

QuaMMELOT



Qualification for Minor Migrants Education and Learning Open access –
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Module 1 “Legislation”

Phase 1 – Lecture Notes

*Essential normative lines of four European countries
(Denmark, Greece, Italy, Spain) in comparative terms*

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Summary

The Module presents the Essential Regulations of the four European countries (Denmark, Greece, Italy, Spain) participating in the QuaMELOT project.

For each country, the migration context, the educational system and the bibliographic and sitographic indications are indicated.

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DENMARK

The migratory context

On 1st of January 2018, there were: 591.678 immigrants in Denmark, 247.873 immigrants from Western Countries and 343 805 immigrants from non-Western countries. (<https://www.dst.dk/Site/Dst/Udgivelser/GetPubFile.aspx?id=29445&sid=indv2018>, p. 11)

According to Danish Statistics there are living people in Denmark with more than 200 different countries. From the Western Countries, the biggest group of immigrants come from Poland, Germany and Romania, and from Non-Western Countries, the three biggest groups of immigrants with come from Syria, Turkey and Iraq. (<https://www.dst.dk/da/Statistik/emner/befolkning-og-valg/indvandrere-og-efterkommere>;

<https://www.dst.dk/Site/Dst/Udgivelser/GetPubFile.aspx?id=29445&sid=indv2018> p. 13).

The education system

Three basic laws:

There are three laws that specifically influence the targeted effort for migrant children. These are:

- Integration Act (1998), and subsequent integrations, that encourages immigrants to have the opportunity to use their skills and resources to become active citizens as the Danes. The main areas of intervention are housing and the integration programme;
- Immigrant law, relating to the decision on asylum, family reunification and residence;
- Service law, with reference to decisions concerning social services such as prevention and/or support of social problems among vulnerable young people.

(<http://uim.dk/love-og-regler/love-og-regler-om-integration>).

School

School autonomy in Denmark promotes an effective education policy for immigrant students which depends to a large extent on the ability of school leaders and teachers to implement strategies at school level

(http://www.oecd.org/education/EDUCATION%20POLICY%20OUTLOOK%20DENMARK_EN.pdf).

The aim of basic Danish education is for bilingual pupils to develop their language skills so that they can actively understand and use written and oral Danish in their daily lives

(https://www.emu.dk/sites/default/files/L%C3%A6seplan%20for%20faget%20dansk%20som%20andetsprog_basisundervisning.pdf).

In the education system it is recognised that mastery of the Danish language is a prerequisite for having success at school.

It is essential that parents and communities are involved as co-protagonists in education in order for immigrant students to succeed in education.

(D. Nusche, G. Wurzburg, B. Naughton, OECD Reviews of Migrant Education: Denmark, 2010, <https://www.oecd.org/denmark/44855206.pdf>).

The Danish education offered to migrant students the chance to learn the subjects using the Danish language as a second language.

Until 2016, The basis-education will maximum last two years, and are given to pupils from level 0 to 10. The basis-education is either achieved in “reception classes”, in reception-teams or individually.

“The reception classes” are small classes of newly arrived pupils with another mother tongue than Danish. It can include up to 15 pupils in each class and the pupils can come from maximum five different class-levels. In the reception classes pupils are taught in subjects that reflect the subjects in the normal classes, thus with a greater focus on learning Danish.

As a result of school progress and the acquisition of the Danish language, pupils were progressively placed in a mainstream class according to age.

In 2016, it became a possibility for the municipalities to close the reception classes and include the pupils in the normal class-education from the beginning instead. In this case, the pupils will only attend a small language team (reception-team) on a weekly basis to improve their Danish skills; all other subjects are taught in the normal class (<https://www.retsinformation.dk/Forms/R0710.aspx?id=183352>).

Under special circumstances, teachers can teach a pupil individually, focusing mainly on subjects such as Danish and mathematics.

(<https://www.retsinformation.dk/Forms/R0710.aspx?id=183352>;
<https://www.emu.dk/modul/dansk-som-andetsprog-basis-f%C3%A6lles-m%C3%A5l-%C3%A6seplan-og-vejledning>).

GREECE

The migratory context

Between 2015 and 2016 more than a million refugees and migrants arrived in Greece. The number of arrivals has decreased following the closure of the Balkan border in March 2016 and the agreement between the European Union and Turkey to limit the flow of migrants. UNHCR refugee data confirm that about 37% of foreigners arriving (January-August 2016) are minors:

- about 7,500 - 8,500 children were hosted in 34 official reception centres.
- about 1,000 unaccompanied minors were hosted in special hostels in Greece.
- approximately 6,000 children have been accommodated in apartments and hotels as part of the housing programme of the United Nations High Commissioner for Refugees.

The influx has started to increase again since the second half of 2017.

In May 2018, the number of refugees and migrants in Greece exceeded 60,000, of which about 14,000 were on the islands. Between 2013 and 2018 of these 60,000, more than 23,000 are refugees or have subsidiary protection status (<https://www.unhcr.org/greece.html>).

The education system

The right to education is a fundamental human right which is respected, protected and promoted by the Greek state (<https://www.coe.int/t/commissioner/source/NAP/Greece-National-Action-Plan-on-Human-Rights.pdf>). The protection of the right to education of young refugees entering the country has been one of the main concerns of the Ministry of Education (<https://www.minedu.gov.gr>).

During the 2016-2017 school year, the EU proposed a programme for the education of refugee children that was flexible and multilevel, adaptable to the particular conditions of change that characterise the refugee issue.

In 2016, the Ministry of Education designated the Refugee Educator Coordinators (RECs) to act as liaison between Refugee Centres (RACs) and schools, and between families and schools. The main activities of the RECs include: explaining the organisation and functioning of the Greek school to the refugee host families in the camps, maintaining school-family communications, coordinating NGOs and seeking practical solutions to improve the functioning of the camps with regard to education issues.

(https://www.minedu.gov.gr/publications/docs2017/CENG_Epistimoniki_Epitropi_Prosfygon_YPPETH_Apotimisi_Protaseis_2016_2017_070__.pdf).

All immigrant children living in apartments, hotels or shelters in cities are placed in regular primary and secondary school classes in their neighbourhoods. In areas with a high concentration of refugees, primary and secondary schools, Reception Classes have been created to carry out teaching activities during the day and support refugee students with enhanced Greek language classes (15h/week).

(<http://www.europarl.europa.eu/cmsdata/125422/refugee-education-project.pdf>).

ITALY

The migratory context

In the last twenty years, Italy has been the object of strong migratory flows: it is one of the European countries which has seen a constant growth in the presence of foreigners. Foreigners have gone from 500,000 to 5 million, definitively marking the transformation of Italy from a country of emigration to a country of immigration. (Eurostat - Population on 1°January 2017 by age group, sex and citizenship).

Today the Romanian, Albanian and Moroccan communities represent more than 40% of the foreigners present in the country (Eurostat - Population on 1°January 2017 by age group, sex and citizenship).

The education system

All foreign minors, have the right/duty (diritto/dovere) to education and schooling, regardless of nationality and the regularity of their stay. The protection of the right of access to school of foreign minors finds its source in the Immigration Law n.40 of March 6, 1998 and in the Legislative Decree 286 of July 25, 1998 "T.U. of the provisions concerning the discipline of immigration" which brings together and coordinates interventions in favor of immigrants with particular attention to 'school integration.

Law no. 189 of the 30th of July 2002 confirmed the procedures for the reception and integration of students with non-Italian citizenship in schools: the regulatory framework is the one that is outlined with respect to the 'autonomy of educational institutions, regulated by the Presidential Decree no. 57of 1999 that allows to address with continuity and flexibility the situations of reception and integration of students with non-Italian citizenship in schools.

Ministerial Circular no. 4233, 19 February 2014, Guidelines for the reception and integration of foreign students, updates the previous Guidelines of 2006, providing operational paths that allow school staff to address and facilitate the time of first reception and first integration of foreign children.

School Enrolment

The foreign minor, as for students with non-Italian citizenship, can be enrolled at school by the guardian (guardian or head of structure) at any time of the school year "according to the terms and conditions provided for Italian children" on the basis of the criteria adopted by the Board of teachers for the assignment of foreign students in classes. As a rule, the student is placed in the

class corresponding to the age of the student and only in duly justified cases is it possible to enroll in a class lower (one year) or immediately higher than the age criterion (MIUR Guidelines for the reception and integration of foreign students" February 2014, p. 5; MIUR Guidelines for the Right to Study of Pupils Outside their Family of Origin, 2017, point 3).

If necessary, the schools prepare a personalized training program with the drafting of a Personalized Didactic Plan (PDP) or an Individual Educational Plan (PEI) (Ministerial Directive 27/12/2012; Ministerial Circular 8/2013).

Intercultural orientation in the Italian school system

Since Italy became a country of immigration in the early 1990s, a series of legislative references have been issued that configure the so-called "Italian way of interculture", which outlines a future European school, rooted in national identity, capable of enhancing the multiple local identities and, at the same time, that make the multiplicity of cultures dialogue within a framework of shared values.

Since the beginning, Italy has opted for the full integration of immigrant pupils in schools and for intercultural education as a transversal dimension and as a common background for all subjects and teachers (Ministerial Circular of 26 July 1990, n.205 "La scuola dell'obbligo e gli studenti stranieri, educazione interculturale"; Ministerial Circular of 2 March 1994, n.73 "Dialogo interculturale e convivenza democratica").

In 2017, the Ministry of Education established the "National Observatory for the integration of foreign students and interculturality", which innovates the previous National Observatory established in 2014, with the aim of identifying solutions for an effective adaptation of school integration policies to the needs of an increasingly multicultural society and constantly evolving. (<http://www.miur.gov.it/-/scuola-oggi-al-miur-prima-riunione-del-nuovo-osservatorio-nazionale-per-l-integrazione-degli-alunni-stranieri-e-per-l-interculturale>).

In 2017 the MIUR publishes two important documents.

"Diverso da chi? Raccomandazioni per l'integrazione degli studenti stranieri e per l'intercultura" is a vademecum prepared by the National Observatory full of recommendations and operational proposals derived from best school practices, for a more effective and correct organization of the reception and integration of students with non-Italian citizenship (www.istruzione.it/allegati/2015/cs090915_all2.docx).

In December 2017, the Ministry of Education and the Italian Authority for Children and Adolescents adopted the "Linee guida per il diritto allo studio degli student al di fuori della propria famiglia". The document concerns foreign minors who arrived in Italy without reference adults and offers useful tools and methodological indications to avoid fragmentation and interruption of the school process, which leads to a high percentage of abandonment.

(<http://www.miur.gov.it/-/scuola-fedeli-e-albano-firmano-le-linee-guida-per-il-diritto-allo-studio-delle-alunne-e-degli-alunni-fuori-dalla-famiglia-di-origine>).

SPAIN

The migratory context

Since 2000, Spain has become one of the European countries that receives the most immigrants (Nieto-Merino, A. (2015). El fenómeno migratorio en España en el siglo XXI. Trabajo Fin de Grado. Universidad del País Vasco).

The recent distribution of immigrants in Spain from the most represented geographical areas is as follows: Latin America (36.21%), European Union (34.45%) and North Africa (14.83%). (Nieto-Merino, A. (2015). El fenómeno migratorio en España en el siglo XXI. Trabajo Fin de Grado. Universidad del País Vasco).

Over time, the origin of immigrants has also changed: Romanians began to increase in 2001, becoming the largest foreign community between 2008 and 2015. The Chinese, on the other hand, are starting to rise more strongly in the statistics from 2009 onwards.

(Europa Press, El perfil del nuevo inmigrante: de clase media, con estudios y sobrecualificación. Europa Press: <http://www.europapress.es/epsocial/migracion/noticia-perfil-nuevo-inmigrante-clase-media-estudios-sobrecualificacion-20180424151932.html>).

The education system

Legislation in the Spanish and Andalusian educational context

The educational norms have been adapted to the new migration situation. Thus, the Organic Law on Education (LOE), 2/2006 of 3rd May, defined "the public school as a space of coexistence and learning, offering a service that guarantees the right to education of all citizens and that addresses cultural diversity as a first-class educational element". Subsequently, the Organic Law 8/2013 of 9th December for the improvement of the quality of education (LOMCE) was approved, which continues to maintain the same approach, the art. 2 concerns the training in respect for and recognition of linguistic and cultural plurality in Spain and recognition of interculturality as an element of enrichment of society.

In 2001, the Ministry of Education and Science drew up the "Plan of educational assistance to immigrant students". The measures include: the provision of human and material resources to centres with a high number of immigrants; the creation of Aulas Temporales de Adaptación Lingüística (ATAL) to ensure the integration of immigrant students; support for mother tongue and mother tongue programmes; and the development of teaching materials to teach the mother tongue to immigrant students (Arroyo-González, M. J. (2013). The relationship between the Spanish and the migrant alumnado: analysis of the main programmes in the school context. Revista educación y futuro digitale, (7), 70-92).

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GREECE

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ITALY

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- https://www.google.com/url?q=https%3A%2F%2Fec.europa.eu%2Feurostat%2Fstatistics--spiegato%2Findex.php%3Ftitle%3Ftitle%3DMigration_and_migrant_population_statistics%2Fit&sa=D&sntz=1&usg=AFQjCNEbEpoJUz6aByyV_AOy7g6QQWgz7g;
- <http://www.lavoro.gov.it/temi-e-priorita/immigrazione/focus-on/minori-stranieri/Pagine/Dati-minori-stranieri-non-accompagnati.aspx>.

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