

SITUATION OF MIGRANTS AND REFUGEES IN SPAIN

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REPORT
2023

SUMMARY

The situation of the immigrant population in 2023



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Contents

Introduction	5
Key messages	7
1 Implementation of legislation related to migrant and refugee populations	10
1.1. International and temporary protection	10
1.1.1. EU context	10
1.1.2. European Pact on Migration and Asylum	11
1.1.3. Context in Spain	12
1.1.4. Incidents detected in the international protection procedure	13
1.2. Status of Stateless Persons	14
1.3. Access to rights for foreigners in an irregular administrative situation	14
1.3.1. Right to healthcare	14
1.3.2. Safe reporting to the police	15
1.3.3. Financial exclusion	15
1.3.4. Civil Registration	15
1.3.5. Identification Certificate	15
1.3.6. Right to basic social services and benefits	16
1.3.7. Digital divide, e-government and foreigners	16
1.4. Discrimination against undocumented foreign minors as a result of the new sports law	16
1.5. How to move forward. Proposals for improvement	17
2 The situation of the immigrant population in 2023 and proposals for their social integration	19
2.1. Current status of international commitments and covenants on migration policies	19
2.1.1. Fulfilment of the commitments acquired by Spain in the development of the Global Compact for safe, orderly and regular immigration	19
2.1.2. Spanish Presidency of the European Union	20
2.1.3. Integration policies in the European Pact on Migration and Asylum	20
2.2. The state of inclusion, citizenship, coexistence and social cohesion policies on the political agenda at regional level	21
2.2.1. Management centres in charge of planning, implementation and evaluation of citizenship policies in the new configuration of regional governments after the regional elections	21
2.2.2. The impact and consequences of poverty and social exclusion on the immigrant population	21
2.3. State of intercultural coexistence in Spain. Challenges and opportunities for the 21st century	22
2.3.1. What does intercultural coexistence mean?	22
2.3.2. Analysis of hate speech on social media	23
2.4. Impact of pilot programmes under the Recovery, Transformation and Resilience Funds on processes for the inclusion of migrants	23
2.5. How to move forward. Conclusions and recommendations	24

3 Social and professional circumstances of people of foreign nationality or origin_25

3.1. Labour market for the foreign population_____	25
3.1.1. Evolution of access to the labour market for foreign nationals between 2012 and 2023_____	25
3.1.2. The employment of older migrants_____	26
3.1.3. The integration of young people into the labour market_____	27
3.1.4. The accident rate among migrants at work_____	27
3.2. Migrant women_____	28
3.2.1. Evolution of migrant women’s access to the labour market between 2012 and 2023_____	28
3.2.2. Working migrant mothers_____	28
3.3. Evolution of the difficulties in access to the labour market of the population requesting and benefiting from international protection between 2012 and 2023_____	29
3.4. False stereotypes and counter-narratives about the migrant population_____	30
3.4.1. “More than 25% of the population is of foreign nationality”_____	30
3.4.2. “Immigrants collapse the public health system”_____	30
3.4.3. “They are a burden for Spain and have more social advantages”_____	30
3.4.4. “They take our jobs”_____	31
3.4.5. “We can’t employ you with this documentation”_____	31
3.5. How to move forward. Conclusions and recommendations_____	31

4 Situation of the immigrant population in the field of education and actions in this area for their integration_____33

4.1. Educational residential segregation_____	33
4.2. Criminal and non-criminal hate speech_____	34
4.3. UNESCO’s proposals to tackle hate speech through education_____	34
4.3.1. Studies, materials and programmes on combating hate speech in the field of education_____	35
4.4. PROA+ Programmes: The Plan for receiving immigrant students and their integration in the classroom_____	38
4.4.1. Leverage activity A209. Plan for receiving immigrant pupils and their integration in the classroom_____	38
4.5. MUS-E Programme: good practice in educational inclusion and intercultural education and education for coexistence_____	39
4.6. Local governance: socio-educational action networks_____	39
4.7. Training and employment_____	40
4.8. Foreign university students’ access to Spanish nationality_____	40

Introduction

The year 2023 was a particularly important year in terms of migration for Spain, with records broken in three key areas: the number of applications for international protection, the number of irregular entries into the country and the positive migratory balance of foreign nationals. This comes against a backdrop in which the agreements reached in the main packages of the European Pact on Migration and Asylum not only move towards restrictive border management that could be in breach of human rights, but pay little attention to the importance of people's social integration for sustainable development and social cohesion. Moreover, the presentation of this report comes at a momentous time for the country and for the region, defined, among other things, by the rise of hate speech against migrants, by the misinformation feeding these narratives and by the European Parliament elections in June 2024.

In this context, the 2023 Report emphasises, once again, the importance of analysing the situation of immigrants, and applicants and/or beneficiaries of international protection, with a human rights approach and from an intercultural perspective, adding on this occasion, for some aspects, a longitudinal analysis. In addition, while addressing legislation, policies and public practices that, in some cases, open up the potential for discriminatory actions towards the foreign population, it also focuses on those that, in contrast, represent a positive step forward in terms of inclusion and can inspire other social and public initiatives.

This report as a whole also makes it possible to implement a differential and intersectional approach to the situation of the different groups of the immigrant population. In particular, the analysis focuses for this purpose on migrant women; children and young people; and people over 55 years of age. It is also important to pay special attention to what happens to foreign nationals in an irregular administrative situation and to those who apply for stateless status, as well as to the differences between foreign nationals from EU countries and third country nationals or dual nationals.

The report is divided into four chapters. The first, drafted by the Legal and International Affairs Committee, addresses the domestic and European migratory context, with the notable difficulties in accessing both the international protection procedure and immigration procedures. The report also discusses the obstacles faced by foreigners in an irregular administrative situation in accessing their recognised rights, and analyses the situation of the application procedure for stateless status and the discrimination suffered by foreign minors in an irregular situation within the framework of the new law on sport.

The second chapter, by the Commission on Integration, Interculturality, Coexistence and Social Cohesion Policies, highlights the impact and consequences that situations of poverty and social exclusion have on the immigrant population, as well as the commitments of Spain in terms of migration and inclusion policies, and their territorial implementation in relation to the structuring of the autonomous governments resulting from the 2023

elections. In the same vein, the experimental programmes promoted within the framework of the recovery, transformation and resilience funds and learnings to achieve stable policies of cohesion, coexistence and interculturality are presented.

In the third chapter, the Employment and Equal Opportunities Commission addresses developments in the labour market of the population of foreign nationality between 2012 and 2023, with particular attention to migrant women and persons requesting and benefiting from international and temporary protection. It also analyses the inclusion of younger and older foreigners in the labour market. For the first time, reference is also made to the occupational health of foreigners and a section is devoted to the most frequently touted and harmful stereotypes and fake news spread about the migrant population.

Finally, the last chapter, prepared by the Education and Social Awareness Commission, analyses the challenges faced by foreigners living in Spain in terms of education, such as school segregation, as well as the advances related to regulations aimed at the inclusion and integration of immigrant students or those of immigrant origin. It also emphasises the need to tackle hate crimes and hate speech in educational centres through the training of emotional and civic skills that allow progress to be made in interculturality and social cohesion. In this regard, some successful tools and experiences are presented.

Ángeles Solanes Corella

Presidenta del Foro para la Integración Social de los Inmigrantes

Key messages

1

In 2023, a **record number of irregular entries into the country and applications for international protection** were registered. Within the European Union, where applications also increased overall, Spain ranked second, behind Germany and followed by France. Despite this situation, **the trend of progressive growth in the recognition rate that had been observed since 2019 was broken.**

2

The year 2023 saw the highest positive foreign migration balance since 2008 and the highest levels of employment and Social Security enrolment since 2012. But **people of foreign origin occupy the situations of greatest social vulnerability**, especially those of non-EU origin. This is shown by indicators such as the AROPE rate, the poverty rate, severe poverty, the rate of severe material and social deprivation, and the backlog of housing-related expenses. They also face various **barriers to the exercise of their rights** that make it difficult for them, for example, to obtain an identity card, to register in the civil register, to access universal healthcare, to be employed or to report incidents to the police safely. In the same vein, the financial exclusion they experience, the ongoing issue of school segregation, the difficulties in obtaining basic social benefits and the fact that their unemployment protection is very different from that of Spanish nationals should also be highlighted.

3

Women of migrant origin, despite a slight improvement, remain in the lowest paid occupations. Likewise, although they are over-represented on the unemployment register, they receive unemployment benefits to a lesser extent than men, which is reflected in the lower pensions they receive. This leaves a picture of working poverty strongly divided by gender that needs to be addressed. With regard to **young people**, those who have been under State guardianship as minors must begin their emancipation processes much earlier than young Spaniards and with less capacity to do so, in a scenario in which foreigners between 16 and 24 years of age have a lower rate of affiliation to Social Security than foreigners over 55 years of age, but a higher rate than Spanish nationals of the same age range. The increase in Social Security affiliations of **foreigners over 55 years of age** is worthy of note.

4

The Forum notes with concern the adoption of **legislation that may be discriminatory towards migrants or present various barriers to its implementation in practice**. In particular, the new law on sport leaves open interpretations that may limit the exercise of rights, especially for foreign children and adolescents, whether accompanied or unaccompanied; the new concept of "residency for training purposes" or "residency for employment purposes", created by the reform of the law on foreigners regulation, which excludes those who do not meet the two-year civil registration requirement, as is the case with applicants for international protection; and the modification of the duration of employment itineraries in the reception system from 30 to 18 months, according to the provisions of Royal Decree 220/2022.

5

The Forum also highlights as **positive legislation and public policies**: the new concept of “residency for training purposes”, as it can attract foreign talent and favour the integration of students; Law 4/2023, of 28 February, for the real and effective equality of trans people and for the guarantee of the rights of LGBTBI people, of which it highlights the definition of actions associated with racism, racial discrimination and related forms of intolerance, which are considered to be minor, serious or very serious administrative offences; the Strategic Framework for Citizenship and Inclusion against Racism and Xenophobia, approved on 4 July 2023, with the aim of moving towards a cohesive, inclusive and fair society; the Programme for Guidance, Advancement and Educational Enrichment (PROA+), which includes the leverage activity “Plan for the reception of immigrant students and integration in the classroom”; and the **MUS-E® PROJECT**, in which 29% of schoolchildren from foreign families participate.

6

Regarding **access to the public administration and its services**, there are still considerable difficulties in accessing both the international protection procedure and the immigration procedure, especially due to the impossibility of obtaining appointments and given the establishment by some Autonomous Regions of requirements that are not included in the law. In this context, the Forum reaffirms that, although the digitisation of public administration is necessary and relevant, it should not lead to the inaccessibility of the administration to individuals or to the infringement of their rights. For this reason, as well as recalling the importance of considering the digital divide that affects many immigrants, movement towards a hybrid public administration is recommended, in which face-to-face service remains a real option.

7

Combating hate speech and misinformation is central to this report. In this regard, the importance of differentiating which hate speech is criminal and which is not, but can be prosecuted civilly or administratively, is highlighted, as well as guaranteeing access to justice for all persons, seeking to ensure that in cases of victims of crime this status takes precedence over their administrative situation. In addition to addressing the production and dissemination of false stereotypes and hate speech through the digital environment, the Forum emphasises the importance of providing verified data from official sources to address these kinds of claims; and of tackling these practices in schools, using tools such as the UN-led Strategy for Combating Hate Speech and the UNESCO Guide to Tackling Hate Speech through Education. With regard to the associated under-reporting, which is also a cause for concern, the work carried out by the Council for the Elimination of Racial or Ethnic Discrimination (CEDRE in Spanish) is welcomed.

8

In the chapters of this report, the Forum presents different **positive experiences for integration and social cohesion, promoted by public and private actors and social organisations**. The Forum highlights: the innovative initiatives developed with the Recovery, Transformation and Resilience Funds; the Children’s Committees promoted by the town councils to bring together the different actors in the territory in a common strategic framework; the existence of management centres in charge of planning, implementation and evaluation of citizenship and integration policies in the Autonomous Regions; and the projects, materials or guides implemented to address hate speech in the field of education.

9

In the face of the **European Pact on Migration and Asylum**, the Forum once again expresses its concern that the agreements reached represent a significant backward step in rights for migrants, refugees and stateless persons in the regional context, while reinforcing the idea of a Fortress Europe. The lack of progress in integration policies is also notable, given the prevalence of a focus on border management. Taking the above into account, it should be highlighted that a position that guarantees human rights is necessary in the implementation process. This stance should make use of instruments such as the Action Plan on Integration and Inclusion 2021-2027, the Action Plan to Combat Racism 2020-2025 and the European Pillar of Social Rights Action Plan.

10

Finally, this report recalls that, in order to achieve a proper and ambitious approach to the **Global Compact for Safe, Orderly and Regular Migration**, indicators shared by the signatory countries are necessary to assess the fulfilment of its objectives and its implementation. This, which will be resolved in 2024 under the leadership of the United Nations, will enable the progress reports presented to the international community by the Spanish government to be read with a different perspective.

1

Implementation of legislation related to migrant and refugee populations

Prepared by:
Legal and International Affairs Committee

2023 has seen a record number of applications for international protection in Spain and a record number of irregular entries. Despite this, significant difficulties persist in accessing both international protection and immigration procedures. This chapter also discusses the obstacles that foreigners in an irregular administrative situation face in accessing the rights they are entitled to. The situation of the application procedure for stateless status and the discrimination suffered by foreign minors in an irregular situation within the framework of the new law on sport are also analysed.

1.1. International and temporary protection

1.1.1. EU context

According to EUAA data, between January and November 2023 the total number of applications for **international protection** received in the EU+ **exceeded one million (1,057,000)**, a level reminiscent of 2015 and 2016¹, and implying an increase of 9% over the previous year. The three states that received the highest number of applications were, once again this year,

1 The data in this section have been collected from the following sources: European Union Agency for Asylum (EUAA). (n.d.). *Latest Asylum Trends*. <https://euaa.europa.eu/latest-asylum-trends-asylum>; UNHCR. (n.d.). *Resettlement Data Finder*. <https://rsq.unhcr.org/en/#V4uZ>. Information for a total of 12 Member States, no data for the rest; DW. (9 January 2024). *Germany: Asylum applications rose sharply in 2023*. <https://www.dw.com/en/germany-asylum-applications-rose-sharply-in-2023/a-67928269#:~:text=More%20than%20350%2C000%20people%20applied,call%20a%20%22migration%20crisis.%22>; Ministry of the Interior (n.d.). *Provisional aggregated data from 1st January to 31st December 2023*. https://proteccion-asilo.interior.gob.es/documentos/estadisticas/ultimos-datos/Avance_trimestral_datos_proteccion_internacional_2023_12_31.pdf; OFPRA. (23 January 2024). *Premières données de l'asile 2023 [Chiffres provisoires]*. <https://www.ofpra.gouv.fr/actualites/premieres-donnees-de-lasile-2023-chiffres-provisoires>

Germany, with 352,000 applications; Spain, with 163,220; and France, with 142,500. Italy also ranked high, with 136,000 applications, an increase of 128% over the previous year. As for **temporary protection**, as of November 2023, some 4.3 million Ukrainians were beneficiaries. The **Czech Republic** welcomed the highest number per capita.

The **recognition rate** was close to 43%, the highest level since 2016. People from Syria, Ukraine and Eritrea received the highest percentages. Also, at the end of November 2023, there were more applications pending at first instance (860,000) than at any time since 2016, and 39% more than in 2022. A total of 12,567 persons were **resettled** in the EU as a whole, which is 4,128 persons less than in 2022.

1.1.2. European Pact on Migration and Asylum

On 20 April 2023 the European Parliament adopted its position on all legislative proposals of the Pact², with the *package approach*³. On 8 June, agreement was also reached by member states on the key reform proposals: **the Procedural Regulation** and the **Migration and Asylum Management Regulation**, with a position that reflects an over-emphasis on increasing returns and pressuring third countries to cooperate in border control and readmission of their nationals. Furthermore, under the leadership of the Spanish Presidency, an agreement was reached in the Council on 4 October 2023 on the **Crisis and Force Majeure Regulation**⁴.

Importantly, the Pact does not address the shortcomings of the Dublin System in terms of shared responsibility, as it maintains the criteria for determining the state responsible for assessing asylum applications and extends its obligations to three years in the case of secondary movements. Negotiations have focused on the **externalisation of borders and return**, without a sufficient focus on legal and safe asylum channels. It is also worrying that the relocation suggested in the **solidarity mechanism** is not mandatory and that instead an *à la carte* menu is proposed that allows member states to choose between relocations or financial contributions. Furthermore, it introduces **systems of exceptions** to the common European asylum rules in the event of crisis situations, instrumentalization or force majeure, which will allow procedural safeguards to be reduced and the right to asylum to be suspended.

2 European Parliament. (20 April 2023). *Asylum and migration: Parliament confirms key reform mandates*.

<https://www.europarl.europa.eu/news/en/press-room/20230419IPR80906/asylum-and-migration-parliament-confirms-key-reform-mandates>

3 This approach has historically been advocated by the European Parliament, which calls for a CEAS reform that addresses all the legislative proposals on the table. Under the premise of “all or nothing”, the failure of the co-legislators to reach an agreement on the Dublin Regulation in the previous European political cycle determined the failure of the reform of the System as a whole in 2019.

4 European Council. (04 October 2023). *Migration policy: Council agrees mandate on EU law dealing with crisis situations*.

<https://www.consilium.europa.eu/en/press/press-releases/2023/10/04/migration-policy-council-agrees-mandate-on-eu-law-dealing-with-crisis-situations/>

Pre-screening and accelerated border procedures may diminish procedural safeguards and violate the principle of non-refoulement. The introduction of a **legal fiction of non-entry**, which is hardly compatible with international law, is also worrying. The proposal for the **border procedure** is based on the assumption that the majority of those arriving in the EU are not in need of protection and that applications can be assessed quickly. This premise prejudices situations that need to be analysed individually and within appropriate timeframes that accelerated procedures do not allow.

1.1.3. Context in Spain

In 2023, 163,220⁵ applications for international protection were registered, 37% more than in 2022 and **the highest number ever recorded**, in a growing trend. In terms of applications for **temporary protection of displaced persons from Ukraine**, 33,928 were registered, totalling 195,000 since February 2022. The **top countries of origin of asylum seekers** are **Venezuela** (60,534), **Colombia** (53,564) and **Peru** (14,308), which together account for 78.7 per cent of **asylum** applications. The age brackets with the highest number of applications correspond to working age (18-64 years), representing 79.6% of the total. In terms of **gender**, compared to the last two years, there has been an **11.3% increase in the number of female** asylum seekers.

In relation to the war in Ukraine, a significant influx of people from Ukraine has continued and applications from **Russian** nationals have also increased (1,694 in 2023 vs. 684 in 2022), who are fleeing forced recruitment and the deteriorating human rights situation that particularly affects certain groups such as LGBTIQ+ people.

2023 breaks with the trend of progressive growth in the **recognition rate** observed since 2019, decreasing from 16.5% in 2022 to **12% this year**, while the number of **pending applications** continues to increase **with a total of 191,095**, which is 56% more than in 2022. In relation to **subsidiary protection**, this decreased drastically, representing 4.4% of the year's resolutions, compared to 8.5% in 2022. On the contrary, resolutions on **humanitarian grounds** almost doubled to 47% of the total, compared to 24% in 2022. 98% of these resolutions were granted to persons from Venezuela. There was also a slight increase in the number of grants of **refugee status** (8.3% of all decisions).

97% of the applications were made **within the national territory**, while 2% were made at border crossing points (where there has been an increase of 25% compared to the previous year). Most of them were recorded at Madrid-Barajas Airport. On the other hand, Spain **resettled 1,111 persons** (a figure equal to that of 2022 and below the commitment of 1,200 persons), most of them from Syria (933).

⁵ Ministry of the Interior. OAR. (n.d.). [Asilo y Refugio | Información estadística en formato reutilizable \(interior.gob.es\)](https://www.asilo-y-refugio.gob.es/informacion-estadistica-en-formato-reutilizable)

1.1.4. Incidents detected in the international protection procedure

Throughout 2023, it became increasingly **difficult** to obtain an appointment to make an expression of intent to apply for international protection and, consequently, to **access the procedure and the reception conditions to which applicants are entitled**. This is especially the case in provinces where the **appointment** system is managed **online** or by telephone. There are also significant delays in the **completion of application interviews**. In at least **eight provinces, the waiting period from the expression of intent to the formalisation of the application is about one year, while in six others it is more than 6 months**. These delays cause significant harm to individuals in the exercise of their rights. In addition, there are **requirements** in the expression of intent that **hinder access to the procedure**.

With regard to **changing the province for applicants with an expression of intent when they enter the reception system**, the number of incidents resulting in the formalisation of an application not being possible has increased in some areas, as they do not allow formalisation appointments to be changed at the police station where they are located. In relation to **family extensions for children born in Spain**, the same system of appointments is usually followed as for the formalisation of initial applications, with the same delays. Incidences related to the right to **use interpreters** at interviews continue to be reported throughout the country.

There are also concerns about the incorporation of the documentation provided in the files, as significant delays have been detected. When it comes to **renewing documentation** to accredit the applicant's status, in most of the provinces there are difficulties in accessing the appointment system. Likewise, it has been detected that the BOE (Spanish Official State Gazette) is being used to **request documentation, summons to interviews and notification of resolutions**, which is neither the most desirable nor the safest way to proceed.

Persons subject to protection, on the other hand, encounter enormous **difficulties in obtaining the documentation accrediting this circumstance**, which in practice means that they are unable to exercise the rights inherent to their status. The latest amendment to the Regulations of the Organic Law on Immigration introduced the requirement of being in a situation of administrative irregularity in order to apply for residency for employment purposes. Despite this, some immigration offices refuse or reject applications based on other exceptional circumstances when the person is an asylum seeker, or when the application has been rejected and an appeal has been lodged, because they consider that the person is still in this situation.

1.2. Status of Stateless Persons

In 2023, 953 applications were submitted, 659 by men and 294 by women⁶. Although the number is down from 2022, it is higher than in 2021 and 2020. 1,022 applications have been resolved compared to 896 applications resolved in 2022; 909 were favourable and 113 were unfavourable, 901 of them submitted by applicants from the “non-recognised” (Sahara).

The Spanish system provides a guarantee once the person’s statelessness is recognised, but there are relevant issues in the procedure that have not yet been improved either in the legislation or in the administrative practice of the competent body. In contrast to those seeking international protection, stateless applicants are not always documented with a green card or assigned a NIE (Foreigner’s Identification Number), creating a serious disadvantage for them as they cannot prove their status. It should be kept in mind that these are people who, in addition, have no documentation from their country of origin, since no state recognises them as its own nationals. Therefore, the fact that their documentation as applicants is not compulsory further aggravates their situation of vulnerability.

Although applicants are entitled to enter the reception system during the consideration of their application, they are not always able to do so due to the availability of places. Even when they do, their period of stay is shorter than the period of study of the application. In such cases, they are not entitled to basic social services for the duration of the investigation of the application, nor are they entitled to work. They also do not have the right to free legal aid and interpreters, which means that sometimes their application is not formalised correctly. All these aspects should be improved through legislative amendments to the statelessness regulation, which has become obsolete and does not respond to current realities, and to the civil code with regard to nationality. It also includes speeding up the process of obtaining Spanish nationality to 5 years instead of 10 years.

1.3. Access to rights for foreigners in an irregular administrative situation

1.3.1. Right to healthcare

Despite legislative reforms guaranteeing the universal right to healthcare, there are various obstacles in the Autonomous Regions, including: the requirement for foreigners to register for a certain number of months in order to access the healthcare system; and the specific issues experienced by applicants for international protection, people with residence permits for

⁶ Ministry of the Interior. (n.d). Provisional aggregated data from 1st January to 31st December 2023. https://proteccion-asilo.interior.gob.es/documentos/estadisticas/ultimos-datos/Avance_trimestral_datos_proteccion_internacional_2023_12_31.pdf

humanitarian reasons who are not working, and the ascendants of Spaniards who have the nationality of a non-EU third country.

1.3.2. Safe reporting to the police

The Ombudsman's recommendations to the Ministry of the Interior must be heeded in order to ensure that foreigners in an irregular situation who are alleged victims of a crime can file a complaint, without being subject, for this reason, to the initiation of a sanctioning procedure that would lead to their expulsion from the national territory. In order to guarantee access to justice for all persons, it is important that the LOEX (law on foreigners) and the RLOEX (law on foreigners regulation) be amended to ensure that, in cases of victims of crime, this status is prioritised and not their administrative situation, and that any initiation of disciplinary proceedings is suspended. Similarly, that comprehensive protection be extended and recognised in other cases, such as hate crimes.

1.3.3. Financial exclusion

Despite the regulation guaranteeing the opening of basic payment accounts, there is resistance to its implementation by banks. These institutions should be required to provide information to potential customers on this type of account; issue a written and reasoned report on the refusal to open a basic account; recognise the identification documents of foreign persons issued by their country of origin or by a competent body in Spain; and communicate sufficiently in advance and in written and reasoned form any requirement to avoid the blocking of bank accounts. It should be noted that the draft bill of the Financial Customer Ombudsman's Authority Act, already in parliamentary procedure, is pending approval.

1.3.4. Civil Registration

Access to the civil register is a cornerstone for access to a large number of rights for all foreigners, regardless of their administrative status. Within this framework, we identify with concern protocols of local administrations that deliberately hinder foreigners' access to the civil register, in contravention of the Law on Local Regime Bases and the Regulation on Population and Territorial Demarcation of Local Entities.

1.3.5. Identification Certificate

The right to access an identification certificate is set out in the Organic Law on Foreigners and in the Regulations that develop it. The certificate, which is valid only to identify a foreigner and not to accredit a residence or permission to remain, are difficult to obtain for those who are undocumented and do not have a residence permit. The absence of documentation reduces the possibility of carrying out any procedure that requires proof of identity and, therefore, access to the vast majority of rights. We stress the need for a regulatory reform to revise the requirements for accessing an identity card, giving priority to the right of foreigners to be documented and the best interests of those residing in Spain.

1.3.6. Right to basic social services and benefits

The right of foreigners, regardless of their administrative status, to basic social services and benefits, recognised in the Organic Law on Foreigners, continues to be blurred in practice. Moreover, there is no unambiguous definition of what a basic social benefit is, the closest being the Minimum Vital Income (known as the IMV in Spain). However, foreigners without residence permit or permission to remain are excluded from this benefit, which requires legal residence for one year, as well as from many emergency aids that local authorities have transformed into individual subsidies. It is curious that the overuse of social resources by this group is one of the most frequently used hate messages, when in reality, the vast majority of them are unable to access them.

1.3.7. Digital divide, e-government and foreigners

In terms of the **digital divide**, there are three barriers affecting foreigners in terms of access: administrative status, language and access to tools; and four barriers affecting their digital skills: digital literacy; access to informal information channels; lack of confidence in their own skills; and vulnerability to a security breach. Despite this, foreigners without residence permit or permission to remain are excluded from the aid offered in the framework of the Spanish Digital Agenda. In terms of **e-government**, alternatives in the physical world must be guaranteed to ensure the rights of those who do not want to or cannot interact with public administrations online, taking into account the barriers that make it difficult for people to access some procedures in person.

1.4. Discrimination against undocumented foreign minors as a result of the new sports law

Act 29/2022 of 30 December 2022 on Sport was published on 31 December 2022 and entered into force on 1 January 2023⁷. In the first days of March 2023, several social entities urged the Ombudsman to file an appeal of unconstitutionality against certain articles of this regulation as discriminatory and contrary not only to the Spanish Constitution, but also to several laws. The Ombudsman's Office issued a decision in which it agreed not to lodge this appeal, but in which it also suggested that the articles in question be amended. We highlight the need to address this legislative reform so that there is no room for interpretations that limit the exercise of rights, especially for foreign children and adolescents.

⁷ Law 39/2022, of 30 December, of Sport <https://www.boe.es/buscar/act.php?id=BOE-A-2022-24430>

1.5. How to move forward. Proposals for improvement

In relation to **the international protection procedure**: guarantee access to information and to the procedure in an adequate and individualised manner, ensuring legal assistance and specialised interpretation; guarantee access to the procedure at the air border immediately, without excessive delays and within the three-day legal deadlines established by Directive 2013/32/EU; provide adequate facilities at airports for the reception of applicants, which comply with the minimum requirements of Directive 2013/33/EU; ensure that appointments for the expression of willingness to apply are allocated within the three to six day deadlines set out in Directive 2013/32/EU; set up an efficiently managed and increased number of appointments and communication channels with police stations to report cases of particular vulnerability that require priority processing; avoid documentation requirements for the submission of the expression of intent or the formalisation of the application.

In relation to the **detection and treatment of vulnerable persons**, complementing the efforts of the Sub directorate General for International Protection (SGPI in Spanish) and the Asylum and Refugee Office (OAR in Spanish): guarantee the early detection of specific needs from the moment of the manifestation of willingness to request international protection; adopt measures for the identification and effective protection of victims of trafficking; guarantee the protection of minors by avoiding their detention and ensuring proper identification of unaccompanied children; speed up the procedures to clarify family links in the arrival of accompanied children; increase the number of grants for humanitarian reasons in cases of manifest vulnerability; issue instructions clarifying the procedure and criteria for the recognition of residence permits for humanitarian reasons; and establish a state mechanism for the identification of persons with specific procedural needs.

In relation to **guaranteeing the right to family unity**: establish uniform criteria for the assessment of family extension referring to the accreditation of the family relationship and, where appropriate, to dependency or the existence of previous cohabitation; guarantee the recording of applications that are submitted through the electronic headquarters to avoid errors in the instruction of the files and the delay of the procedure; eliminate the limits to family extension not provided for in the law; speed up the processing of files that currently take more than a year; adapt the requirements to accredit family ties in applications submitted by LGBTI persons.

In relation to the **pathways to protection and Spain**: Implement legal and safe channels of access to the asylum procedure; promote the approval at EU level of a safe and predictable disembarkation protocol whereby no migrant person can be returned to a country where his or her life could be in danger; improve the management of arrivals of migrants and refugees by sea; and defend, in the process of implementing the European Pact on Migration and Asylum, a protective position in the reforms of the Common European Asylum System.

In relation to the **status of stateless person**: include this status in the legal framework for international protection so that applicants are granted the same rights as those for international protection; effectively apply the ex officio initiation of the procedure when the Asylum and Refugee Office becomes aware of facts that indicate the possible existence of determining circumstances; and reduce the time limit established in the Civil Code for formalising an application for nationality by residence for beneficiaries of the status of stateless person from ten to five years.

In relation to the **management of procedural regulations**, specifically with regard to access, we draw attention to the importance of ensuring that the necessary digitalisation of public administration does not lead to an administration that is inaccessible to people.

In relation to the **way in which the age of unaccompanied children is determined**, we emphasise the need to articulate a procedure in accordance with children's rights and the opinions of the UN Committee on the Rights of the Child. Hundreds of minors have been treated as adults, some because they claimed to be adults (out of fear, because of translators' indications, out of ignorance) and others even after advising that they were not. The sensitivity of the situation and the consequences require protocols that are long overdue for correction.

2

The situation of the immigrant population in 2023 and proposals for their social integration

Prepared by:

Commission on Integration, Interculturality,
Coexistence and Social Cohesion Policies

This chapter considers it appropriate to highlight the impact and consequences that situations of poverty and social exclusion have on the immigrant population, as well as the commitments made by Spain in terms of migration and inclusion policies, and their territorial implementation in relation to the structuring of the Autonomous Regions governments resulting from the 2023 elections. In the same vein, the experimental programmes promoted within the framework of the recovery, transformation and resilience funds and learnings to achieve stable policies of cohesion, coexistence and interculturality are presented.

2.1. Current status of international commitments and covenants on migration policies

2.1.1. Fulfilment of the commitments acquired by Spain in the development of the Global Compact for safe, orderly and regular immigration

The Global Compact on Migration (GCM) was adopted in 2018 with the support of 152 UN countries, including Spain. Although it is non-binding, participating States have committed themselves to review the progress of its implementation every four years. The Spanish State submitted a Progress Report on the actions carried out by the Government⁸ to fulfil the 23 objectives that make up the Pact. This report, however, far from establishing evaluation indicators, published an account of the political actions carried out.

8 Government of Spain. (2022). *Informe de progreso sobre la aplicación nacional por parte de España del Pacto Mundial para una migración segura, ordenada y regular.*
O F I C I O (un.org)

The GCM is a valuable tool to address migration through the creation of legal and safe migration channels, but the absence of specific indicators is an obstacle to effective compliance review. **2024 will be a crucial year** in this regard, as the United Nations is expected to debate the Compact's framework of indicators, which will allow for the evaluation of the **Progress Document that the government presented in May 2022 for the 2022-2026 cycle**. What we call for, in addition to analysing the real state of compliance with the commitments assumed by Spain on the basis of these future indicators, is that migration be placed at the centre of public policies, as well as the consolidation of treaty bodies as a means of legitimisation and political and legal viability.

2.1.2. Spanish Presidency of the European Union

The Spanish Presidency of the Council of the European Union for the **second half of 2023** was an opportunity to make progress in the construction of a **Common European Asylum System that would place respect for human rights and the lives of migrants and refugees at the centre of policies**. However, once this period had come to an end, it **was difficult to make a positive assessment of the migration policies developed within its framework**. The political agreements reached in December 2023 represent a **significant backward step in people's rights**, while a focus on the "symbolism of the strength of the European project" has been prioritised. Thus, instead of agreeing on a system of compulsory solidarity on reception commitments, a path of "solidarity à la carte" is being taken; instead of putting an end to the externalisation of borders, a "solidarity route" has been created consisting of financing third countries; and, furthermore, a "legal fiction of non-entry" is being established, which violates the international principle of "non-refoulement", among others.

Citizen participation in the European Parliament elections is essential. Once again, the choice is between a European project that is a beacon for the respect, protection and extension of human rights, or that of a region that is ever closer to the idea of Fortress Europe.

2.1.3. Integration policies in the European Pact on Migration and Asylum

Integration policies are one of the main things missing the packages that make up the European Pact on Migration and Asylum. With the political agreement reached in 2023, progress has been made on the idea that migration management is exclusively about border management, which is summarised in the **Screening Regulation and procedure**; the **Regulation on the asylum procedure**; the **Regulation on Crisis, Instrumentalization and Force Majeure**; the **Asylum and Migration Management Regulation (AMMR)**; and **EURODAC**. Likewise, the Pact leaves the application of measures such as instrumentalisation or force majeure to the will of the States, which is why it is essential that integration, interculturality and coexistence policies are central at all levels. It is worth remembering that we continue to benefit from Community tools on which to structure the Europe that does represent us, such as the Action Plan on Integration and Inclusion 2021-2027, the Action Plan to Combat Racism 2020-2025 and the Action Plan of the European Pillar of Social Rights.

2.2. The state of inclusion, citizenship, coexistence and social cohesion policies on the political agenda at regional level

2.2.1. Management centres in charge of planning, implementation and evaluation of citizenship policies in the new configuration of regional governments after the regional elections

On 4 July 2023, the Council of Ministers approved the Strategic Framework for Citizenship and Inclusion, against Racism and Xenophobia, 2023 - 2027⁹ with the aim to fulfil the commitment made by EU states to adopt national plans against racism before the end of 2022, among others, and to move towards a cohesive, inclusive, diverse and fair society that generates wealth, employment and development, in which there is no place for racism, xenophobia and intolerance. In the context of the 2023 regional elections, each Autonomous Region has defined management centres responsible for the planning, implementation and evaluation of citizenship and integration policies.

2.2.2. The impact and consequences of poverty and social exclusion on the immigrant population

In 2022 the **At Risk of Poverty or Social Exclusion Rate (AROPE)**¹⁰ decreased slightly for foreigners coming from an EU country (39.6%) and to a greater extent among those whose country of origin is outside this region (60.4%). In this context, the large contrast between the foreign population and the Spanish population (with differences of around 38 percentage points) and the considerable differences between the foreign population of the European Union and that of third countries should be noted. This suggests the importance of administrative regulation of their residence and their access to services and citizenship benefits on an equal basis.

In the **poverty rate**, there is also a large difference between populations, since 2008, the poverty rate of the foreign population from the European Union is double that of the Spanish population and three times that of the rest of the world. Similarly, the poverty rate of the foreign population from third countries has decreased somewhat, while among persons from an EU country it has increased slightly. In 2022, 35.2% of the foreign population from the EU and 52.6% from the rest of the world were living in poverty.

⁹ OBERAXE. (n.d.). Strategic Framework for Citizenship and Inclusion, against Racism and Xenophobia, 2023 - 2027

OBERAXE. Strategic Framework for Citizenship and Inclusion, against Racism and Xenophobia, 2023 - 2027 (inclusion.gob.es)

¹⁰ The data in this section have been collected from the following sources: EAPN (2023). Poverty Watch 2023. https://www.eapn.es/ARCHIVO/documentos/documentos/1703675826_informe_poverty_watch_eapn2023.pdf; and National Statistics Institute. Encuesta de condiciones de vida (ECV). INEbase. https://www.ine.es/dyngs/INEbase/es/operacion.htm?c=Estadistica_C&cid=1254736176807&menu=ultiDatos&idp=1254735976608

Severe poverty affects 32% of people of non-EU foreign origin, 18.8% of people of non-EU foreign origin and 6% of people of Spanish origin. With the exception of 2008, non-EU nationals have always been worse off than their EU counterparts and much worse off than those of Spanish origin.

In relation to **households with a low employment level**, both for the Spanish population and for foreigners from the rest of the world, this has been decreasing from 2014 to 2022, placing the Spanish population at 9% and the foreign population at 10.1% in the last year. The decline has been notably sharper in the latter case, practically equalling that of the Spanish population, with a decrease of 8.8 percentage points. The proportion of foreigners in the EU population has been rising and falling; whereas in 2014 the proportion was only 7.7%, it doubled in 2016, fell in 2020 and rose to 10.8% in 2022. In 2022 the levels for the three demographics were almost equal.

The foreign population has higher **rates of severe material and social deprivation** than the Spanish population and those from outside the EU. Thus, in 2022, 6% of the Spanish population was living under conditions of **severe material and social deprivation**, a figure that rose to 10.2% for foreigners coming from an EU country and 22.6% for those coming from a third country. Moreover, the proportion of non-EU foreign households with **arrears in housing-related expenses** is three times higher than that of Spanish households, while the difference compared to EU foreign households is 15 percentage points.

In conclusion, people of non-EU foreign origin have the highest levels of social vulnerability given that, with the exception of households with a low employment level, they have the highest levels of exclusion. The longitudinal approach makes it possible to see that this is a sustained trend over time, which is a sign of the need to improve public policies to combat poverty and social exclusion.

2.3. State of intercultural coexistence in Spain. Challenges and opportunities for the 21st century

2.3.1. What does intercultural coexistence mean?

This construct has been conceptualised based on three social circumstances between which individuals and groups move dynamically: social harmony, coexistence and hostility. To classify each type of social circumstance, we examine what happens across nine dimensions: relational, normative, axiological, participatory, communicational, conflictual, attitudinal, identity and political¹¹. The most relevant empirical approaches in Spain have been

¹¹ Giménez, Carlos. (2010). *El interculturalismo: Propuesta conceptual y aplicaciones prácticas*. Iksuspegi. Observatorio Vasco de Inmigración: 18.

developed from here. However, one of the main problems with this model is that it remains more of a utopia than an operational framework that will eventually materialise, as multiculturalism or cultural assimilation have done. Therefore, if it is assumed that the desired coexistence is intercultural, the main challenge is to update the ontological and epistemological tools to make them operational. The means to achieve this, at least in our opinion, is the creation of a State Observatory on Migrations and Intercultural Coexistence which, in collaboration with other related institutions such as OBERAXE or the Basque Observatory on Migrations, would become the main reference body on the subject.

2.3.2. Analysis of hate speech on social media

Hate speech is one of the most worrying forms of racism and discrimination in Europe. It spreads through the internet and social media, and is the visible tip of the iceberg of intolerance and ethnocentrism in our societies. In Spain, several studies indicate that **the most frequent discriminatory messages tend to be those with a racist motivation**, and which refer to skin colour, with **black people, those of Moroccan origin and those of gypsy ethnicity** being the main groups discriminated against. Other highly charged discourses are those directed against unaccompanied migrant children, migrants or persons with disabilities, as well as misogynistic and sexist messages. **There is an urgent need to address the normalisation of these discourses and the perception of young people**, not only as broadcasters, but also as disseminators.

2.4. Impact of pilot programmes under the Recovery, Transformation and Resilience Funds on processes for the inclusion of migrants

Some innovative initiatives for cohesion, coexistence and interculturality which were developed in 2023 and from which lessons can be drawn are: **Social laboratory in the processes of accompanying universal basic income recipients**, such as +Que emple-a, led by social entities in the region of Murcia; **De-institutionalisation in intervention with young foreigners in their emancipation process**, with actions that move towards a community-based accompaniment based on individualised support; and **"Familia acoge familia"**, a project to connect Spanish host families with refugee families from Ukraine in different towns in Spain.

2.5. How to move forward. Conclusions and recommendations

- ➔ As the Global Compact on Migration is the first global agreement with a common approach, there is a need to **legitimise migration, as well as the political and legal integration of migrants in societies, as a central element in all public policies.**
- ➔ Over the next four years, Europe must act as an international benchmark for the respect, protection and extension of human rights. For this reason it is essential that there be a **strong turnout of citizens for the next European Parliament elections in June 2024.**
- ➔ It is necessary to **generate and implement indicators of structure, progress and results of the commitments** acquired by the Spanish state in the Global Compact on Migration.
- ➔ In Spain, the commitment to target 10.7 of the 2030 Agenda, related to migrations, is included in the [Sustainable Development Strategy 2030](#) so it is therefore necessary to **involve civil society, migrant and diaspora organisations in the debate.**
- ➔ **Integration, interculturality and coexistence policies** need to take centre stage **across all levels.** It is therefore necessary that the [Action Plan on Integration and Inclusion 2021 - 2027](#) and the [Action Plan on Combating Racism 2020 - 2025](#) and the [Action Plan of the European Pillar of Social Rights](#) be implemented.
- ➔ To combat the risks of hate crime on social media, spaces for training, reflection and learning need to be established, **so that citizens know safe ways to use social media and become aware of the social and legal consequences of its misuse; and that there is an educational legacy that values respect for diversity and combats ethnic-racial hatred.**

3

Social and professional circumstances of people of foreign nationality or origin

Prepared by:
Equal Employment Opportunity Commission

This chapter addresses the labour market evolution of the foreign national population between 2012 and 2023, with a particular focus on migrant women and applicants and beneficiaries of international and temporary protection. The labour market integration of younger and older foreign nationals is also analysed. For the first time, a reference to the occupational health of foreign nationals is included and a section is dedicated to the most frequent and harmful clichés and negative stereotypes about the migrant population.

3.1. Labour market for the foreign population

3.1.1. Evolution of access to the labour market for foreign nationals between 2012 and 2023

In this section we will compare two periods with different characteristics, but with a special significance for the foreign national population¹². 2012 was a period in which the consequences of the economic crisis and unemployment led to a fall in employment and social security registrations and an increase in the unemployment rate for all workers, and to a greater extent among foreign nationals. For this group, it also led to an outflow from the country and a decrease in inward migration flows. 2023, however, was marked by the highest levels of employment and social security affiliation, also among the foreign national population, and in the first semester the highest positive migratory balance of foreign nationals (258,306 people) since 2008 was reached.

12 The data presented in this section come from the following sources: Ministry of Inclusion, Social Security and Migrations. (n.d.). [Seguridad Social: Estadísticas \(seg-social.es\)](#); National Statistics Institute. (n.d.). INE Base- Encuesta de población activa. [INEbase / Mercado laboral / Actividad, ocupación y paro / Encuesta de población activa / Últimos datos](#)

The increase in foreign Social Security enrolment between December 2012 and December 2023 accounted for 23% of the total increase. In absolute terms, while the increase in the total enrolled population in this period was 26.7%, for the foreign population it was 62.1% (40.5% for EU nationals and 75.03% for third-country nationals). In both total affiliation and affiliation of EU nationals, the percentage increase of female affiliates is higher than that of male affiliates, but in the case of third country nationals, male affiliates increased by 88.3% and female affiliates by 59.8%. Only in the Special System for Household Employees does the enrolment of third-country nationals decrease between December 2012 and December 2023.

Employment in general and employment of foreign nationals have also increased, with a remarkable 227% increase in employment of dual nationals. Only in the agricultural sector has total employment fallen. In relation to employed persons, those of Spanish nationality decreased by 15,600 persons, those of foreign nationality decreased by 1,200 and those of dual nationality increased by 13,400.

Migrants accounted for 16.5 per cent of all jobs in 2022. Foreign women work overwhelmingly in service-based roles, while men are relatively more present in agriculture and construction than Spaniards, and significantly less in industry (where 72% of jobs are held by men). Few third-country nationals are employed in the public sector. However, the proportion of entrepreneurs and self-employed is much higher among foreigners from the EU or Asia and is higher than that observed among Spaniards. This proportion falls below 10 per cent among people from Africa and the Americas.

As we pointed out at the beginning, we are comparing a period of recession and a period of employment growth, so a substantial change in unemployment rates between the two periods is logical.

While it is true that among men, it is third country nationals who show the greatest decrease in the unemployment rate, it should be kept in mind that in the last quarter of 2012 the rate for this group was almost 42%, the highest among the different nationalities. The same is true for women third-country nationals. Across all nationalities the unemployment rate of women is higher, and the unemployment rate of men has fallen more than that of women.

3.1.2. The employment of older migrants

Based on membership data from 2012 and 2022, there has been a considerable increase in the number of people over 55 years of age enrolled¹³. In this comparison, it should be taken into account that there is a certain level of ageing among the foreign working population. A significant fact is that in both Special Systems there has been a decrease in foreign affiliation, but, nevertheless, the affiliation of people over 55 years of age has increased. The Special System for Household Employees is the scheme

13 The data presented in this section come from the following sources: Ministry of Labour and Social Economy. (n.d.). Anuarios. [Anuarios. Ministerio de Trabajo y Economía Social \(mites.gob.es\)](https://www.mites.gob.es)

with the highest percentage of foreign affiliates in this age range. In 2022, 18% of unemployed foreign nationals were over 55 years old, while 31% of Spanish nationals registered as unemployed were over 55 years of age. Among those receiving unemployment benefits, 37% were over 55 years old, but only 17% among foreigners.

3.1.3. The integration of young people into the labour market

In 2022, foreigners between 16 and 24 years of age had a lower percentage and absolute number of affiliation to the Social Security than foreigners over 55 years of age. In all schemes, except for the seafarers' scheme, the percentage of workers between 16 and 24 years of age who are foreign nationals as a proportion of the total foreign affiliated population is higher than the percentage of Spanish nationals in the same age group as a proportion of the Spanish affiliated population. In fact, in the Special System for Household Employees, young foreign affiliates account for 66% of all affiliates aged 16-24. In the case of the Special Agricultural System, they account for 41%. Foreign workers aged 16-19 accounted for 16% of the total number of workers in this age group, higher than the 12% share of foreign workers in the total number of workers in this age group¹⁴.

3.1.4. The accident rate among migrants at work

In 2022, which is the year for which data disaggregated by age are available, the over-representation of foreign nationals in fatal accidents (18%) is striking, above their share of workplace accidents with sick leave (13%), as is the low percentage of work-related illness. The annual Incidence Rate¹⁵ for the foreign national population was 3,289.5, 13% higher than that of the Spanish working population¹⁶.

14 Ministry of Labour and Social Economy. (n.d.). Anuarios. [Anuarios. Ministerio de Trabajo y Economía Social \(mites.gob.es\)](https://www.mites.gob.es)

15 The annual incidence rates are the quotient of the total number of workplace accidents occurring during the year, multiplied by 100,000 and divided by the annual average number of workers affiliated at the end of the month to Social Security with coverage for occupational contingencies.

16 The data in this section come from the following sources: Ministry of Labour and Social Economy. (n.d.). *Estadística de Accidentes de Trabajo del año 2022. Estadística de Accidentes de Trabajo del año 2022. Ministerio de Trabajo y Economía Social (mites.gob.es)*; y Ministry of Labour and Social Economy. (n.d.). *Informe sobre el estado de la seguridad y salud laboral en España 2021-2022. Informe sobre el estado de la seguridad y salud laboral en España. 2021-2022 (insst.es)*

3.2. Migrant women

3.2.1. Evolution of migrant women's access to the labour market between 2012 and 2023

Enrolment of foreign women increased by 59.8% between December 2012 and December 2023¹⁷. For female EU nationals, the increase was 41%, while among third country nationals it was 60%. The most significant change in the sections of affiliation is represented by domestic work: in 2012 this was the section with the highest volume of employment, followed by hotels and restaurants, but in 2023 hotels and restaurants took first place. In terms of occupation, of the 227% increase associated with dual nationality, 54% are women.

While it is true that the percentage of those in group 9 (elementary occupations) decreases for Spanish, dual nationality and foreign women, in the last quarter of 2012 foreign and dual nationality women accounted for 59% of all women, this percentage has risen to 70% in the last quarter of 2023. Group 2 (technicians, scientific and intellectual professionals) has seen the largest increase in foreign women, with a 136% increase, and group 3 (technicians, support professionals) has seen the largest increase in women with dual nationality, with a 430% increase.

Despite the fact that women third-country nationals receive more pensions than men¹⁸, 48% are widow's pensions and 35% are retirement pensions while for men 5% are widower's pensions and 59% are retirement pensions. The relevance of this difference is that the average retirement pension is the highest among all pensions and in all nationalities, and that men's pensions are higher than women's (with the logical exception of widows' pensions). Both foreign men and women work beyond the age of 65 and even beyond this age, delaying retirement for longer than Spanish nationals.

3.2.2. Working migrant mothers

With data from 2022¹⁹ for people aged 15-64, 20.7% of women of Spanish nationality work part-time compared to 6.1% of men. Of female EU nationals, 21.4% work part-time, 6.9% in the case of men. And for female

17 The data in this section come from the following sources: Ministry of Labour and Social Economy. (n.d.). *Avance Anuario de Estadísticas 2022*. [Avance Anuario de Estadísticas 2022](#). Ministry of Labour and Social Economy (mites.gob.es); and Ministry of Inclusion, Social Security and Migrations. (n.d). *Pensiones y pensionistas*. [Seguridad Social: Estadísticas \(seg-social.es\)](https://seguridad-social.gob.es/estadisticas)

18 Permanent disability, retirement, widowhood, widowerhood, orphanhood and family benefits.

19 The data in this section come from the following sources: National Statistics Institute. (2023). INEbase. https://www.ine.es/dyngs/INEbase/es/categoria.htm?c=Estadistica_P&cid=1254735572981; Ministry of Education, Vocational Training and Sports. (2023). *Estadística de las Enseñanzas no universitarias*. <https://www.educacionfpydeportes.gob.es/dam/jcr:33aaefe9-377f-4258-b5e4-585604455239/nota-avance-2022-23.pdf>; National Statistics Institute. (2023). INE database. https://www.ine.es/dyngs/INEbase/es/categoria.htm?c=Estadistica_P&cid=1254735572981

third-country nationals, the percentage rises to 29.1% compared to 9.3% for men. The percentages change for the age range is 25 to 54 years. In this case, 19.3% of Spanish women, 20.5% of EU women and 28.4% of third-country nationals work part-time. If we look at the [INE Birth Statistics 2022](#) of the 329,251 births, 23% were to foreign mothers; between 25 and 29 years of age, 25% of births were to foreign mothers and 15% to Spanish mothers; between 30 and 34 years of age, 30% to foreign mothers and 34% to Spanish mothers. Following [EUROSTAT](#) in 2022, the in-work poverty rate for Spanish women aged 25-54 was 8.7%, while for women third-country nationals it rose to 35.8%. In this context, it is more difficult for the latter to “outsource” care work, which should be more extensive the younger their age when they have children.

3.3. Evolution of the difficulties in access to the labour market of the population requesting and benefiting from international protection between 2012 and 2023

In 2012, 2,588 applications for international protection were lodged, while in 2023, 163,220 applications were lodged²⁰. Also, in 2023, more than 80% of the applicants were between 16 and 65 years old, compared to 2,000 in 2012, an increase of 66% in the number of people potentially active in the Spanish labour market. In this context, some of the difficulties in accessing employment identified in the 2013 Forum report are still valid, albeit with nuances. In addition, in 2023, there are others such as opening a bank account; accessing the new concept of “residency for training purposes” or “residency for employment purposes”; the modification of the duration of the employment pathways in the reception system; delays in the allocation of appointments for the expression of intent and for the formalisation of applications; delays in the process of resolving cases in the Asylum and Refugee Office; the impossibility of renewing documentation; or the lack of knowledge of the administrative documents that accredit the applicant’s situation on the part of companies.

20 The data in this section come from the following sources: National Statistics Institute. (2023). INE database. https://www.ine.es/dyngs/INEbase/es/categoria.htm?c=Estadistica_P&cid=1254735572981; CEAR. (n.d.). *(Más que) Cifras*. <https://masquecifras.org/> <https://www.educacionpydeportes.gob.es/dam/jcr:33aaefe9-377f-4258-b5e4-585604455239/nota-avance-2022-23.pdf>; Ministry of the Interior (n.d.). *Portal de asilo y refugio. Datos e información estadística*. <https://proteccion-asilo.interior.gob.es/es/datos-e-informacion-estadistica/publicaciones/>

3.4. False stereotypes and counter-narratives about the migrant population

3.4.1. “More than 25% of the population is of foreign nationality”

According to the [Continuous Civil Register Statistics](#) of the INE (National Statistics Institute)²¹, on 1 January 2022 there were 47,475,420 registered persons in Spain, 11.68% of whom were foreign nationals (7.6% of whom were third-country nationals). The most recent [Continuous Population Statistics](#) as of 1 January 2024 indicated that 13.3% of the population in Spain was of foreign nationality. In this sense, it should be noted that the concept of “immigrant” is changing in society’s imaginary and tends to include or exclude nationalities and people according to different criteria. UK citizens (the fourth largest foreign nationality in the country) are rarely considered to be immigrants, even though they are third country nationals. However, the 627,478 persons of Romanian nationality, and therefore EU citizens and holders of the right to free movement, are perceived as migrants. Also, many of those who have acquired Spanish nationality by residence will continue to be considered immigrants.

3.4.2. “Immigrants collapse the public health system”

According to the [National Health Survey 2017](#)²² of the 16 million medical consultations carried out in the National Health System, 11% were by foreign-born persons (not necessarily of foreign nationality). The data from the [Continuous Census Survey](#) of the INE (National Statistics Institute) show that on 1 January 2022, 63% of the population of Spanish nationality was between 16 and 64 years of age, that of the population of foreign nationality was 78%, while 22% of the population of Spanish nationality and 7% of the population of foreign nationality were in the 65 and over age bracket. For children aged 0-15 years, both groups had the same percentage: 15%.

3.4.3. “They are a burden for Spain and have more social advantages”

According to the [Report on the Minimum Income Scheme -year 2021-](#)²³, 26.1% of the 305,340 recipients were foreign nationals. With the exception of the Basque Country, the different regional benefits whose data feed into the report require that persons of foreign nationality must have legal residency. If it were true that the migrant population wants to live on “benefits”, the

21 The data in this section come from: National Statistics Institute. (2023). INE database. https://www.ine.es/dyngs/INEbase/es/categoria.htm?c=Estadistica_P&cid=1254735572981

22 The data in this section comes from: Ministry of Health. (2017). *Encuesta Nacional de Salud de España*. Ministerio de Sanidad - Sanidad en datos - Encuesta Nacional de Salud de España 2017; National Statistics Institute. (2023). INE database. https://www.ine.es/dyngs/INEbase/es/categoria.htm?c=Estadistica_P&cid=1254735572981

23 Ministry of Social Rights, Consumer Affairs and 2030 Agenda. (2022). *Rentas mínimas de inserción en España*. <El Sistema Público de Servicios Sociales> (mdsocialesa2030.gob.es)

Basque Country, one of the seven Autonomous Regions with the lowest percentage of foreign nationals, should be one of those that attracts the largest foreign population.

3.4.4. “They take our jobs”

The labour market integration of migrant workers is very different from that of the Spanish population. In fact, the labour market integration of people with dual nationality is more similar to that of the foreign population than to that of the Spanish population. This is observed in occupation group 9 (elementary occupations) where in the last quarter of 2023, 9% of Spanish nationals, 26.1% of foreign nationals and 22% of dual nationals were found. The average wage of this group is 39% lower than the total average wage of all groups. Far from being in competition, the labour market integration of foreign nationals is complementary to that of the native population and concentrated in certain occupations.

3.4.5. “We can’t employ you with this documentation”

Some administrative-labour agencies, as well as personnel and human resources departments, recommend not to hire people with certain types of documentation, either due to lack of knowledge, lack of information or lack of clear legislation. This is one of the main problems faced by applicants for international protection, as there are more and more occasions when, despite having passed the selection process, they are ultimately not offered a job. To question this lack of belief we refer to Article 46. 5th of Directive 2013/32/EC of the European Parliament and of the Council; Article 15 3rd of Directive 2013/33; or to Judgment 1502/2021 of 16 December of the Chamber of the Supreme Court.

3.5. How to move forward. Conclusions and recommendations

- ➔ Between 2012 and 2023 the labour market position of foreign nationals and dual nationals has hardly changed, as shown by their concentration in lower paid occupations. Employment and training policies need to take into account the socio-occupational circumstances of the migrant population. It is also a matter of reducing the waiting time for degree accreditation and accreditation processes.
- ➔ The Special System for Household Employees has the highest percentage of people over 55 years of age affiliated, especially women. Despite the improvement in unemployment contributions and benefits, legal changes are still needed to improve working conditions and equalise rights with other workers.
- ➔ The short contribution careers of the foreign population, the higher levels of unemployment and their eventual presence in jobs in the black economy, make unemployment protection very different

from that of Spanish nationals. Control of irregular employment should be strengthened and a study on the situation of foreigners receiving unemployment benefits should be promoted.

- ➔ For foreign young people, labour market integration begins earlier than for Spanish young people. The situation of the Special System for Household Employees is striking, where more than 66% of the affiliated persons between 16 and 24 years of age were foreign nationals. Therefore, policies are needed to encourage this demographic to remain in the education system and progression to tertiary education.
- ➔ The over-representation of the foreign population in fatal workplace accidents, as well as the fact that their incidence rate of workplace accidents is 13% higher than that of the Spanish population, point to the need for occupational risk prevention and the Labour and Social Security Inspectorate to adopt measures to guarantee health and safety.
- ➔ The hotel and catering industry has become the main employer of foreign women. However, while their presence in the higher paid groups is increasing but is not as high as in occupations in group 9 (Elementary Occupations). The process of recognition of foreign qualifications needs to be facilitated and speeded up, and training and professional development programmes need to be offered.
- ➔ Although more foreign women than men are unemployed, they receive unemployment benefits to a lesser extent and welfare benefits to a greater extent. This, coupled with the perception of lower pensions, leaves a picture of poverty that needs to be addressed.
- ➔ Women of foreign nationality have higher percentages of part-time jobs than their Spanish peers; the age at which they become mothers is earlier; and the characteristics of their jobs and their remuneration do not allow them to “externalise” the care of their children. Measures are needed to ensure a balance is achieved between work, family and personal life.
- ➔ Applicants and beneficiaries of international protection continue to face many obstacles to their integration into the labour market. The existing delay in formalising applications and in their resolution need to be remedied, and the new duration of the comprehensive pathway also needs to be reflected on, as it is not sufficient to address the needs of the applicants.
- ➔ Misinformation about immigration and migrants has increased in recent years. One way to deal with claims that lack context or supporting evidence is to provide verified data from official sources or to relate them to other circumstances that render them meaningless.

4

Situation of the immigrant population in the field of education and actions in this area for their integration

Prepared by:
Commission on education and social awareness

This chapter analyses challenges faced by foreigners living in Spain in terms of education, such as school segregation, as well as developments related to regulations aimed at the inclusion and integration of immigrant students or students with an immigrant background. It also emphasises the need to tackle hate crimes and hate speech in educational centres through the training of emotional and civic skills that allow progress to be made in interculturality and social cohesion. In this regard, some successful tools and experiences are presented.

4.1. Educational residential segregation

Various international organisations have made recommendations on school segregation in Spain, a growing problem that will require further experimentation, internal and external evaluation, and public policies specifically aimed at combating it. In recent years there have been advances, such as the law 15/2022²⁴, of 12 July, on equal treatment and non-discrimination. In addition, in 2022, the government carried out a public consultation prior to the elaboration of a draft law²⁵ consisting of an Organic Law against Racism, Racial Discrimination and related forms of intolerance in which racial segregation should be one of the issues to be addressed.

24 Available at: [BOE-A-2022-11589](https://www.boe.es/boe/BOE-A-2022-11589) Ley 15/2022, de 12 de julio, integral para la igualdad de trato y la no discriminación.

25 Ministry of Equality. Consulta pública previa a la elaboración de un proyecto normativo consistente en una Ley Orgánica contra el Racismo, la Discriminación Racial y formas conexas de intolerancia (igualdad.gob.es)

4.2. Criminal and non-criminal hate speech

Hate crimes in Spain grew by 3.7% in 2022. Those associated with racism and xenophobia are the most numerous (43.5%), followed by LGBTI-phobic (24.5%)²⁶. However, according to the [Ministry of the Interior's National Office for Combating Hate Crime](#) **8-9 out of 10 hate crimes are not reported** due to lack of confidence in the police or difficulties in reporting. However, progress has been made in recent years by putting in place resources such as specialised hate crime prosecutors' offices; passing the Equal Treatment Act; and strengthening the CEDRE victim support service. Thanks to the latter, reporting has increased from 500 racist incidents per year to more than 1,500 in 2022 and more than 2,500 in 2023²⁷.

Human rights organisations point out that the criminal justice sphere should be for the most serious cases and that criminal prohibition alone is not sufficient to eradicate hate speech and is not always the appropriate mechanism. While noting that certain expressions should be subject to criminalisation, they call for clarification of the scope and applicability of civil or administrative liability for hate speech that is intended to provoke, or may reasonably be expected to provoke, acts of violence, intimidation, hostility or discrimination. They also call for the accountability of hate speech perpetrators, internet service providers, digital forums, online intermediaries, social networks, blog moderators and other actors performing similar functions. In this regard, it should be noted that **Law 4/2023, for the real and effective equality of trans people and for the guarantee of the rights of LGBTI people**, indicates which are **minor**, **serious** and **very serious** administrative offences. This is also the path sought by the future law against racism, racial discrimination and related intolerance.

4.3. UNESCO's proposals to tackle hate speech through education

Tackling hate speech through education is a need identified by international organisations. This involves identifying non-desirable behaviour, such as confrontation with perceived differences and attitudes of intolerance, and providing appropriate socio-emotional and citizenship skills. Key for this purpose is the UN [Hate speech strategy and action plan for 2019](#), as well as the guide [Tackling hate speech through education. A guide for policy makers](#), in which UNESCO proposes tools and methodologies for combating hate speech in schools.

26 Ministry of the Interior. Informe sobre los delitos de odio en España. Actualización prevista 2º trimestre 2024

27 CEDRE. (2020). *Estudio sobre la percepción de la discriminación por origen racial o étnico por parte de sus potenciales víctimas. Consejo No Discriminación - Percepción de la discriminación por origen racial o étnico por parte de sus potenciales víctimas en 2020.* (igualdad.gob.es)

4.3.1. Studies, materials and programmes on combating hate speech in the field of education

ENTITY: MADRE CORAJE

PROJECT: SCHOOLS FREE OF HATE SPEECH. This project promotes proposals to identify hate speech, as well as processes to deconstruct violent narratives and construct other transformative narratives. The educational community of secondary schools and vocational training centres is involved, especially encouraging the participation of PTAs, and good educational practices are exchanged between Andalusian schools.

ENTITY: FUNDACIÓN FAD JUVENTUD campus FAD

PROJECT: NO MORE HATERS. Initiative to fight hate speech promoted by Fad and Maldita.es with the support of Google.org. The aim is to reach 35,000 young people aged 14-29 to make them aware of the importance of generating responsible discourse free of hate, based on inclusion and respect.

PROJECT: DIVERSIDAD EN SERIE (Diversity in Series). Short film competition on diversity in collaboration with Netflix, aimed at teenagers in secondary education and vocational training. It ran from 2020 to 2022.

PROJECT: DESACTIVA TUS PREJUICIOS (Deactivate Your Prejudices). Based on social theatre, with the support of Facebook, this project seeks to prevent and anticipate negative stereotypes in adolescence. Two components have been developed: research and educational action. It includes two investigations and a teaching guide.

ENTITY: FUNDACIÓN ESPLAI

PROJECT: NÓS INTERCULTURALES. EDUCACIÓN MEDIÁTICA CONTRA EL DISCURSO DEL ODIO

(Media Education Against Hate Speech)

This guide aims to provide digital tools for the creation of a counter-narrative that offers a positive alternative to extremist propaganda. It is developed thanks to the contributors who choose to support charity with their tax contributions.

ENTITY: JÓVENES Y DESARROLLO

PROJECT: CIBERAGENTES POR UNA CULTURA DE PAZ. (Cyber-agents for a Culture of Peace). Carried out together with Maldita.es and financed by the Madrid City Council, it seeks to make young people the protagonists by creating communication campaigns aimed at preventing hate speech and misinformation.

PROJECT: JÓVENES INTERCONECTAD@S PARA TRANSFORMAR LAS REDES SOCIALES HACIA UNA CIUDADANÍA GLOBAL (Interconnected Youth to Transform Social Media Towards Global Citizenship). Framed within the UN Hate Speech Strategy, it has at its core the promotion of responsible global digital citizenship to prevent hate speech and misinformation that has proliferated, especially in the context of the pandemic.

PROJECT: SOMOS MÁS (We Are More). This project aims to prevent and raise awareness of hate speech and violent radicalisation. Completed in 2020 but materials are available.

ENTITY: FUNDACIÓN ADSIS

PROJECT: #NODAIGUAL: LUCHA CONTRA EL ODIO, RACISMO Y XENOFOBIA EN LAS REDES SOCIALES (Combating Hatred, Racism and Xenophobia on Social Media). The project aims to combat hate speech, racism and xenophobia on social media. It takes place in years 5 and 6 of primary school.

ENTITY: ACCEM

PROJECT: #SAVE A HATER. It offers tools to combat racism, xenophobia, misogyny, homophobia and the spread of false content, as well as a handbook that provides guidance on how to deal with polarisation and hate messages circulating in digital environments.

PROJECT: #(Des)conectad@s. Diagnóstico sobre la relación de la adolescencia con los discursos de odio en el entorno digital. (#(Un)connected. Diagnosis of the relationship between adolescents and hate speech in the digital environment). Produced as part of the SINRACXEN project, it analyses the relationship between the adolescent population in Spain and racist and discriminatory attitudes in the use of ICT.

ENTITY: GOBIERNO VASCO and ASOCIACIÓN MOVIÉNDOTE

PROJECT: SET DE RECURSOS PRACTICOS PARA TRABAJAR EL DISCURSO DEL ODIO EN EL AULA. (Set of practical resources for working on hate speech in the classroom). Different references and activities collected throughout the project are assembled and, most importantly, tested as very useful for classroom work.

ENTITY: INSTITUT DE DRETS HUMANS DE CATALUNYA

PROJECT: ¿ES ODIO? MANUAL PRÁCTICO PARA RECONOCER Y ACTUAR FRENTE A DISCURSOS Y DELITOS DE ODIO. (Is it hate? A practical handbook for recognising and responding to hate speech and hate crimes). Produced within the framework of the Això és odi project, it has been carried out jointly by SOS Racisme Catalunya and the Institut de Drets Humans de Catalunya, with funding from Barcelona City Council.

ENTITY: INJUVE. Instituto de la Juventud

PROJECT: Orientaciones. Manual para combatir el discurso de odio en internet. (Guidance. Handbook for combating hate speech on the internet). It seeks to support the youth campaign of the Council of Europe's No Hate Speech Movement and is useful for those dealing with online hate speech from a human rights perspective, inside or outside the formal education system.

4.4. PROA+ Programmes: The Plan for receiving immigrant students and their integration in the classroom²⁸

The Program for Orientation, Progress and Educational Enrichment PROA+ aims to offer support and guidance to students in a situation of educational vulnerability and to reduce school dropout rates. It is aimed at schools with special educational complexity and which have a significant number of these pupils who show difficulties throughout their school career. As part of Component 21 of the Recovery, Transformation and Resilience Plan, it focuses on providing resources to schools that commit to adapting their educational project to the needs of students, through contract programmes or similar collaboration agreements.

In this framework, the leverage activity is the initiative that an educational institution implements in order to encourage a global transformation process, i.e., in general, the applied part of a strategic improvement plan, its practical dimension. The Ministry of Education, Vocational Training and Sport published the [Palanca Proa+ activity catalogue. Academic year 2022/23](#) and the [Palanca PROA+ Activities Catalogue. Academic year 2023/24](#) prepared in collaboration with the Autonomous Regions.

4.4.1. Leverage activity A209. Plan for receiving immigrant pupils and their integration in the classroom

The need to foster an inclusive community culture that promotes equity among all pupils increases with the presence of vulnerable pupils of immigrant origin (which represented 12.3% in the 22/23 academic year in Primary and 9.8% in Secondary). From this stems the need to develop a plan for the reception of pupils of immigrant origin with the aim of laying the foundations for their personal success and with the participation of the entire educational community from a multifactorial and inclusive point of view. In the two catalogues mentioned above, the development of this leverage activity can be consulted, as well as references to scientific and institutional publications on the receiving of immigrant pupils and good practices related to this leverage activity.

²⁸ The information in this section has been obtained from MEFPD publications, specifically from the catalogue of Palanca Proa+ activities between 2022 and 2024.

4.5. MUS-E Programme: good practice in educational inclusion and intercultural education and education for coexistence

In the 2021/22 academic year, 882,814 foreign students participated, representing 11% of the non-university student body and around 15% of the total number of foreign students²⁹. In this context, the work in the centres that embrace this rich diversity is a source of constant reflection. MUS-E® appeared in Spain in February 1996, as a project of stimulating artistic experiences in which skills for social cohesion and inclusion of children living in disadvantaged environments are promoted, combining different facets of artistic, social, cultural and educational work. To this end, schools include the programme in the Annual General Programme. The Organic Law 3/2020 (LOMLOE) includes the importance of linking pedagogical guidelines to the **Sustainable Development Goals** of the 2030 Agenda, in line with the work developed by MUS-E®. According to the data collected in the Evaluation Report ON NETWORK (2022- 2023), the programme has 34,381 participants in 184 centres and 1,606 classrooms. Among the MUS-E® pupils, there is a high participation of pupils belonging to families of foreign origin (29%) and pupils from the Roma ethnic minority (6%).

4.6. Local governance: socio-educational action networks

The experiences called “Mesa de Infancia” (Round Table on Childhood), promoted by the City Council or its Social Services, bring together all the agents working with children in the territory, with the aim of establishing a common strategic framework. It functions as a network of socio-educational action and as an example of coordination between public and private actors. Through the meeting, needs are analysed and concrete actions to address them are coordinated. If resources are not available, the Round Table seeks new resources and scales up the need. In addition, the Round Table allows the different agents to get to know and recognise each other, thus facilitating coexistence and social cohesion in the territory.

29 OBERAXE. (2022). *Informe sobre la Integración de los estudiantes extranjeros en el sistema educativo español*. https://www.inclusion.gob.es/oberaxe/es/publicaciones/documentos/documento_0153.htm

4.7. Training and employment

Access to the labour market is crucial for the integration of immigrants. Among the most common challenges faced by the immigrant population in doing so are the recognition of degrees and diplomas, language barriers, discrimination, and lack of access to training and education. In relation to the latter, it is necessary to point out two avenues available to migrants residing in our country: the residency for training purposes and residency for vocational training purposes.

As for the “residency for training purposes”, it may be granted to foreign citizens who are in Spain and have been in the country continuously for two years, allowing them to obtain an authorisation to undergo training, as well as making the granting of a residence and work permit conditional on the completion of the training and the presentation of a work contract. Although it is a relatively new statistic, as of 30 June 2023, there were 15,019 persons with initial residence authorisation for this type of residency³⁰.

Vocational training, on the other hand, has proved to be a lever for integration. It needs to adapt to the intrinsic changes that related occupations are undergoing in order to attract talent in a labour market where employment opportunities will open up in the coming years. The percentage of total employment of foreigners with Vocational Training studies is 12.6% lower than that of people of Spanish origin. Another major challenge is the distribution of the employed by educational level, given that the foreign employed population has no vocational training (13.6%)³¹.

4.8. Foreign university students’ access to Spanish nationality

For the purposes of Law 4/2000 and its Regulation, the time students spend in Spain while studying is a temporary stay and not a period of residence, regardless of the time spent. Similarly, case law maintains that a temporary stay for study purposes does not constitute legal residence for the purposes of acquiring Spanish nationality, since the purpose for which the student card is granted is only to study or extend studies or to carry out research or training tasks. However, it does count towards the EU Long-Term Card.

Spain has become a perfect destination for EU and non-EU citizens to start or extend their education, thanks to its large network of study centres and universities, as well as the wide variety of training they offer. Students are

30 Ministry of Inclusion, Social Security and Migrations. [ESTADÍSTICA DE PERSONAS CON AUTORIZACIÓN DE RESIDENCIA POR ARRAIGO. Stock mensual desde el 30 de junio de 2013 al 30 de junio de 2023.](#)

31 CaixaBank Dualiza. (2023). *La formación profesional ante los retos sociales*: 161. <https://www.caixabankdualiza.es/wp-content/uploads/2023/11/informe-completo-2023.pdf>

the ultimate expression of integration, as far as immigration is concerned, as they are in a multifaceted process involving active participation in the community. The educational environment involves relevant spaces for integration, such as extra-curricular internships, which foster interaction among peers, or internships and work placements, which provide the opportunity to establish professional contacts.

The trend in the EU towards removing bureaucratic barriers and opening up mobility and employment opportunities for students is unquestionable, given the need to attract talent and facilitate the incorporation of qualified profiles in the current demographic context and international competition.

