their inhabitants without taking into account the criteria of the State. Immigrants in an irregular situation are therefore empowered to register, even if some cities in Catalonia (Vic) and other regions (Gandia, València), have started to deny registration to undocumented immigrants\(^{12}\).

Considering strategic objectives - basically cohesion and stability - the preference was to make the problem visible (by registering individuals in an irregular situation) instead of keeping it invisible and unprotected. Under these circumstances, the State has been adopting a *laissez-faire* approach as it does not wish to enter into conflict with the councils. There is a tacit understanding and consent for the councils' action.


\(^{12}\)At the time of writing this report, there is an ongoing controversial debate in Spain over whether city councils can refuse to register undocumented migrants.
The current financial crisis seems to point at a change in direction due to the current financial and economic scenario. At time of writing this report, the Spanish government seems to be adopting a tougher stand on illegal immigration. It has undertaken legal reforms (April 2012) so as to prevent the use of the Spanish public health system by undocumented migrants. According to this reform, immigrants will only benefit from those health services related to emergencies and pregnancies. Registration in city councils will not be sufficient condition to access the public health system. Mechanisms to coordinate these new measures are yet to be adopted.

The above is an example of a series of challenges for the improvement of governability and immigration management in Spain, such as establishing well-known mechanisms for coordination between the State, Autonomous Communities and local government bodies in terms of public policies on immigration, and also between the Autonomous Communities themselves. Spain has adopted a rather practical approach with no clear division of powers from the outset and without an explicit recognition of what is happening on the ground: other that entry and nationality, leadership and management of migratory policies fall to Autonomous Communities and town councils. It is these two levels of government the ones being more exposed to day-to-day management of integration and management.
2.2 Immigration dynamics in two different decades: the 90’s and the 2000’s.

2.2.1 The decade of the 90’s. The demands from the civil society

The debates over undocumented migrants and their access to health and social services is not new. As Autonomous Communities and local governments already held powers in areas such as education, social services or health care, these levels of government experienced an increasing demand by both legal and undocumented migrants. Against this backdrop, a number of town councils refused to attend to unregistered immigrants and provide them with the basic services while others did not consider origin or legal status as an impediment.

For some time, the various levels of government gave conflicting responses over whether undocumented migrants were entitled to the country’s basic services. These were the practical consequences of the lack of a clear-cut division of powers. It was during this time that the various social initiatives from organizations, trade unions and immigrant groups joined to demand integration policies allowing regional government to manage this to act in this area.

2.2.1.1 The Girona Report. The demands from the civil society

The extraordinary period of immigrant regularization initiated by the Government of Spain in 1991 sparked probably the first institutional debates in Spain on the need to adopt a more a sound, comprehensive policy on immigrant integration. These debates were published in what was known as the Girona Report: 50 proposals on Immigration [L’informe Girona: 50 propostes sobre immigració], signed in 1992 by different NGOs and associations from the Catalan city of Girona. It could be said that the Girona represented a milestone in Catalonia as it exerted an important
political by fostering an institutional debate and policies geared towards immigrant integration and management.

2.2.1.2 The setting up of Commission for monitoring and coordinating immigration actions. 1992

Even if some Government departments had already undertaken some measures in the field of integration, it was the publication of this report what initiated the political action: the Government of Catalonia created the “Commission for the Monitoring and Coordination of Immigration Measures” [Comissió per al seguiment i la coordinació de les actuacions en matèria d’immigració] in November 1992 with the sole purpose of analyzing the increasingly important phenomenon of immigration. The Commission was integrated by eight Governmental departments

The tasks assigned to this Commission were the following:

- Coordinate activities related to immigration
- Prepare reports and make recommendations to the different Government departments
- Gather information on the trends on immigration in Catalonia
- Ensure compliance of norms with European Union treaties and agreements as well as with other international regulations

These recommendations turned into a full-fledged report which analyzed the immigration trend in Catalonia, compared what was being done in other countries and described the Catalan Government achievements on immigration. The report ended with a series of proposals for action. NGOs, trade unions and the academia also made valuable contributions to the final version.

The report drafted by the Commission produced a tangible result: the first Interdepartmental Immigration Plan approved by the Government of Catalonia in 1993. The plan was designed for the 1993-2000 period and had four main goals:

1) Adopting a global policy of immigrant integration.  
2) Coordinating services and resources targeting immigrants.  
3) Encouraging the participation of immigrants in the process of nation-building of Catalonia.  
4) Raising awareness among the general population about the immigrant reality.

The Plan foresaw the setting up of the Interdepartmental Immigration Committee, composed of the same eight departments that drew the initial report plus two others – Agriculture and Justice – whose main goal was to develop the 40 immigration programs contained in the Plan.

It is worth highlighting that the Plan set up an advisory board to include the participation of NGO’s, trade unions, employers’ organizations, immigrant associations, school parents’ associations, Catalan councils and municipalities and the academia. As we shall see in the successive immigration programmes, Catalonia has always attached high importance to participation of the associative sector in the design and development of its policies.

The Catalan immigration agenda was already moving ahead at a faster pace than the Spanish one: the Generalitat soon realized that immigration was a global, overarching issue, which had to be participatory – in the sense that associations working in the field of immigration played a pivotal role in the drawing-up and implementation of the Plan –. For this reason, it strongly advocated for the need to cover more legislative areas and to adopt a
holistic State approach to facilitate integration of migrants and their access to resources under the same conditions as all other citizens.

Aware of the fact that integration aspects are best handled at local level, in 1997 the Government began the implementation of the different programs of the Interdepartmental Plan in specific geographical areas within of Catalonia. Still at a relatively low level – around 2.5% – immigration was becoming an increasingly important issue.

From its very outset, immigration was perceived as a transversal issue involving a series of different actors from all sectors – institutional, academic and associative. The Catalan Administration strived to reach common, consensus-based solutions to a relatively new phenomenon. Today, we are able to state that what prevailed in the first stages of the Catalan approach to immigration was culture of shared responsibility and inclusion of all stakeholders.
2.2.2 The first decade of the 21st century. The turning point

2.2.2.1 The Secretariat for Immigration. Embedding immigration into the Governmental structure

The 2000’s marked a turning point and a new phase in Catalonia. It is during the beginning of the decade that both institutional structures and strategic actions on immigration were conceived. In 2000, the Generalitat set up the first Secretariat for Immigration\textsuperscript{14}, a governmental structure aimed at providing the necessary guidelines and political actions around immigration management.

By creating the Secretariat, Catalonia began a qualitative change in approach towards immigration: from a mere administrative, technical issue to a more strategic, political approach. It was no coincidence that the Secretariat became attached to the Department of the Presidency of the Government of Catalonia.

Today, the Secretariat has as primary goals to:

- Create governmental program in the field of migration
- Set criteria on immigration flow management
- Foster coordination on immigration issues between the different public Administrations in Catalonia, and more specifically, coordinate the support of both Spain and Catalonia to the local Administration and the associations working in the field of immigration
- Coordinate the Immigration Interdepartmental Commission
- Coordinate the Immigration and Citizenship Table created to foster participation of migrants in the policy-making process of immigration policies

\textsuperscript{14} The Secretariat is called today Directorate-General for Immigration and is no longer attached to the Department of the Presidency but to the Department of Family Affairs. For a thorough account of its mandate, please visit their website.
2.2.2.2. The second Interdepartmental Immigration Plan. The beginning of a new Catalan approach on immigration. 2001-2004

One of the first tasks of the Secretariat was to elaborate the Second Intergovernmental Plan for Immigration (2001-2004). Even if this new plan kept the structure of the former plan, it introduced new variables that are key to understanding the Catalan approach to immigration. The Plan introduced a new concept to give account of the way Catalonia wished to perceive immigration: la via catalana d’integració [the Catalan Way of Integration]. This concept involved a balance between respect for the increasing diversity derived from immigration in Catalonia and the need for a sense of belonging to the Catalan community, regardless of country of birth or origin.

From an institutional point of view, the plan had a central element: it advocated for more autonomy on immigration policies as it demanded a more active participation in several issues such as the processing of work permits and visas in order to improve the operation of these services, which were run at State level, and greater involvement of Catalonia in the countries of origin for these purposes. The Plan also proposed the creation of a State fund to be transferred to those Autonomous Communities in which immigration was growing at a faster pace. To date, this fund that ought to be proportional to the scale of immigration in each Community has not yet been created.

It could be said that by drafting this Plan, Catalonia laid the foundations of its public philosophy on immigration based on three premises, always revolving around the idea of more autonomy and consciousness of Catalonia’s distinct society within Spain:

1. Immigration entails greater diversity within the host country. One of the main goals must be full equality among citizens and respect of differences.
2. Immigration is one of the main challenges of today’s European societies. Catalonia is no exception. We must ensure that institutions take the necessary step to properly manage the new cultural, social and political reality of Catalonia.

3. Immigration is not only an economic issue but also social and cultural. Because of its complex nature, immigration can lead to social conflicts: intolerance, fear, ignorance as well as economic inequalities. Catalonia must avoid any type of conflict derived from immigration, foster mutual dialogue and provide the necessary means to preserve unity and social justice.

The Catalan Way of Integration soon became the differentiating approach vis-à-vis Spain on immigration. As stated by Zapata-Barrero (198:2006), “immigration was perceived with great hopes and expectations for the Catalan social and economic future but also with great fears in terms of preservation and consolidation of the political and cultural specificities of Catalonia”.

This initial period was not devoid of controversy. The first Secretary for Immigration, Mr. Angel Miret, resigned only after 15 months in office claiming impossibility to carry out its mandate due to the lack of competences on immigration by the Generalitat15.

The second Secretary – Salvador Obiols – in power during the 2002-2004 period – achieved different goals during his short mandate: a) he undertook a public socialization media campaign to raise awareness among the general population on the increasing heterogeneity in the population; b) services for people wishing to immigrate to Catalonia were opened in foreign countries (Poland, Morocco, etc.) and c) Catalan language was increasingly placed at the forefront of the integration strategies. As we can see in figure 11 below, the number of language-provision courses addressed specifically to migrants went up exponentially.

2.2.2.3 The Immigration and Citizenship Plan 2005-2008: the quantum leap on immigration

The second half of the decade begins with a thoroughly renewed immigration plan: the 2005-2008 Citizenship and Immigration Plan. It meant a significant qualitative leap in the design and implementation of immigration policies in Catalonia. Unlike the previous immigration plans, the term *interdepartmental* is removed from the title. This action was not ascribed to chance and could be interpreted as an explicit indication of the truly political nature of this plan as opposed to a more technical approach in the preceding ones.

It contained 111 programs that gave priority to promoting core areas such as occupational integration, intercultural education, social use of Catalan, social cohesion, training public service professionals and combating discrimination. More specifically, the Plan’s main goals\(^\text{16}\) were to:

\[^{16}\text{Available at }\]

Contribute to promoting and making visible the positive effects of immigration. 
Promote the social stability and cohesion of Catalan society: reduce social deficits and move towards a society with strong cohesion and equality. 
Increase the social integration and participation of the immigrant population. 
Embed different cultural forms in a common political and social project. 
Promote the Catalan language and identity as a tool for cohesion. 
Overcome the risk of accommodation to the State language and identity and make Catalan into the vehicular language of immigrants. 
Develop policies in coordination with all governments and drive a better distribution of responsibilities and powers in immigration, reception and integration. 
Promote cooperation with the entire network of actors: associations, NGOs, unions, business sectors, religious denominations, etc. 
Move forward in cross-cutting policies in the Generalitat. 
Improve the immigration perspective.

A more scrutinized analysis of the plans leads us identify one of its main features: the concept of resident citizens. The idea behind this term that all immigrants, regardless of their place of birth and origin, would be considered and feel themselves citizens of Catalonia. Unlike nationality, which is linked to a more juridical status, the idea of citizenship was linked to those immigrants living and working in Catalonia. The concept of citizenship – thanks to which immigrants were referred to as “nous ciutadans” [new citizens] – was embraced as being applicable to the Catalan reality.

The concept, being the politically correct and preferred term to refer to immigrants and valid still today, has been subject to a great deal of criticism. The idea behind the concept is to conceive the policies in terms of inclusion and equality and establish a transition from the status of
immigrant to that of a citizen. This concept, however, demands juridical, economic and social equality, something that cannot be fully applied to immigrants. Immigrants were – and still are – not represented in public institutions as only nationalized immigrants are entitled to access the public Administration.

There has been a growing trend in political, social and academic milieus to use the term “new citizen” without being fully aware of the implications it entails. To some, speaking of citizenship and new citizens to refer to immigrants can be regarded as a paternalistic, as it can hide different realities and can be counterproductive.

The Plan focused on three main broad policy areas - reception, equality and accommodation policies – and all Government departments with competences in these issues established their sector plans accordingly. For instance, the Department of Education set its community and education plan and began to develop its Language and Social Cohesion Plan (created in 2004), an education program whose main goal was to ensure that immigrant children integrate through the Catalan language and also supported the development of student’s mother tongue and academic achievement.

As for the Department of Health, it created the Immigration and Health Plan (2006), which made all the changes needed in the health service to adapt to the increasingly heterogeneous population and made remarkable improvements on migrant reception, training professionals and including intercultural mediation in health.

Among the different services provided we could cite Sanitat Respon, a Health Service Helpline designed to simplify people's access to the Catalan Health Service. It is an information service provided in 104 languages by
health workers for the purpose of advising the public and answering queries on wellbeing and the health system\textsuperscript{17}.

Other than the concrete measures stated above, the Plan made a significant contribution to Catalonia’s conceptual approach to immigration: it set the ground for a public philosophy on immigration, something that had not been done in the previous plans.

The Plan introduced two main structural innovations:

1) A strategic action was budgeted and a holistic policy framework created. This was complemented by the setting of a series of indicators aimed at evaluating the social impact of the proposed actions.

2) As stated above, it provided a distinct approach to citizenship. The mere fact of being registered in the town/city registrar office – padró –, a local competence, opens the political space to immigrants. The public philosophy claims that from the very moment immigrants register, they are expressing their willingness to settle in Catalonia and share the public space with all residents, irrespective of place of birth or nationality. This approach to citizenship is no longer linked to nationality (State competence) but to the local milieu. The concept of citizenship is an overtly plural one, including the “non-national” population of Catalonia. It is therefore a plural citizenship, a new concept with political, social, economic and cultural implications.

The ideas behind the new public philosophy being shaped revolve around the notions of pluralism, equality and civicness.

The concept of pluralism plays a leading role in the recognition of Catalonia’s new diverse society. Each person residing and living in

\textsuperscript{17} For detailed information on the Sanitat Respon programme, please visit http://www10.gencat.cat/pres_casa_llegues/AppJava/frontend/llegues_bp.jsp?id=62&idioma=5 [last consulted June 21]
Catalonia must accept the society’s new pluralism in all of its forms: old and new values, cultures, languages, expressed both at individual and collective level, including religions, on the basis of a strictly secular state.

The concept of equality is linked to the concept of new citizenship underlined and to the rights and duties indispensable in all social activities. This concept, as seen above – was more theoretical and discursive than pragmatic: all residents – and therefore all citizens according to this idea – have the same duties but all residents enjoy the same rights.

The idea of civicness refers to the relationship between all citizens, regardless of language, culture or religion. It is an attitude; a way of behaving that allows for a peaceful cohabitation and guarantees a durable social cohesion. And it is within this framework that the concept of “public common culture” based on the three ideas above comes in. The primary goal is to avoid institutional pluralism, that is, the creation of separated [religious, cultural, linguistic] communities. The premises on which the idea of a “public common culture” is based are enumerated in the Plan:

- Recognition of Catalonia’s new cultural diversity.
- Human rights and respect.
- Universality of public policies and respect of people’s rights.
- Guarantee of stability and social cohesion in the Catalan society.
- Defense of the Catalan language as the language of common public language.
- Coordination, cooperation and collective responsibility.
- Policies of integrations based on European foundations

The defense of the Catalan language and identity deserves particular attention. The Plan set also the basis for the consideration of Catalan as the public common language. This idea was further developed and institutionalized in the National Agreement on Immigration [Pacte Nacional

18 The sentence “Català és tota persona que viu i treballa a Catalunya” [Catalan is anyone who lives and works in Catalonia] became a popular expression coined by the former president of Catalonia, Jordi Pujol, to refer to the newly-arrived immigrants. The sentence – popularized by the media – has been subject to much criticism as it is claimed that it does take the immigrants’ own willingness into account.
Some political circles perceived that increasing immigration from Spanish-speaking countries could alter the national building project as Catalan would be progressively placed in a disadvantageous position while Spanish would be take over. That is why the concept of “llengua pròpia” [Catalonia’s own language] was complemented with the concept of “llengua comuna” to refer to Catalan, that is, the language to be used in the public sphere and the language all Catalan citizens share. The Catalan immigration policy soon became intricately and strategically linked to its language policy.

### 2.2.2.4 Catalonia’s new Statute of Autonomy. New competences on immigration. 2006

During the 2005-2008 Immigration Plan’s implementation period, two further legal developments expanded considerably the powers and competences on immigration in Catalonia namely:

- a) The State Reception and Integration Fund and the Remedial Education Fund 2005
- b) The approval of Catalonia’s new Statue of Autonomy in 2006

#### a) State Reception and Integration Fund. 2005

The Spanish Ministry for Employment and Social Affairs created in 2005 the State Reception and Integration Fund and the Remedial Education Fund, whose main goal was to transfer to the local councils the necessary funds to manage programs and actions around the areas of reception, education, employment, social services, participation, awareness, co-development, etc. This meant a qualitative leap as it was through this Fund that the Generalitat, with its annual funding awards to local councils, organizations
and research projects, established fundable programs and provided a framework for immigration policies.

b) Catalonia’s new Statute of Autonomy. 2006

A significant step in the process of gradually expanding regional and local autonomous community powers was the approval of Catalonia’s new Statute of Autonomy in 2006 (Organic Act 6/2006 dated 19 July). In contrast to the 1979 powers, the new Statute enabled the Generalitat to assume a series of functions in legislation, regulatory development and the application and implementation of central government and Catalan regulations. More specifically, article 138 sets out the new competences of the Government of Catalonia on immigration. These can be divided into three broad categories:

1. The Generalitat has
   a) Exclusive power regarding the initial reception of immigrants, which includes social health attention and guidance.
   b) Development of the integration policy for immigrants in the framework of its powers.
   c) Establishment and regulation of the required measures for social and economic integration of immigrants and for their social participation.
   d) Establishment by law of a referential framework for the reception and integration of immigrants.
   e) Promotion and integration of returning immigrants and their assistance, and facilitation of their return to Catalonia through the pertinent policies and measures.

2. The Generalitat has executive power in authorizing work to foreigners whose employment is in Catalonia. This power, which shall be coordinated with that of the State regarding the entry and residence of foreigners, includes:
   a) Processing and assignation of initial work authorizations for employed and self-employed workers.
b.) Processing and resolution of appeals presented with regard to cases arising from paragraph a) above and application of the inspection and sanction system.

2.3. The Generalitat participates in State decisions concerning immigration which are especially important for Catalonia and, in particular, shall have participation in determining the contingent of foreign workers by means of the mechanisms established by Title V.

Thus, the new competences granted by the Statute can be divided into four main areas:

1. Social integration
2. Initial reception
3. Issuing of work permits
4. Local authority powers

1. Social integration

The way in which the concept of social integration is used in the Statute distinguishes the powers of the Generalitat from those of the central government on immigration as the concept of social integration did not appear in the Constitution. In this respect, the Statute attributes to the Generalitat:

- The establishment of an integration model (integration policy, article 138.1.b).
- The legislative functions stemming from it (reference legal framework, article. 138.1.d).
- Executive functions (establishment and regulation of the conditions of integration, article 138.1.c).

It is explicitly stated that the Generalitat shall act according to the principle of subsidiarity and that it must act “within the framework of its powers” as these new functions seem to be close to exclusive regional jurisdiction, which was not the case. The Statute was therefore aware of the limits
imposed by the need to ensure unitary functioning of the migration management model, particularly in response to articles 149.1.1 and 149.1.13 of the Spanish Constitution. It made sure that powers assumed did not infringe the core or essential part of central government’s authority over immigration.

2. Initial reception

Article 138.1 creates initial reception as an exclusive new competence that includes specific actions aimed at facilitating the first steps of migrants in Catalonia. This new competence is defined according to prior actions carried out in this area. The Integrated Reception Plan – approved by the Parliament of Catalonia on October 20 2005 – provided the basis for the actions to be developed: Catalan language reception training, information provision, an introduction to the social, employment and cultural environment, and social and occupational integration.

It is important to highlight that this new power to the Generalitat was made compatible with the provisions of article 84.2 of the Statute of Autonomy of Catalonia, which also assigned to local councils the “regulation and provision of care services, public primary care services and promotion of immigrant reception policies”.

3. Issuing of work permits

Article 138.2 gives the Generalitat executive authority over work permits. Prior to the Statute of Autonomy, the interpretation of the “immigration” title had gradually recognized a space for the autonomous communities to act in employment issues by giving them executive powers in this area.

However, successive Spanish legal reforms continued to reserve significant jurisdiction for the Ministry of Employment, both in terms of general policy lines and in the processing of work permits, by retaining the final decision on the granting of such permits with the Immigration Offices. At any event,
the assumption of the granting of initial work permits – the great statutory innovation with respect to immigration – is not the only new feature in the field of employment in the Statute, as the new Article 138.2 also shields the powers vested in the autonomous regions by current legislation and regulation.

4. Local authority powers

Despite different provisions on the need to expand the local authorities’ powers and the system for their intervention in immigration issues, it was not until the Reception Law on Immigrants and Returnees to Catalonia was passed that that the local turn becomes pivotal.

The first legal batted between Spain and Catalonia on immigration: the Statute of Autonomy contested

The idea of expanding Catalonia’s competences on immigration was not shared by all political parties. The conservative People’s Party (Partido Popular) considered the Statute of Autonomy unconstitutional, including the aforementioned competences and interpretations on immigration, and took the Regional Carta Magna to the Constitutional Court. The decision to consider article 138 of the Statute unconstitutional was based on the grounds that it exceeded the regional competences and infringed article 149.1.2a of the Spanish Constitution. The issue became not only political but also social, sparked by a media campaign against the new Statute, not only over immigration issues: the Statute defined Catalonia as a nation.

For the first time, the Constitutional Court had to provide an unambiguous interpretation of article 149.1.2 of the Spanish Constitution – something that had never been previously contested – and had to decide what it was meant by “immigration” in Constitutional terms. Ruling 31/2010\(^\text{19}\), of 28 June 2010, put an end to this controversy: article 138 was declared

\(^{19}\) Ruling available at the Constitutional Court’s website http://www.tribunalconstitucional.es/es/jurisprudencia/Paginas/Sentencia.aspx?cod=10066 [last consulted June 14 2012]
constitutional as long as the new competences attributed to the Generalitat did not infringe upon the core competences on immigration held by a State, that is, border control and nationality-granting powers. The Statute’s foreword, which identified Catalonia as a nation, however, was declared unconstitutional. Ferran Comas et al. (2010) offer a thorough account of the Constitutional Court Ruling and its interpretation of the Statute of Autonomy.

2.2.2.5 National Agreement on Immigration. A true consensus, 2008

Another significant milestone on immigration management in Catalonia was the National Agreement on Immigration. After a consultation process involving more than 2,000 people representing Government, parliamentary groups, local organizations, social and economic agents, ad members of the Citizenship and Immigration Board, a consensus document was signed on December 19 2008.

The ultimate goal of the document was to build the short, medium and especially long term consensus to manage immigration, maintain social cohesion and ensure the welfare for the Catalan population as a whole. The Agreement identified the needs of the Catalan society for the 2020 horizon.

It was structured around three main broad areas:

1. Management of migratory flows and entry to the job market
2. Adaptation of public services to a diverse society
3. Integration in a common public culture

20 The Constitutional Court based its decision on the fact that the terms “Catalonia defined as a nation” and the “national reality of Catalonia” are not legally effective [Carenien de eficacia jurídica interpretativa las referencias del preámbulo del Estatuto de Cataluña a “Cataluña como nación” y a “la realidad nacional de Cataluña]

21 Also available in Catalan on line at http://blocs.gencat.cat/blocs/AppPHP/llibregencat/?p=132
1. Management of migratory flows and entry to the job market

The main goal of this line of action was to create regular mechanisms for the entry of foreign workers.

The economic crisis was at its initial stage and it was already perceived that these mechanisms for entry had to be tightly linked to job-market needs at the time but also in the future. Flow-management coordination with countries of origin was also included in the document (remittances issues, cooperation and development initiatives, etc.).

2. Adaptation of public services to a diverse society

One of the cornerstones of the National Agreement on Immigration was its full awareness of the impact and social transformation that Catalonia was going through due to immigration. There was a risk that the sharp population increase would result in a weakening of the welfare state and a consequent erosion of social cohesion, tensions among the population on the use of public resources.

The Agreement called for an adaptation of public services, both in terms of size and organization, aimed at guaranteeing a social welfare state for all Catalan citizens. This included, among others:

- Unification of municipal registration criteria, creating a municipal report on the availability and sustainability of housing.
- Development of a universal, standardized and homogeneous reception service across the territory, including information about Catalonia’s social and cultural context, existing right and duties to basic services, etc.
- Defining and clearly delimiting the responsibilities of the different institutions and social agents that intervene in the providing services to newcomers.
3. Integration in a common public culture

This area had as its main goal to make the Catalan nation the reference point for population living in Catalonia. The common public culture was defined as space of communication, cohabitation, recognition and participation in a diverse and differentiated society.

The Agreement acknowledged some legal impediments for the participation of immigrants into the common public culture such as the right to vote and access to public posts. In this respect, it proposed that this right be exercised in municipal elections for persons with a permanent residence permit for more than 5 years which, according to article 32.2 of the Organic Law 4/2000.

One of the key aspects clearly emphasized by the Agreement for participation of immigrants into the public domain was the Catalan language. The Agreement stated that “in order for our language to be consolidated as the language of public and shared use it is essential that different social actors make efforts to adapt to the new reality....The authorities, on their part, must provide the necessary resources for immigrant persons to be able to exercise their right to access training in Catalan and, also, promote its public usage. Knowledge of Catalan creates the possibility of communication because it generates trust, expresses a will to belong and shows the will to accept, contributing to social cohesion. On the other hand a lack of linguistic competence hinders a person’s autonomy and thus cannot guarantee inclusion. At the same time, we believe that resources should be provided for those migrant persons that request and require to learn Castilian when they have already acquired the basic linguistic abilities in the Catalan language” 22.

More specifically, the Agreement stated that the Catalan society must work towards:

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Ensuring that all members of Catalan society have the chance to acquire basic linguistic skills in the common public language [Catalan]. This is promoted – the Agreement claims – because “sharing a language puts those persons speaking it on an equal level, and helps avoid the risks of exclusion due to lack of knowledge of the language.

Guaranteeing, on the part of Catalonia’s authorities, the resources to teach Catalan to the new Catalans, as well as promoting its use and capacity for use at all levels of public life in Catalonia. This way Catalan is strengthened as a language of a common public culture.

Guaranteeing that the different departments of the state authorities in Catalonia provide the right to linguistic choice for the whole population (article 22 of Statute.)

Supporting Catalan-promotion initiatives by organized civil or sectorial society that are suitable and complementary with government actions and have the aim of promoting social cohesion.

Preferential use of Catalan by the Catalan authorities and public media. Likewise, the use of Catalan as a common language and its teaching in education must be guaranteed (Statute, article 6.1.)

The Agreement provided for 116 specific actions to strengthen 65 existing policies and undertake 51 new measures, with public expenditure coming to €3.88 billion over the period 2009-2012.

The originality of the document derived mainly from the participatory and inclusive nature of the process, which took place in the following three stages:

1. Consultation stage
2. Participation stage
3. Negotiation stage
1. Consultation stage

This stage consultation stage of the National Agreement for Immigration was designed to identify the needs of the Catalan society. They were based on the past expertise on immigration management, the knowledge and capacity acquired over the past years and the identification of structural weaknesses and opportunities.

For this stage, academia and management sector (NGO’s, associations, etc) were the main stakeholders involved in the immigration discussion. The report “Foundations for the National Agreement on Immigration” [Document de Bases del Pacte Nacional per a la Immigració] was drafted at the end of this stage.

2. Participation stage

This stage was aimed at widening the initial debate and including other voices such as local councils, women associations, NGOs, etc. These new voices amended and included new proposals in the original Document de Bases del Pacte Nacional per a la Immigració.

3. Negotiation stage

This stage included talks with the different sectors involved such as small-medium enterprise associations, socio-cultural institutions, the third sector, etc and with all political parties in the Catalan parliament.

While the National Agreement on Immigration was a consensual agreement that provided policy guidelines for managing immigration over the following

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23 Document available in Catalan at http://www20.gencat.cat/docs/bdi/01Departament/08Publicacions/Ambits%20tematics/Immigracio/03publicacoleccion/Anteriors/05docbasepactenalnacionalimmigracio08/bases_viuere_junts.pdf [last consulted June 23 2012]
twenty years, it is true that the document did not have the support of all political parties, trade unions and associations for several reasons:

a) **The Catalan language**: the People’s Party and *Ciutadans* (recently-created pro-Spanish party in the Catalan Parliament) rejected the Agreement on the basis that it had been conceived in a clearly nationalist fashion and thus neglecting the Spanish language.

b) **Rights and duties for immigrants**: it is interesting to note how the idea of rights and duties was conceived in a completely different way by different political parties and associations. For the People’s Party, the document barely made mention to the obligations by migrants. The Agreement – they claimed – only made reference to the host society’s need to adapt to the new reality and not to immigrants’ obligation to adapt to the norms and values of the host society. On the same topic but from a totally different angle was **SOS-Racisme Catalunya** an NGO working in the field of human rights. They argued that the right to vote in the municipal elections should not be linked to an immigrant’s permanent residence in Catalonia. Despite their initial intention of signing the agreement, they considered this was a *sine qua non* condition for their support.

c) **Financial crisis.** In a context of economic crisis – claimed the People’s Party – with an increasing unemployment rate in Catalonia and Spain, a universal social security system as supported by the Agreement could be detrimental to the local population.

Despite their agreement, the Trade Union **Comissions Obreres** rejected to sign it claiming that it was more wishful thinking than a pragmatic, realistic document, as the real competences on immigration were held by the Spanish State. For this trade union, the Agreement was more rhetoric than anything else.
2.2.2.6 The Citizenship and Immigration Plan 2009-2012

The Citizenship and Immigration Plan 2009-2012, the Government’s fourth interdepartmental immigration plan, was based on the lines of action agreed in the 2008 National Agreement for Immigration. Its main goal, therefore, was to implement and develop the measures set out in the National Agreement for Immigration.

The 2009-2012 Plan did not include any significant change in terms of content or approach to immigration. It did, however, enhanced the power and visibility of the Government’s Secretariat for Immigration. Due to the need to manage state funds, the Secretariat was compelled to adopt a more flexible managerial approach, involving all the different stakeholders tackling immigration issues, ranging from the various Government departments to local authorities and civil society agents. The following chart offers a bird’s-eye view of the different stakeholders in Catalonia.

**Figure 12. Managing the Citizenship and Immigration Plan 2009-2012**

<table>
<thead>
<tr>
<th>IMMIGRATION POLICIES</th>
<th>SECRETARIAT FOR IMMIGRATION</th>
<th>MANAGEMENT INSTRUMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>BODIES</td>
<td>PROGRAMME CONTRACTS</td>
</tr>
<tr>
<td>COORDINATION</td>
<td>Interdepartmental Immigration Committee</td>
<td>Programme contracts</td>
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<td></td>
<td>State-Generalitat Bilateral Committee</td>
<td>Local government funding</td>
</tr>
<tr>
<td></td>
<td>Generalitat-Local Authorities Joint Committee</td>
<td>Organisation funding and cooperation agreements</td>
</tr>
<tr>
<td>MANAGEMENT</td>
<td>Generalitat Departments</td>
<td>Research funding</td>
</tr>
<tr>
<td></td>
<td>Catalan Migration Agency</td>
<td></td>
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<tr>
<td></td>
<td>Local councils</td>
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<td></td>
<td>Organised civil society</td>
<td></td>
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<tr>
<td></td>
<td>Migration Studies and Research Centre</td>
<td></td>
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<tr>
<td>PARTICIPATION</td>
<td>Citizenship and Immigration Board</td>
<td></td>
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<tr>
<td></td>
<td>• Standing Committee</td>
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<td></td>
<td>• Plenary</td>
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<td></td>
<td>• Working groups</td>
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<td></td>
<td>• Regional Boards</td>
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</tbody>
</table>

As seen above, to the already-existing structures, two other structures were proposed: the Catalan Migration Agency and the Migration Studies Research
Centre. It should be noted, however, that due to the current financial scenario, these structures have not been put in place.

The Plan divided its programme into the same three lines as the National Agreement, that is, around the issues of a) managing migration flows and entry into the job market; b) adaptation of public services to a diverse society and; c) integration in a common public culture.

Three new features can be depicted from this immigration plan:

1. **Cooperation**: Given the increasing importance of local councils in immigration policies, one of the objectives of this new phase was to institutionalize a body for coordination with local authorities. This was done through the Generalitat-Local Authorities Joint Committee.

2. **Participation**: the Plan gave a stronger role to the recently-created Citizenship and Immigration Board, the multimember advisory body that channels the participation of the general public and their organizations on immigration issues. The Board expanded its working groups and consolidated them as specific bodies for participation in immigration-related policies.

3. **Management**: The Secretariat for Immigration further expanded its managing powers to work in close cooperation with the Spanish state over three main issues: right to asylum, statelessness and returnees. This new task gave compliance to article 130 of Catalonia’s Statute of Autonomy.

24 Created by Decree 86/2008 on April 15 2008
2.2.2.7 Law on Reception of Immigrants and Returnees to Catalonia

On April 28, 2010, the Parliament of Catalonia approved the Law on Reception for Immigrants and Returnees to Catalonia, a key document aimed at achieving two major developments: creating a universal initial reception service throughout Catalonia and implementing the new competencies of the Government of Catalonia in the field of integration and migration. The new law was highly relevant as it applied one of the most important measures contained in the National Agreement for Immigration.

The law became the first legislative initiative in the field in Southern Europe, and identified 5 main priorities:

1. To facilitate the integration of immigrants.
2. To extend a standard initial reception service over all of Catalonia.
3. To promote personal autonomy and equality of opportunities.
4. To reduce situations of vulnerability and the risk of exclusion.
5. To make Catalan the common reception language throughout Catalonia.

Put in other terms, the rationale behind the law was to provide a toolbox giving personal autonomy for newcomers. The initial reception service set by the Government of Catalonia was geared towards implementing training and information initiatives to immigrants on the Catalan labor market, their basic rights and obligations, and the Catalan language.

More specifically, the law’s main goal was to materialize some aspects already contemplated in former legal texts, namely:

- Developing article 138.1 of the Statute of Autonomy which revolved around the issue of integrating newcomers and providing a legal framework, making Catalonia the first Autonomous Community in Spain to create such a framework for the reception stage of the immigration process.
Articulating proposal 24 of the National Agreement on Immigration, aimed at developing a universal, standardized and homogenous reception service across the territory.

Developing the competence given to the Spanish Autonomous Communities by the Spanish Foreign Nationals Act [Ley de Estrangería de 2009] to issue reports on long-term settlement, renewals on provisional residence authorizations and access to nationality.

The Law on Reception contested

As stated above, one of the main priorities of the Law was to make Catalan as widely spread as possible. For the first time, a legal text was considering Catalan as the common public language, an aspect that sparked a legal, political and a media debate not only in Catalonia but also throughout Spain.

In August 2010, the Spanish Ombudsman lodged an appeal against the Law, and more specifically against article 9 (sections 2, 4 and 5), claiming that “this article establishes a system of language preference in favor of Catalan over Spanish, something that goes against the Constitution... The fact that Catalan is considered the first language of integration – making it mandatory for the newcomers – does not correspond to the logic of reception law in Spain and deprives foreigners from their capacity to chose over such an important issue for the development of their migratory process as a language”, to then add that “Catalan is a common heritage of which we should be proud, but this cannot lead to impose one language in detriment of the other, which is also co-official in Catalonia and the common language throughout Spain”.25

The Ombudsman’s decision to take article 9 before the Constitutional Court was based on two legal arguments:

25 Her statement is available (in Spanish) on this link.
1. It violates article 149.1.2 which stipulates that the Spanish state holds exclusive powers on immigration. According to the Ombudsman, article 9 goes beyond the competences set under article 138.1 of the Catalan Statute of Autonomy.

2. It violates article 3 of the Spanish Constitution. According to article 9 (2, 4 and 5) of the Law on Reception as it considers Catalan as the preferential language over Spanish. This is a linguistic unbalance between the two official languages in Catalonia.

The Generalitat, the Parliament of Catalonia, the Immigration and Citizenship Board, the Consell de Guaranties Estatutàries [Catalan government body ensuring full constitutionality of Catalan laws] and a large number of civil society organizations immediately reacted to the Ombudsman’s action and the Constitutional Court’s decision to accept her appeal by issuing press releases and statements in defense of the Catalan model of integration.

They grounded their arguments on the fact that the Statute of Autonomy of Catalonia explicitly states that “All persons – including immigrants and returnees – shall not be discriminated for linguistic reasons. Also, article 9 of the same Law - named Basic Language Competences – stipulates that “the person entitled to access the first reception service must reach basic language competences both in Catalan and Spanish throughout their integration process”. The Spanish Ombudsman makes no reference to this article.

At the time of finalizing this report, the Constitutional Court has not taken any decision on the issue.

[26 Their position statements can be read (in Catalan) on the Government of Catalonia’s website]
3

CONCLUDING REMARKS

THE ROAD AHEAD
The latest figures on immigration flows highlighted in section 1 of this report point at a change of paradigm. Catalonia seems to be entering a new phase in migration due in large part to the severe economic crisis affecting the population as a whole, and more so to the immigrant population.

Over the last 10 years, Catalonia has experienced an unprecedented population growth in recent history. Today, the sudden change in the world’s economic cycle seems to be changing the country’s demographics, attitudes and behavior towards migration issues. 2010 can be probably identified as the turning point of a new migratory cycle: the number of legally registered migrants is rapidly diminishing while the only source for entering the country today is through family reunification. The current Spanish government has already expressed its willingness to modify the Spanish Foreign Nationals Act 2011 [Ley de Extranjería 2011] to toughen the entry condition for non-EU nationals.

The Catalan population is adopting new forms and shapes: the number of mixed marriages is progressively increasing, as is the number of children born out of mixed couples; Catalans identify itself as being as multiethnic, multilingual and transnational as ever and the current lines of research and political orientations have already begun to explore the social, cultural and economic value of Catalonia’s current heterogeneity.

The considerable decrease in the number of immigrants is also modifying the current political approach to immigration at a fast pace. Today, there seems to be a lesser political pressure to focus on reception and an increasing interest in policies related to all aspects related to accommodation. The underlying premise today in that under this new context of diversity, it is of paramount importance that both the local population and immigrants themselves be aware of this new reality.
Put in plain terms, the priority is how to manage today’s complex population dynamics and build spaces of understanding, mutual recognition and respect of diversity. The increasing xenophobic attitudes against immigrants have witnessed the birth of a new and overtly xenophobic political party, *Plataforma per Catalunya*. Also, well aware of the potential pool of angry voters, severely hit by the economic crisis, the Popular Party included racist arguments in the latest Catalan political campaign (end of 2010), concentrating especially in dormitory cities such as Badalona where immigration has tended to concentrate. These parties have performed extremely well in the last Catalan elections: the main opposition party in the municipality of Vic is *Plataforma per Catalunya* while the People’s Party leader in Badalona – Xavier Obiols – has won the elections with an openly anti-immigration harsh campaign. This is not only taking place in Catalonia: countries such as Greece, France, the Netherlands or Finland, to name only a few, have been recently experiencing this worrying trend.

At the time of writing this report, both the Generalitat and the Barcelona City Council are drafting their new 2013-2016 immigration plans. Even if the concrete lines of action are still in process of negotiation with the different political parties, both levels of government have identified similar priorities in their plans, namely:

a) The need to change perceptions of the autochthonous population. Both levels of government will focus their priorities towards changing mentalities and attitudes towards migrants among the local population to make them aware that Catalonia’s main feature is diversity itself, in which immigrants are playing an increasing role in the social, economic and political tissue of the country.

Efforts will be geared towards combating the stereotype that immigrants have come to overuse the Catalan public services, take

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27 The plans have not yet been drafted and are currently in their negotiation state. We could however find some guidelines on the following Generalitat website.
Immigration in Catalonia. In search of a public philosophy

Vicent Climent-Ferrando

up the jobs or rob. The birth of Plataforma per Catalunya – due probably to the local population’s anxiety because of the economic crisis – is a call of attention of the urgent need to maintain a cohesive society. The ultimate goal is to change the idea of “us against them” to “we, the citizens of Catalonia”. In this respect, the Barcelona City Council has already launched an interesting anti-rumour campaign\(^{28}\) to combat prejudices and stereotypes.

b) Work towards full inclusion of immigrants in the Catalan society, that is, to raise awareness on the need to stop thinking of an immigrant as an assisted, passive individual – paradigm based on the reception aspects of immigration – to a proactive, participative immigrant being part of a community of citizens through shared projects

With this new plan, Catalonia adopts a new strategic approach and takes a qualitative leap in its strategy towards immigration management as it is adapting to its new societal structure and its new dynamics.

The new plan comes at a time of profound change: a closing stage of a period of mass migration turning into a period of not only accommodation but also emigration, which will have a major impact in economic, political and social terms.

As a new, unknown phase enters, Catalonia finds itself again in search of its own public philosophy based on political vision, innovation and institutional change. The new dynamics of diversity created by immigration will certainly pose new challenges, which will generate political debates of what it is to be Catalan. If Catalonia is to succeed, a balance will need to be struck between these new diversity challenges derived from a more heterogeneous population and providing the still unresolved questions linked to the Catalan identity and language. Only time will tell.

Barcelona June 2012

\(^{28}\) Available at [http://bcnantirumors.cat/](http://bcnantirumors.cat/)
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