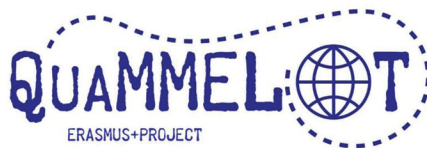




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KA2 Cooperation for Innovation and Exchange of Good Practices

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Qualification for Minor Migrants education and Learning Open access - On line Teacher Training

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## Report Italy

Normative Framework

### Output 6



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## Normative framework

- The national context
- Foreign students in different school grades
- ForeignstudentsIn Tuscany
- The Unaccompanied Minor Foreigners
- The legal framework for the education of foreign students
- The most recent measures for the school integration of foreign children

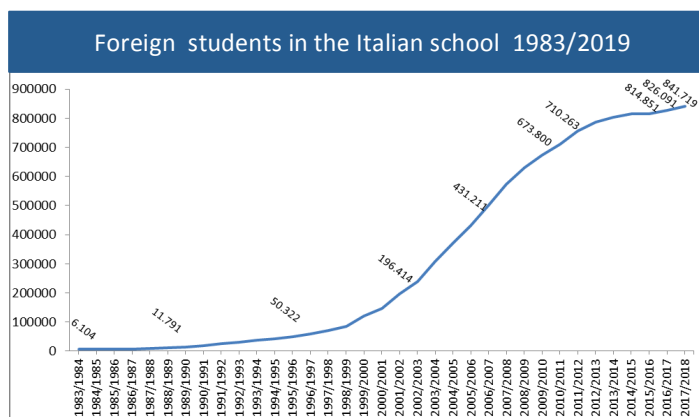
## National Context [IL REPORT COMPLETO DEL MIUR](#)

In the last twenty years **Italy** has been subject to strong migration flows: it is among European countries that have seen a constant growth in the presence of foreigners. The number of foreigners has increased from 500 thousand to 5 million, definitively marking the transformation of Italy from a country of emigration to a country of immigration. The strong growth that has characterized the migratory flows since 1995 has also marked the considerable increase of legally residing citizens. According to Eurostat data as of 1 January 2019 Italy is the third country in the European Union for foreign population, with 5 million foreign citizens, after Germany (9.2 million) and the United Kingdom (6.1 million) and ahead of France (4.6 million) and Spain (4,4 million)<sup>1</sup>.

It is a well-established fact that students of migratory origin have become an integral part of the national school population, making the Italian school increasingly multi-ethnic and multicultural.

[http://www.indire.it/lucas/lkwm\\_img/eurydice/quaderno\\_eurydice\\_30\\_per\\_web.pdf](http://www.indire.it/lucas/lkwm_img/eurydice/quaderno_eurydice_30_per_web.pdf)

The presence of **students with non-Italian citizenship** (INC), found to a limited extent in the 1980s, has had a significant increase in subsequent years in numerical progression until the school year 2016/2017. In the face of a subsequent slowdown in the number of newly arrived students in the Italian school system, the incidence of foreign students in 2019 represents **9.7%** of the school population.<sup>2</sup>



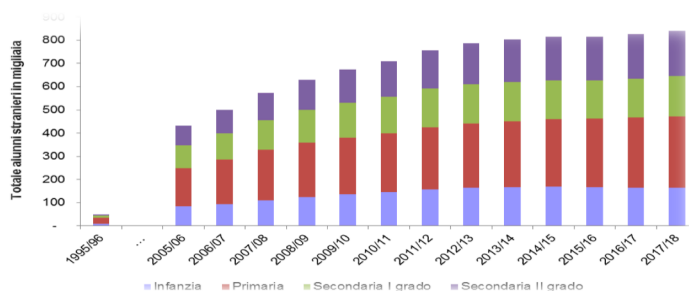
### School Year 2017/2018

**Foreign students** Italian school welcomed 8,664.000 students, of which **841,719** with not-Italian citizenship, equal to **9,7%** of the total population.

**Second generation foreign students** born in Italy to not-Italian parents who do not have Italian citizenship are **63,1%** of the total number of the students with INC (**531,467**) and represent **6,1 %** of the total number of the students.

## Foreign students in different school grades

The analysis of the percentage distribution of foreign students in Italy, in the different school levels in the last twenty years, shows two important transformations: on the one hand there has been a relative loss of relevance of foreigners in primary school, which still today collects the largest number of foreign students, on the other hand it is the secondary school that is characterized by the greater dynamism with regard to foreign students. The graphs show the historical data and the number of foreign students by school order and the number of students in the year 2017/2018.



Preschool	Primary	Secondary	Upper Secondary
165.115	307.818	173.815	194.971
19,6%	36,6%	20,7%	23,2%

<sup>1</sup> Source: <https://www.tuttitalia.it/statistiche/cittadini-stranieri-2019/>

<sup>2</sup> Source: [IL REPORT COMPLETO DEL MIUR](#)

## Foreign Minors in Tuscany

The school system in Tuscany, with 439,055 students with Italian citizenship, welcomes **70,431 foreign students** into its schools, testifying to an articulated reality made up of new arrivals, children and young people belonging to the second generation and, in ever-increasing numbers, the inclusion of unaccompanied Foreign Minors in school.

Tuscany, on a national level, is in third place after Emilia Romagna (16.1%) and Lombardia (15.1%) with an incidence percentage of **13.8%** of students with NIC on the total school population which is higher than the national one which is 9.4%. At a territorial level, **the province of Florence**, with its 22,034 foreign students, is in sixth place in Italy for the absolute number of students with NICs.

Distribution of foreign students in Italy 2018



## Unaccompanied Foreign Minors (URM) in Italy

In accordance with the principles and the European Recommendations on unaccompanied minors adopted at European and **International**<sup>4</sup>, Italian law provides specific provisions on the reception of Unaccompanied Minors (D.Lgs. n. 142/2015) in facilities dedicated to them, on the paths of social and educational integration even beyond the age of 18 years and up to maximum age of 21 years for the completion of their training.

**The Law 7 April 2017 n.47**<sup>5</sup>, specifically dedicated to Unaccompanied Foreign Minors, has allowed a series of systematic interventions in favour of these minors when they are on Italian territory, recognizing that they are vulnerable persons who are holders of fundamental rights and, in particular, of the right to study. The law has introduced the figure of the **voluntary guardian** who makes himself available to assume the protection of Unaccompanied Minors. The minor must fulfill the compulsory schooling through the attendance of education or training courses at educational or training institutions accredited by the Regions (art. 14).

Between 2014 and 2018 more than 70 thousand Unaccompanied Foreign Minors (UFMs) arrived in Italy and were taken care of by the national reception system. The large presence of single foreign minors and the growing number of unaccompanied minors (about 60,000 in the last five years) in Italy, lead to the need to better understand the measures and possibilities of protection and social inclusion of this segment of the population. The majority of UFMs (80.0%), are between 16 and 17 years old. They arrive in Italy driven by conflict, poverty, disasters, or in search of opportunities. During the trip many of them have faced dangers, detention, violence, exploitation and abuse. The main nationalities are Albania (27%), followed by Egypt(8.8%),Pakistan(8.3%),Bangladesh(8.0%),Kosovo(5.4%), Ivory Coast(4.7%), Gambia(4.3%),Senegal (8,0%).

Distribution according to age groups- Source Ministry of Social Policies

Age groups	2017	%	2018	%	2019
0-6 years	116	0,6	84	0,8	44
7-14 years	1.113	6,1	671	6,2	270
15 years	1.760	9,6	860	8,0	438
16 years	4.279	23,4	2.680	24,8	1.579
17 years	11.035	60,3	6.492	50,2	3.723
<b>Total</b>	<b>18.303</b>		<b>10.787</b>		<b>6.054</b>

### MSNA in Tuscany

There are **371 Unaccompanied Foreign Minors in Tuscany**(April2020). Most of them are children aged 15-17 years old who are enrolled in Italian language courses organized by the CPIA. About a third of them attend secondary schools.

For the learning of the Italian language and for the inclusion in education and training courses is of great importance the collaboration between the **CPIA** (Provincial Centres for Adult Education) and schools. In addition to a reception program for integration at school, an **Individualized Educational Plan (IEP)** must be prepared, which indicates when and how each student's educational path must be carried out and which must be prepared by the operators of the structure that welcomes the child, the social services of the municipality of residence and the school.

<sup>4</sup> Comitato Onu sui diritti dell'infanzia e dell'adolescenza Commento Generale n. 6 Trattamento dei bambini separati dalla loro famiglia e non accompagnati, fuori dal loro paese di origine, 2005, par.12). Piano di Azione sui MSNA adottato dalla commissione europea (2010-2014)

<http://ec.europa.eu/eurostat/web/asylum-and-managed-migration/data/database>.

<sup>5</sup> Legge 7 aprile 2017, n. 47 Disposizioni in materia di misure di protezione dei MSNA

## Normative framework on the education of foreign children

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The right to study of foreign students finds its main normative source in the D.Lgs.n.286/1998 [Testo Unico sull'immigrazione](#) where, in art. 38 it is established that foreign minors present on the national territory are subject to compulsory schooling and that all the provisions in force regarding the right to education, access to educational services, participation in the life of the school community apply to them. According to art. 45 of the Immigration Regulation ([D.P.R. n. 394 del 1999](#)) foreign minors have **the right to education** regardless of the regularity of their position, in the forms and manner provided for Italian citizens. As far as the enrolment is concerned, the Regulation provides that minors must be enrolled in the class at the age of registration, unless the board of teachers decides to enrol them in a different class, taking into account the study system of the country of origin, the course of study followed, the level of preparation achieved. The board of teachers also defines the necessary adaptation of the teaching programs, through a **Personalized Educational Plan** (PEP). Specific individualized interventions or for groups of students can be adopted to facilitate the learning of the Italian language.

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## The most recent measures for school integration

In **2014** the **Ministry of Education** has published Guidelines [Linee guida per l'accoglienza e l'integrazione degli alunni stranieri](#) that have proposed operational guidelines and models of integration and educational support for a good integration of children and young people of foreign origin. With reference to the concentration of pupils with foreign citizenship in some schools, the document called for a balanced distribution of enrolments through agreements between schools and collaboration with local authorities. Within the single schools the orientation is to favour the heterogeneity of the citizenships in the composition of the classes, rather than forming homogeneous classes for territorial or religious origin of foreigners. The Guidelines have provided, for newly hired and current school staff, training courses on the theme of interculture.

In **2014**, the Ministry of Education established the **National Observatory for student integration and interculture** with the aim of identifying solutions for an effective adaptation of school integration policies to the needs of an increasingly multicultural and constantly changing society. [Osservatorio nazionale per l'integrazione degli studenti stranieri e per l'intercultura](#)

With **Law 107/2015** (art.1, para.7), the **Ministry of Education** has included among the objectives of strengthening the educational offer the literacy and improvement of Italian as a second language through courses and workshops for students of citizenship or non-Italian language. It has established a new teaching class A23 - *Italian language for foreign language students* (DPR 19/2016).

In **2015** the document "Different from whom? Recommendations for the integration of foreign pupils and for interculture", which represents a vademecum drawn up by the National Observatory full of recommendations and operational proposals derived from the best school practices, for a more effective and correct organization of the reception and integration of foreign pupils. [Diversi da chi? Raccomandazioni per l'integrazione degli alunni stranieri e per l'intercultura](#)

In **2017**, the **Ministry of Education** adopted the "Guidelines for the right to study of pupils and students outside the family of origin". The document concerns foreign minors arrived in Italy without adults of reference: pupils in family foster care, pupils in protected structures and unaccompanied foreign minors and offers tools and methodological indications useful to avoid fragmentation and interruption of the school path that leads to high school dropout rates. [Linee Guida per il diritto allo studio delle alunne e degli alunni fuori dalla famiglia di origine](#).