

CATALONIA

SPAIN

Type of institution	Regional authority ("Generalitat de Catalunya")
President	Mr. José Montilla
Party	Partit dels Socialistes de Catalunya (PSC)
Minister in charge of immigration	- Ms. Carme Capdevila Minister for Social Action and Citizenship ("Departament d'Acció Social i Ciutadania") - Mr. Oriol Amorós Secretary for Immigration ("Secretaria per a la immigració")
Role	The "Secretaria per a la immigració" is ascribed to the Department for Social Social Action and Citizenship of the Generalitat de Catalunya (the Autonomous Government of Catalonia). The main responsibilities of the "Secretaria" include: - Making proposals on criteria for coordinated activities of the Generalitat in all those fields related to immigration that require its intervention, and assuring the compliance with the legislation in force. - Cooperating with the other Departments of the Generalitat as well as with local authorities with the aim of reaching a coordinated and efficient development of policies.
Party	Esquerra Republicana de Catalunya (ERC)
Political mandate	Minister ("Consellera")

General Data

Area in sq km	31,849.2 km ²
Population	2007: 7.210.508 (Institut d'Estadística de Catalunya)
Key sectors of activity	Industry (automobiles, biotechnology, pharmaceutical investment, chemical and textiles) construction and services (tourism)
Unemployment rate %	2007, last semester: 6,7% of active population (Institut d'Estadística de Catalunya)

Data on the immigrant and asylum population

Number of Immigrants	- Year 2006: 913.757 residents in Catalonia are foreigners (780.907 non EU citizens and 132.850 EU citizens)
Number of Asylum seekers *	- Year 2006: 4.977 asylum applications in Spain, 206 corresponding to Catalonia.
Number of Refugees	- Year 2006: 168 people were granted the refugee status + 188 other kind of protection in Spain
Non-EU citizens %	- Year 2006 - 12,7% of foreign population: 10,94 % of total population in 2006 are non-EU citizens and 1,86% of total population 2006 are foreign EU citizens
Are asylum seekers allowed to work?	Yes, 6 months after the asylum application but only once the asylum application is formally admitted.
Non-EU citizens employed	<p>- 31 December 2007: 13%% of working population in Catalonia are foreigners (440.742 people affiliated to the Social Security). 26,4 % of the are EU citizens (116.570) and 73,6 % are Non-EU citizens (324.172 people)</p> <p>From the total amount of NON-EU population there are:</p> <ul style="list-style-type: none"> - 15,9% from Morocco - 11,1% from Ecuador - 5,4% from Colombia - 4,4% from Perú - 4,2 % from China <p>Followed by Argentina, Bolivia, Pakistan, Dominican Republic and Ukraine</p> <p>More information: http://www.gencat.cat/treball/doc/doc_21149462_1.pdf </p>
Sectors of activities	Agriculture and Fishing, Construction, hotel business, housework and domestic assistance

* Please, note that the whole procedure and resolution of asylum applications are under the exclusive competence of the Spanish Central Government. Thus, numbers corresponding to Catalonia mean only that applications were submitted in Delegations of the Spanish Central Government within the Catalan territory.

Immigration history in the area

During the first $\frac{3}{4}$ quarters of the XX century, the migrant movement has been the key factor for the growth in population in Catalonia. From 1950 to 1975 it is estimated that 1,5 million inhabitants came, being the 60s the years of highest rate of immigration settlement in Catalonia. Migrants came mainly from the rest of Spain.

Since 2000, there has been a change in the migration tendency. Nowadays we speak of immigrants coming from outside Spain, that is, international immigration. The countries of origin of first migrants were North African countries (basically Morocco), but more recently there has been an extension of migration: more diversified in origin and more extended as a movement. Newcomers are mainly from Latin America.

They have definitely contributed to the great demographic growth in Catalonia because of their high birth rate.

Nowadays, there are people from more than 180 nationalities living in Catalonia as well as more than 200 spoken languages.

Main problems related with immigration-integration issues

1. Welfare state: there is a clear asymmetry between immigrant's contribution to the State and what they receive.
2. Urban concentration: immigrants are located in some neighbourhoods and community areas, creating a spatial segregation which is not positive for their social integration.
3. Need for training to professionals who work with migrant population, especially in the field of health, employment, etc.. There should be a better and more understandable dialogue between professionals working in this fields and immigrants receiving services.
4. Access to all ordinary services, even to some basic services as child education that require a residence authorisation.
5. Access to the labour market: this access has been done outside of the official mechanisms; thus, many times immigrant workers acceded informally, and generally irregularly. There has to be a correct access to the labour market, using two main instruments: contract in origin and management of seasonal work.
6. Reception/Hosting: there should be more coordination in the admission and reception on the society; special focus attention and efforts should be dedicated to non-accompanied minors.
7. Language: knowing the spoken language in the territory you live is key factor for integration, work and participation to civil society. Public authorities should make an effort to facilitate language learning: Spanish and Catalan. Catalan should be known by migrant population as it makes access to the labour market easier and reinforces the equality of opportunities.
8. Cultural diversity: recognition and promotion of the knowledge of all different cultures among Catalan society.

9. Public Perception: civil society should have a fair and positive perception about the immigration phenomena, not linking immigration to negative impacts on society. Nowadays, in general terms, there is a negative perception on immigration in society.

Competences shared among national, regional and local levels

According to the Spanish Constitution, the Spanish Central Government has exclusive competences/powers in the field of immigration. Thus, the Spanish Central Government deals with the most important items on this subject:

Migratory flows: entry and residence in Spain of new migrants and control of the borders.

The recently approved Statute of Autonomy of Catalonia (2006), in its article 138, incorporates the initial reception of immigrants -which includes sociosanitary attention and guidance- as a new exclusive power of the Generalitat, as well as the development of the integration policy for immigrants in the framework of its powers.

The new Statute also recognises the executive power of the Generalitat in authorising 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 authorisations for employed and self-employed workers; and,
- b) Processing and resolution of appeals presented with regard to cases arising from paragraph a) above and application of the inspection and sanction system.

For more details on the powers of the Generalitat, please visit:

http://www.gencat.net/generalitat/eng/estatut/titol_4.htm

Through this executive competences for example, the Generalitat is competent for establishing the catalogue of professions of difficult coverage according to EU legislation.

Apart from this, the Generalitat has other competences with direct consequences in the field of immigration, such as: labour, social, education, cultural and linguistic policy, housing, health and interior.

It is important to note that, thanks to an agreement between the Ministry of Interior of the Spanish Government and the Ministry of Interior of the Catalan Government -and in the framework of the new Statute of Autonomy- the catalan police forces will be able to act in the fields of border control together with the State police forces. This agreement dates from march 2007.

The Generalitat participates in State decisions concerning immigration which are especially important for Catalonia and, in particular, shall have preceptive participation in determining the contingent of foreign workers (since the end of 2007 this power has been agreed between the central government of Spain and the Generalitat). Finally, the Generalitat plays an important role of coordination between different administrations, especially at regional and local level.

Administrative detention centres (*how many are they and who is in charge of them*)

These centres are responsibility of the Central Government of Spain; some of them are placed in Catalonia. There are two kind of centres:

- “Retention Centres”: those in which irregular migrants are “retained” before being returned to their countries of origin. Nowadays there is one of these centres in Catalonia and another one is being built. Both of them are in Barcelona.
- “Foreigners offices”: these are centres that host migrant population while their applications for residence, study, etc. are being dealt with, and until the moment when there is a final resolution of each application.

The Government of Catalonia (Department of Social Action and Citizenship) is responsible for special reception centres for non accompanied minors.

European projects implemented in the area (year)

The “Secretaria per a la Immigració” participates in several European projects.

Special mention should be made to the “Barcelona-Tanger” project, funded by the European Commission Aeneas Programme on the 2006 call for proposals. It is a project based on cooperation and co-development in the field of non accompanied minors that will last for 3 years.

For information on specific projects please contact:

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<http://www.gencat.net/benestar/organismes/immigracio/index.htm>

<http://www.gencat.cat>

Regional/local strategies for immigrants and asylum seekers

1) Plan for Citizenship and Immigration (2005-2008) is a comprehensive program with different objectives; the main ones are:

1. Establishment of a coordinated system for first reception in the host country
2. Better social policies
3. Better access to the health system
4. Intercultural education for social cohesion
5. Fight against social exclusion
6. Knowledge and social use of Catalan
7. Access to the labour market
8. Gender equality
9. Participation and access of young migrants to youth policies
10. Professional training
11. Better access to information
12. Fight against racism and discrimination

Different Departments from the Catalan Government are responsible for the implementation and development of the objectives of the Plan for citizenship and immigration. On the other hand, actions carried out at a regional level are complemented by actions developed at local level.

2) Voluntary Return Programme - implemented together with the International Organisation for Migration (IOM) and the Red Cross.

More information (in Catalan and Spanish -*castellano*-):

<http://www.gencat.net/benestar/societat/convivencia/immigracio/convocatories/retornvoluntari/index.htm>

3) Protocol to prevent genital feminine mutilation. More information:

<http://www.gencat.net/benestar/societat/convivencia/immigracio/recursos/protocol/index.htm>

4) During 2008 two big objectives, at the legislative level, should be achieved:

- a) Adoption of the Law for the first reception (hosting) of migrant and returned persons to Catalonia (“Llei d’acollida de les persones immigrades i retornades a Catalunya”). 2008 will be the year of adoption of this Law, following the new competences attributed by the Statute of Autonomy 2006. It will complement the Plan for Citizenship and Immigration with actions aimed at the reception and hosting services to newcomers.
- b) Adoption of the National Pact for Immigration

Both of these projects will be adopted after a wide process of consultation among social actors and migrants organisations.

More information:

<http://www.gencat.net/benestar/societat/convivencia/immigracio/index.htm>

5) Other Minister's activities with impact on immigration.

- Integration policy: Plans of Community Development (Direction General of Community and civic actions. Department of Social Welfare and Family affairs)
- Education strategies: Education Pact and Language and social cohesion plan (Language and social cohesion Direction. Department of Education)
- Health system for non-EU citizens: Director plan of immigration and cooperation (Department of Health)
- Strategy for minors and non accompanied minors: Action plan for youth policies 2004-2007
- Housing policy: Plan for Housing rights 2004-2007
- Language: Action Plan for Linguistic Policy (Secretary of Linguistic Policy. Department of Culture). Special mention should be made to the
- Gender: Action plan and development of women policies in Catalonia 2004-2007 (Catalan Institute of Women. Department of Social Welfare and Family affairs).
- Development: Director Plan for Cooperation to the Development (Secretary for Development Co-operation. Department of External Relations)

Further regional/local competences

External borders management/ Management of migration flows

The Central Government of Spain has exclusive competences on:

- controlling entry and exit to and from the Spanish territory (asylum and visas),
- general regime of foreigners and immigration,
- return and repatriation, signing of readmission agreements,
- issuing passports and other identity documents.

Protection of fundamental rights

Article 4 OF THE STATUTE OF AUTONOMY

1. The public authorities of Catalonia shall promote the full exercise of the freedoms and rights recognised by this Estatut, the Constitution, the European Union, the Universal Declaration of Human Rights, the European Convention for the Protection of Human Rights and those other international treaties and conventions which Spain has signed that recognise and guarantee fundamental rights and freedoms.

2. The public authorities of Catalonia shall promote conditions in which individual and group freedom and equality are real and effective; they shall enable the participation of all people in political, economic, cultural and social life, and shall recognise the right of peoples to preserve and develop their identity.

3. The public authorities of Catalonia shall promote the values of freedom, democracy, equality, pluralism, peace, justice, solidarity, social cohesion, gender equity and sustainable development

Work and Labor relations

ARTICLE 170. WORK AND LABOR RELATIONS

1. The Generalitat has executive power in matters of work and labor relations. This power includes in any case:

- a) Labour relations and working conditions.
- b) Active employment policies, which include the training of jobseekers and active workers, and also management of the appropriate subsidies. The Generalitat participates in training plans or activities that extend beyond the territory of Catalonia
- c) Professional qualifications in Catalonia
- d) Employment brokerage, which includes regulation, authorisation and control of employment agencies with head offices in Catalonia
- e) Collective negotiation and registration of collective bargaining agreements
- f) Procedures for regulating employment and for administrative action in collective transfers between work centres located in Catalonia
- g) Prevention of work risks, and health and safety in the workplace.
- h) Power to apply sanctions for infringement of the social order, within its jurisdiction.
- i) Determining minimum services for strikes that take place in Catalonia.
- j) Ensuring the legality of and, if necessary, the subsequent registration of collective bargaining agreements for companies that exercise their activity exclusively in Catalonia.
- k) Labour conciliation, mediation and arbitration instruments.
- l) Preparation of the holiday calendar for the whole territory of Catalonia.

2. The Generalitat has executive power over public inspection in all matters regulated by this Article. To this end, the civil servants of the corps performing this function are structurally and functionally accountable to the Generalitat. Formulas guaranteeing effective exercise of the inspection function in the social sphere shall be established by means of the cooperation mechanisms determined by Title V.

Síndic de Greuges de Catalunya (Catalan Ombudsman)

ARTICLE 78. FUNCTIONS AND RELATIONS WITH OTHER SIMILAR INSTITUTIONS

1. The Ombudsman has the function of protecting and defending the rights and freedoms recognised in the Constitution and in this Estatut. To this end, he or she oversees,

exclusively, the activity of the Administration of the Generalitat, that of any public or private related bodies that are associated with or answerable to it, that of private companies that manage public services or that carry out activities of general or universal interest, or equivalent activities in a publicly-subsidised or indirect way, and that of other persons with a contractual relationship with the Administration of the Generalitat and with the public bodies which are answerable to it. He or she also oversees the activity of the local administration in Catalonia and that of the private or public bodies which are associated with or answerable to it.

2. The Ombudsman and the Spanish Ombudsman shall collaborate in the exercise of their functions.

3. The Ombudsman may request a report from the Council for Statutory Guarantees on Government bills and Members' bills presented for debate and approval by Parliament, and legal decrees presented for validation by Parliament, when these regulate rights recognised in this Estatut.

The Ombudsman may establish collaborative links with the local area ombudsmen and other similar figures created in the public and private spheres.

Public Administration bodies in Catalonia and other entities and individuals referred to in Section 1 above are obliged to cooperate with the Ombudsman. The sanctions and mechanisms intended to guarantee fulfilment of this obligation shall be regulated by law.

ARTICLE 79. DESIGNATION AND STATUS OF THE OMBUDSMAN

1. The Ombudsman is elected by Parliament by a majority of three-fifths of its members.

2. The Ombudsman exercises his or her functions with impartiality and independence, is inviolable in regard to any opinions expressed in carrying out his or her duties, is immovable, and may only be removed from office or suspended for the reasons established by law.

3. The personal status of the Ombudsman, incompatibilities, reasons for cessation, organisation, and powers of the institution shall be regulated by law. The Ombudsman has regulatory, organisational, functional and budgetary autonomy in accordance with the law.

Human rights and Immigration

The Plan for Immigration and citizenship is the framework for definition and planning of political actions related to the social, political, labor and cultural effects of migratory flows in Catalonia. It intends to be a useful instrument to solve the challenges of migration involving the Catalan society as a whole. In this framework, the Plan establishes as a principle for action of the Catalan Government: "The universality of public policies and respect for individual rights" for all individuals residing in Catalonia .

Fight against terrorism / Fight against organised crime/ Security in general:

The Central Government of Spain has exclusive legislative competences on security issues. Nevertheless, the Generalitat has its own Police corps (Mossos d'Esquadra) and therefore, general competences on maintenance of public order in Catalonia, coordination of local polices and protection/assistance to citizens in public spaces.

ARTICLE 164. PUBLIC SECURITY

1. In matters of public security, the Generalitat, in accordance with State legislation, is responsible for:

- a) Planning and regulation of the public security system for Catalonia and organisation of the local police;
- b) Creation and organisation of the Generalitat Police Force - Mossos d'Esquadra;
- c) Traffic control and vigilance

2. The Generalitat has supreme command over the Generalitat Police Force - Mossos d'Esquadra and coordinates the activities of the local police

3. In the framework of State legislation on security, the Generalitat has the executive powers attributed to it by the State and in any case

- a) Governing functions over the exercise of the rights of assembly and demonstration;
- b) Compliance with the provisions for the conservation of nature, the environment and water resources;

4. The Generalitat participates, through a Security Board with equal representation of the Generalitat and the State and chaired by the President of the Generalitat, in the coordination of security policies and of the activity of the State and Catalan police forces, and also in the exchange of information at international level, and in cooperating with and assisting the police authorities of other countries. In agreement with the State, the Generalitat shall be represented in the working groups working in collaboration with the police of other countries in which the State participates.

5. The scope of action of the Generalitat Police Force - Mossos d'Esquadra is the whole of the Catalan territory, and it exercises all the functions of a police force in the following fields:

- a) Public safety and public order.
- b) Administrative policing, including that deriving from State regulations.
- c) Judicial policing and criminal investigation, including the various forms of organised crime and terrorism, in the terms established by law.