

# Education: Hope for Newcomers in Europe

Nihad Bunar, editor





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Refugee children learn German in Aachen, Germany

## About the authors:

### **Nihad Bunar (editor)**

Professor, PhD, Department of Child and Youth Studies,  
Stockholm University

nihad.bunar@buv.su.se

### **Dita Vogel**

Dr., Senior Researcher, Unit for Intercultural Education,  
Faculty of Pedagogy and Educational Sciences,  
University of Bremen

dvogel@uni-bremen.de

### **Elina Stock**

M.A., Senior Policy Advisor, German Education Union /  
Gewerkschaft Erziehung und Wissenschaft,  
Headquarter, Frankfurt am Main

elina.stock@gew.de

### **Sonia Grigt**

PhD candidate (Comparative Education, University  
Rome 2-Tor Vergata, Italy), Consultant, Education  
International, Rome, Italy.

sonia.grigt@ei-ie.org

### **Begoña López Cuesta**

M.A., Senior International and Migration Policy Advisor.  
FECCOO (Federación de Enseñanza de Comisiones  
Obreras), Spain.

blopezcuesta@fe.ccoo.es  
begonalopezcuesta@gmail.com

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# Introduction

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Nihad Bunar  
Stockholm, February 2018



# Background

Migrant children are not a new feature in European classrooms. They have been arriving for decades, for various reasons, whether as asylum-seekers, children to labour migrants and for family reunification. Anyway, it appears that educators around Europe are astounded by the recent development. Common questions seem to hover as a curious cloud over European schools: How can schools deliver an equal high-quality education to these children? What are the best practices to organise and carry out education? How do they deliver education in these circumstances in other countries? How can national and local government, civil society, and local community support educators and refugee families?

The aim of this volume is to bring together experiences from four European countries, Germany, Italy, Spain and Sweden, on how they have organised the reception of newly-arrived children in their schools, which challenges they face, what are the opportunities, where the support comes from and it has failed to emerge. The four contributions also illuminate the role of education unions. Given their size and power, what do they do? Can they do more to promote equal education for newly-arrived children? To advise on the needs for professional development and support for teachers? What can researchers recommend to policy makers and stakeholders in their respective countries? What can be transferred - and under what circumstances - to other countries?

This volume does not purport to compare countries and regions in order to point out who is doing better and who is to “name and shame”. Our ambition is to probe policies, practices, and research to find promising ways to organise and deliver good education for newly-arrived children, but also to discover common gaps and cracks. Filling many of these cracks often does not require billions of Euros in investments, although sufficient resourcing is clearly critical, but does require commitment, interest, attention, and cooperation. Thus, the four contributions in this volume present statistics, national and international legal frameworks, policies, measures, projects, and discourses on integration of the most vulnerable migrants. But it also presents the voices of the refugee children themselves, as well as those of teachers, principals, social workers, and experts.

This introduction briefly summarises and analyses some of the main findings in the four contributions. The next section will explore the national legal frameworks, regulating the right to education in the four countries. In the three subsequent sections, the organisation of the reception of refugee students, pedagogical interventions, and the role of education unions are described and discussed. And, the final section presents this report’s conclusions and recommendations.

# Legal frameworks

Legally, refugees are primarily protected under the 1951 UN Refugee Convention and its 1967 Protocol. These grant each individual the right to apply for asylum in another country if he/she has a well-grounded fear of persecution, or if the authorities in the native country are unable to stop or are behind the persecution, based on political opinions, race, ethnicity, religion, and similar circumstances. In addition, over the past decades, legal documents have been adopted at international level to both strengthen and clarify the rights of refugees. National legislation can further develop these conventions by imposing other grounds for asylum such as humanitarian grounds, persecution based on sexual orientation, various reasons for temporary residence, and quota and resettlement systems.

In addition, refugee children are also protected by the UN Convention on the Rights of the Child. One of its strongest commitments is the right to a primary education, as stated in Article 28 (rights to education), but also that “Children’s education should develop each child’s personality, talents and abilities to the fullest” (as per Article 29, Goals of education). In the US, “Under Title VI of the Civil Rights Act of 1964 and the Equal Educational Opportunities Act of 1974, public schools must ensure that ELL students [English language learners] can participate meaningfully and equally in educational programs” (Morland & Birman, 2016, p. 366). Thus, asylum-seeking and undocumented children have been legally granted the right to meaningful and equal education on the same terms as children born in the US. This is significant, as it outlines that education must be “meaningful and equal” for refugee children.

Based on information in the four national contributions in this volume, it could be claimed that national legislation in Germany, Italy, Spain and Sweden are in congruence with international conventions. Currently, all children, irrespective of their migration status, previous schooling, or mental and physical abilities, have the right to participate in education in these four countries. Children are also, within a reasonable time framework – two to three months – granted access to schools. However, as the contributions also clearly show, there is a significant gap between policy and practice, in particular when the equity and quality of schooling presented to refugee children is considered.

Although different in the grade of centralisation of their educational systems, from “there is no such thing as a German school system per se” (Vogel & Stock, p.

6, in this volume) to the Swedish mixture of centralisation and decentralisation, all four countries share one common feature. It is about the variety of local practices in place to implement national legislation and rules acknowledging refugee children's right to equal and high-quality education. One reason is that not all countries have adopted national guidance or a legal framework regulating what, how, and under what circumstances education ought to be provided to newly-arrived children. In Spain, for example, this has been left to Autonomous Communities and, in Germany, to the 16 Länder. One of the recommendations in published research (see, for example, Bunar, 2015a; Nilsson Folke & Bunar, 2016) is that these regulations are of vital importance, in order to avoid significant deviation in quality locally. In some municipalities and schools, the results obtained are excellent but, in others, they are very poor. For instance, Sweden and Italy, unlike Germany and Spain, have adopted guidelines assisting local authorities and schools; however, a wide variety of practices could be detected, some more appropriate than others. This means that two refugee children with similar backgrounds could be subject to two completely different sets of measures and pedagogical practices, something that ultimately leads to uneven outcomes. The point is that these local variations have nothing to do with a child's individual background, educational and emotional needs. They are due to local material and discursive circumstances: resources, historical patterns of organisation of schooling for newly-arrived children, concerns for what enrolment of refugee children could mean for a school's reputation (Morland & Birman, 2016), available space, the number of teachers and their pedagogical skills. An obvious conclusion is that, firstly, a set of national guidelines describing a minimum set of local requirements must be adopted and made obligatory. Secondly, some kind of monitoring, follow-up, and evaluation must be established to assess how national regulations, in spite of goodwill and local challenges, are respected in reality.

In addition, there is a need to address the discernible tension between age, migration, and education, perhaps most visible in the case of unaccompanied minors. These are the children under the age of 18, who have arrived in the country of asylum without parents or another guardian. In all countries, there is an additional protective social net composed of social workers and appointed legal guardians who cater for the children's welfare. Regarding education, and as reported in Grigt's Italian study in this volume, the majority of unaccompanied children are aged between 16 and 18. Instead of being provided with a place in regular schools, they are systematically steered towards Provincial Centres for Adult Learning (CPIA) and thus "directed away from mainstream education" (p. 22). In Sweden, as reported by Bunar in his contribution, once they have reached the age of 18, unaccompanied minors still in the asylum process are not granted an automatic right to switch from a specially designed language introduction programme, at upper-secondary education, to other tracks leading to graduation. As asylum seekers, they are banned from the adult education

system, which essentially means that their education journey could be over. There is a need for closer scrutiny on how the 18-year-old rule affects the most vulnerable among asylum-seeking children, i.e. those who have arrived on their own.

Legal frameworks are not just about formally adopting international conventions. This is merely a first step. Providing structures for ensuring the regulations' purposeful implementation in local practices is a necessary next step. Implementation is, as pointed out above, a local matter, on the level of municipalities and schools, and dependent on their prioritisation of same. What is needed in this organisational chain is a unit at the local level, specially appointed to guard the interests of newly-arrived children and to support local stakeholders. In Sweden, one such unit has been set up recently, with financial assistance from the national government in the form of a local coordinator in every municipality. Their role is to collect and analyse local statistics, to help ordinary structures organise professional development for teachers, to participate in national and international platforms for cooperation and exchange of experiences (see Bunar in this volume).

The main conclusion drawn from this section is that promising national legislation to grant all children access to meaningful and equal education irrespective of their migration status, is effectively undermined by lack of structures for guiding, monitoring and following up implementation at local level as well as by lack of predictable and sustainable funding. Here, other priorities and approaches, not necessarily in line with national expectations, may gain the upper hand. This can and must be addressed.

# The organisation of reception

International literature on newly-arrived students primarily deals with and/or touches upon the question of whether to organise initial schooling (which may last for years) in separate classes or to directly place children in ordinary classes through so-called direct immersion (McBrien, 2005; Rutter, 2006; Pinson, Arnot & Candappa, 2010; Pinson & Arnot, 2010; Svensson & Eastmond, 2013; Crul, Keskiner, Schneider, Lelie, Ghaemina, 2016; Nilsson Folke & Bunar, 2016). The research has never offered a clear answer to this question, simply because it cannot be answered definitively. Some children, notably those with limited literacy and numeracy, may need initial schooling in separate classes, while others would mostly benefit from direct immersion. As Bunar points out in his contribution in this volume, the education of newly-arrived children must be based on an individual approach to every child, taking into consideration his/her background, strengths, and challenges. All organisational and pedagogical models must take this as a starting point. That being said, and against the backdrop of research on school segregation and its detrimental effects on achievement (Oreopoulos, 2003; Rumberger & Palardy, 2005; Vigdor & Ludwig, 2008; Schofield, 2010; Van Ewijk & Slegers, 2010a, 2010b; Willms 2010; Sykes & Kuyper, 2013; Brunello & De Paola, 2017), as well as evidence from the four national contributions in this volume, inclusion of newly-arrived children in schools' social and pedagogical contexts must be an imperative and the first alternative.

Inclusion is often misunderstood to only stand for physically sharing a space, be it a school, a playground or a neighbourhood (Candappa, 2000; Nilholm & Alm, 2010; Stewart, 2012). Indeed, the unreflective quest for integration has left newly-arrived students with limited proficiency in the majority language, in "inclusive" classrooms without any support from teachers, other students or additional assistance in their first language (Juvonen, 2015; Nilsson & Axelsson, 2013). Consequently, they were completely excluded from learning opportunities and from opportunities to forge peer relationships with other, non-refugee children (Zembylas, 2011). Inclusion is not a matter of a "sink or swim" policy - the disadvantaged children will, in most cases, sink. Rather, it is a matter of a meticulously designed plan on what to offer and how to approach the educational challenges and needs of these children once they are in the classroom (Ainscow, Booth, & Dyson, 2006; Ferguson, 2008; Tjernberg & Heimdahl Mattson, 2014). The foremost feature of inclusion is support in

language acquisition, social relations, learning academic subjects, and adjusting to school culture and broader values in society. Furthermore, inclusion is important since other students can be effectively used as a resource for learning (Mickelson & Nkomo, 2012). Once again, a well-designed strategy (and sometimes social engineering) must accompany the effort.

The most detrimental organisational model for newly-arrived children's opportunities is having them in separate schools, their own buildings, or separate classes for a prolonged time and with only limited opportunities to interact with other students. The most detrimental pedagogical approach is to only focus on the acquisition of the majority language in the initial years (until their language is "good enough") and to only receive instructions by language teachers. Both statements are clearly described and argued for in the four contributions in this volume. The Italian system is mostly distinguished at policy level as inclusive, while the Swedish, German, and Spanish systems are interchangeably using both separate and inclusive models. However, the trend in all countries seems to be more reliance on separate models at local level. It is here that previously mentioned national guidance, support and monitoring structures would be particularly important.

In all four contributions, two common features can be identified with regards to the organisation of reception: (i) There is a lack of coordination and cooperation between various stakeholders across the entire educational system. From the level of schools (including the lack of internal cooperation between subject-matter teachers and bilingual classroom assistants, as pointed out by Bunar), between schools in the same municipality to the national level, lack of cooperation between municipalities and a lack of coordination between local authorities and national government pervades. Two obvious consequences are insufficient use of resources invested in, for example, cultural mediators or other support staff and the lack of dissemination of good practices between schools and municipalities.

(ii) The second common feature is the lack of resources. Resources are needed to provide newly-arrived students with extra-curricular help and additional assistance in the classroom, including the employment of multilingual teachers. Resources are also needed to organise the professional development of school staff. When extra resources are disseminated, in some countries (i.e. in Italy as reported here by Grigt), it is often done in the form of a financial model that allocates funds to the local level through short-term projects. Furthermore, the municipalities compete for a limited amount of funds, which means that ultimately the quality of education is dependent on the administrators' skills in writing applications.

Sustainable financing is a prerequisite for upholding legally defined intentions and for the development of local practices. Indeed, the Swedish model could

be labelled as a promising practice. Municipalities are primarily responsible for financing education through local taxes. Furthermore, dissemination of resources between schools is based on a so-called socio-economic and migrant index, with children from families with weaker socioeconomic background and migrant families receiving more money in a student voucher. Additionally, the national government supports municipalities through a system of state grants, earmarked for particular areas and the government bears all the costs of educating asylum-seeking children. The government also allocates additional resources (around €50 million per year) to municipalities that have reported the presence of undocumented children in their schools. The National Agency for Education (Skolverket) channels the resources to the local level, but it is also responsible for gathering and disseminating knowledge and promising practices, often done through conferences for local stakeholders. The Skolverket is also responsible for financing and supporting the previously mentioned local coordinators. The entire system is devised, to a certain extent, to relieve municipalities of the economic burden of having newly-arrived children in their schools, to improve the quality of education, but also to forestall negative attitudes towards refugees in municipalities with struggling economies.

Resources and support can also be drawn from civil society and their engagement. Cuesta's study from Spain shows how important it is to work with the integration of entire families and to bridge the gap between teachers and newly-arrived parents (see also Devine, 2011; Bunar, 2015b; Hamilton & Moore, 2004).

The main conclusions from this section are as follows. Firstly, support-based inclusion (Bunar, 2016) ought to be the overarching model for organising the reception and education of newly-arrived children, with sensitivity to their individual circumstances. If there is a need for separate classes, during a strictly limited and regulated timeframe, the decision must be based on an initial assessment of the children's previous education and a meticulously devised educational plan for every child. No schools exclusively populated by newly-arrived children should be allowed to exist. There is no evidence that they are effective. On the contrary, there is plenty of evidence of the dire effects of school segregation for the most vulnerable students. Secondly, lack of coordination and cooperation between various stakeholders inside and outside of schools should be resolved by school and municipal leaders as a priority. A first step is to appoint a school coordinator and a coordinator on a municipal level with a responsibility to work with all teachers (inside) and schools, local community, other communities and national level (outside). As long as newly-arrived students are considered as an issue for language teachers only, they will not gain access to meaningful and equal education. As Bunar points out in this volume, newly-arrived students are not just language learners, they are first and foremost learners, just like all other children in schools. At the national level, there is a



need for a coordinating body (i.e. Swedish Skolverket) with responsibility for supporting and serving municipalities and schools. Thirdly, resources must be made available to put good ideas into practice. Consequently, this report urges national governments to increase their financial support to municipalities through stable financing allocated in accordance with needs, and not through competition for scarce resources.



## Inside the classroom: What is the right thing to do?

Let us start with an unequivocal statement here: Although extremely important, the inclusion and success of newly-arrived students in education is not all about attaining proficiency in the majority language. Yet, it appears that internal pedagogical discourses have been reduced almost entirely to the question of how to make sure newly-arrived students quickly develop deep language structures in German, Italian, Spanish, Catalan and Swedish. This is an almost intuitive reflex emanating from teachers' bewilderment once faced with a seemingly insurmountable task: How to teach a child without a language? This is a flawed premise, since all newly-arrived children already have one or several languages with them. For some reason, the language-or languages-of the newly-arrived children are not acknowledged and valued. There is ample international research on language acquisition for migrant children, descriptions of various pedagogical practices and evaluated models (for example, Gibbons, 2002, 2009; Thomas & Collier, 2002; National Academies of Sciences, Engineering, and Medicine, 2017). Virtually all of them present the first language as a resource to build upon and utilise for second-language learners. As Morland and Birman (2016, p. 363) put it:

Current research also supports the benefits of maintaining native language while learning English. For example, developing skills (such as grammar) in a first language facilitates learning a second language, improves problem solving, supports a positive ethnic identity, and enables ongoing connections with members of the family and community, who can continue to share positive values regarding education. Maintaining the native language is positively associated with academic achievement.

In the four national contributions in this volume, the role of first language for successful educational outcomes has been corroborated, with the exception of Germany and in relation to regular classes. According to Vogel and Stock (p. 35, in this volume) "The authors did not find any documented cases in which mother-tongue teachers are employed to help alleviate the impact of education gaps". This is a concern given that the other contributions reiterate, in one

or another form, that the presence of multilingual support teachers bridges the gap between students' language and the academic content in separate as well as ordinary classes. These teachers are labelled as linguistic and cultural mediators in Italy, as bilingual language assistants in Sweden, and as language support staff in Spain. As Bunar points out in his contribution from Sweden, this is the most important pedagogical strategy for supporting learning and the further development of newly-arrived students. It enables them to participate in mainstream classes (although teachers must make an additional effort to adjust teaching material to their level of language proficiency), to excel in acquiring the second language, and to advance knowledge of their first language.

However, this practice is effectively undermined by two circumstances:

1. Lack of resources to employ bilingual language assistants and/or the shortage of this teacher category. It could be considered natural to turn to the pool of teachers among refugees themselves, but as the German case shows, "In spite of staff shortages, there are few systematic efforts to integrate refugee teachers" (Vogel & Stock, p. 24, in this volume). Sweden appears to have the most established policy with Fast-track and Further education of migrant teachers' programmes. This policy could serve as a promising example for other countries to adopt.
2. Lack of internal coordination and collaboration between different teacher categories. If bilingual language assistants are to perform their role in the most optimal way, they need a tight collaboration with teachers in academic subjects. Preparing students for instructions in mainstream classes on the students' first language, supporting them during lessons and afterwards must be based on accurate information provided by academic subject teachers on the core content. Sometimes, academic subject teachers must also support bilingual language assistants, if they lack a full understanding of, for example, mathematical terms.

Another common theme identified in the four contributions in this volume is that all the countries face shortages of teachers. Once again, it is incomprehensible that more considerable attention is not paid to migrant teachers and their competences. In Germany, students and retired teachers have been recruited to fill vacancies. Indeed, and as evident from the four contributions, teachers need to increase their level of competence to work with newly-arrived children and in multicultural classrooms. In this light, it is even more worrying how and on the basis of what knowledge and experiences the diverse local practices are organised and carried out. Obviously, there is a need, strongly advocated for in all four contributions, for more continuous professional development of teachers and school principals. One-day conferences with invited experts cannot

replace the need for more organised and long-term collective learning, turning schools into effective learning communities (Leithwood & Louis, 2000; Mulford & Silins, 2003; Harris & Muijs, 2005; Opfer & Pedder, 2011; Timperley, 2011). Additional resources, organisational support and well-designed strategies are key ingredients for this. Cooperation with universities, also mentioned in the four contributions, is a good foundation for these efforts.

The Swedish study highlights an additional practice that should be considered as a promising practice to disseminate to other countries. Initial and well-organised assessment of newly-arrived students' previous school experiences, literacy, numeracy, and knowledge in academic subjects is absolutely necessary in order to:

- Understand a student's educational needs
- His/her challenges and abilities
- Assign appropriate support and plan future schooling

It is also important for increasing students' self-confidence, since the pedagogical practices will scaffold them as knowledgeable subjects and recognise them as active educational actors, not as passive victims of circumstances (Ni Raghallaigh & Gilligan, 2010).

In all four contributions, a number of promising local projects and initiatives for promoting meaningful and equal education for newly-arrived students are accounted for. Offering additional hours in the second language seems to be a common denominator. Even the role of early education is highlighted as an important practice. Additionally, all four contributions have stressed the importance of providing care for the mental health of refugee children, since many of them have endured traumatic experiences (see also Eide & Hjern, 2013; Fazel & Stein, 2001; Goodman 2005). Students themselves have indicated their strong desire to learn the majority language and become part of the society. They are positive about the future and perceive education as the major vehicle for reaching their dreams.

The main conclusions in this section are that schools need to pay more attention to the resources possessed by the refugee children themselves in form of first language(s), previous education, resilience (Masten, 2014) and ambitions to learn. Initial and planned assessment of school and life experiences is therefore a necessary first step upon their admission to school. Schools need to make additional efforts to professionally develop their staff by creating a community of learning in the area of education for migrant students and to improve internal patterns of communication and cooperation between different categories of teachers. Furthermore, schools need to employ bilingual language assistants and ensure their work is supported by sustainable organisational and pedagogical structures. Even if relations with refugee parents have not been explored in



depth in the four national contributions in this volume, there is strong evidence (Suárez-Orozco, Gaytán, Bang, Pakes & Rhodes, 2010; Devine, 2011; Chrispeels, 2015), that fostering strong and respectful relations with parents contributes to children's educational achievement.

# The role of education unions

Education unions (even labelled as teacher associations) are rarely mentioned in international literature on the education of newly-arrived children. This seems peculiar given the nature of their mission, size, influence, and resources in many countries. There are four possible explanations for this:

- 1.** Unions are not really considered as part of civil society, so often invoked as an indispensable contributor to high-quality education and student attainments (Dettlaff & Fong, 2016). Sport clubs, cultural activities, parental and ethnic association, other citizen initiatives and even businesses (European Commission, 2017) are often addressed as aspects of civil society or the local community, but not unions.
- 2.** Unions are not considered as part of governmental structures at national and local levels. What is expected from these levels is not just legal frameworks, guidelines and inspections, but also additional resources and activities aiming at improving the professional skills of school staff. Education unions are not always regarded as potential contributors to professional development and resources.
- 3.** Until recently, education unions had been invisible in public discourse with regards to the education of newly-arrived children. They may have been very active, but this did not attract any considerable attention from schools, media, parents, and researchers. Their activities - primarily directed at demanding more teachers and higher salaries - may have been regarded as unions doing what they have always done, irrespective of what is at stake.
- 4.** Education unions may have been invisible because they have done little to elevate the issue of education for newly-arrived children on their own agenda or that of schools and public bodies.

This volume is produced under the auspices of Education International, a federation that represents organisations of teachers and other education employees across the globe. The four national contributions have had the explicit task of also exploring the activities of education unions in relation to the education of newly-arrived students and, if applicable, even teachers. What becomes evident from the national contributions is that the role of education unions is confined to a few common tasks, but there are also some interesting local practices.

In all empirical examples, the unions are primarily devoted to one task: Attempts to influence policy makers regarding the migration status of asylum-seeking children (in particular, unaccompanied minors) and regarding the allocation of additional resources to the education of migrant students (more support, more teachers, more professional development). The methods used are presentations of unions' own reports, press conferences, and dissemination of information through other media statements. There is little evidence yet of how successful these actions have been, but undoubtedly an example from Germany stands out. According to Vogel and Stock, in October 2017, one of the largest unions (Gewerkschaft Erziehung und Wissenschaft [GEW]) launched a report, "Education cannot wait", urging regional and national governments to invest in employing teachers at a cost of €3 billion per year. The report also advocated strongly for unrestricted access to education for refugee and asylum-seeking children. The next day, the standing conferences of education ministries (KMK) from 16 Länder endorsed the unrestricted access policy and even confirmed the need for new resources. Whether the resources were allocated and to what extent remains unclear. Nevertheless, this example shows that education unions have a strong role to play, to remind policy makers about basic legislation and what it takes to live up to the task of providing meaningful and equal education to refugee and asylum-seeking children. Similar examples of attempts to influence policy makers could be found in contributions from Italy, Spain and Sweden.

Another interesting example from Germany is that the education unions seem to have recognised knowledge production as a vital contribution. Thus, the unions have been active in partly supporting research on the educational conditions experienced by newly-arrived children. In Italy and Sweden, unions have been active in providing information about the right to education in minority languages on their websites and brochures. Italian unions have also carried out locally based training initiatives for teachers in intercultural education. In addition, the unions in Germany, Spain, and Sweden have been actively involved in discussing the issue of education for migrant children, intercultural education, and the challenges and benefits of working in multicultural classrooms.

One particularly interesting initiative in Sweden is aimed at supporting migrant teachers on their path back to the teaching profession (see Bunar in this volume). Even in Germany, the union has established local programmes for the professional integration of refugee teachers, for example, the "Here to participate" programme in Hamburg and "Peer-Up" in Berlin (see Vogel & Stock, p. 32, in this volume). What distinguishes Sweden in this context is that support to migrant teachers through two comprehensive programmes – Fast-track for newcomers and Further education of migrant teachers for those with Swedish language proficiency and eligibility to higher education – is a matter of national policy and conducted by universities. Education unions have been one of the driving forces and active participants in devising and launching the policy, but

having programmes delivered by universities elevates their status and quality considerably. It also gives migrant teachers access to a wide range of information sources and contact platforms.

As evident from this short summary on the role of educational unions in the education of refugee and asylum-seeking children and adults, the main focus is on lobbying, gathering and disseminating basic information, scattered local practices for setting up courses for further education of migrant teachers (with the exception of Sweden), and limited support to scientific-based knowledge production. There is little information, with a few exceptions, about the final outcomes of these practices. In his contribution on Sweden, Bunar concludes that, despite plenty of goodwill, the role of education unions has lacked visibility (p. 22). It could be added that the unions seem to lack an overarching idea on what they, given their size and resources, can do for newly-arrived students and migrant teachers.

# Conclusions and general recommendations

The aim of this volume is to bring together experiences from Germany, Italy, Spain and Sweden, with regard to the education of newly-arrived students. Four general observations can be made to explain why educational systems have failed to provide meaningful and equal education to these students:

- a.** Schools are trying, in various ways, to change their newly-arrived students in terms of the students' language, way of learning, culture, values, and future dreams. But they are doing very little, if anything, to change themselves, their organisations, and internal social and pedagogical practices.
- b.** Schools tend to primarily shift the responsibility to external factors: insufficient resources, lack of specialised, second language and language support teachers, absence of coordination and cooperation with other sectors and political-administrative levels in society, and the "large influx of refugees". Even the lack of professional development of school staff is linked to resources.
- c.** Instead of making every effort to include newly-arrived children into the mainstream, schools prefer to segregate them in their own classes and groups, not because it is in the best interests of children, but because it is anticipated as an easier model for schools themselves. Research-based recommendations on an individualised approach, including sometimes separate classes, are mistakenly taken as a justification for this policy.
- d.** A comprehensive framework for providing a structure of opportunity (Merton, 1996) to newly-arrived students through the educational system has been replaced by fragmented local projects, reliant on civil society and dependent on the individual efforts of committed teachers and principals.



There are no “best practices” in second-language acquisition that can alter the outcomes of these structural shortcomings in a sustainable way. They have to be addressed and altered. Based on the four national contributions in this volume and the analysis in the introductory section, the following recommendations could be highlighted:

- Every country, irrespective of how decentralised its educational system is, must adopt a comprehensive national framework defining the baseline with regards to the reception, inclusion, and education of newly-arrived students. This framework has its obvious starting point in valid legislation and in research-based recommendations, stipulating what and how this should be done locally (or what is not allowed). A system of monitoring and supporting local practices must be installed, granting the proper implementation of good intentions. Migration policy is a matter of national policy, and the national government must also provide a minimum of resources to municipalities and schools to live up to the task
- Every country must make it mandatory, as well as provide material and instructions, to teachers on how to conduct initial assessment of students’ previous life and school experiences. Furthermore, it must be made clear for school staff how to use that material in organizing learning for every child. An individual approach is essential. Collective solutions are counterproductive.
- Inclusion must be a primary organisational model and a starting point in all discussions on “what is in the best interests of children”, as Article 3 in Convention on the Rights of the Child stipulates. Other models can then be considered after an assessment as to why inclusion is not suitable for a particular child. Inclusion must also be promoted in other school-related activities, such as organised leisure time and after-school activities. Nevertheless, there is no inclusion without additional support. Thus, the main question is not whether a student will be included into the mainstream, but how to support him/her there.
- A child’s first language should be acknowledged and valued as an important vehicle for learning and identity development. It also promotes diversity and strengthens cohesion (Mickelson & Nkomo, 2012), since well-integrated children with a positive future outlook contribute to the public good. The presence of language support teachers (cultural and linguistic mediators or bilingual classroom assistants) and the support from inside the school for their work is indispensable.
- Professional development of teachers in the areas of education of newly-arrived children, intercultural pedagogy, and multicultural classrooms must be a national priority in every country. A well-designed plan must be produced in every school, preferably in cooperation with universities, on how to create a learning community and support

teachers' peer-learning. As long as newly-arrived students are treated as solely language learners and students with whom teachers in second language acquisition primarily work, they will face unnecessary barriers. The whole-school approach is the only workable model.

- Drawing on resources from the local community, civil society, and parents has been proved in a number of countries to give positive outcomes for students, schools, and communities themselves (Isik-Ercan, 2012; Rah, Choi & Nbuyen, 2009; Matthiesen, 2015; Koyama & Bakuza, 2017). These networks must be fostered and further promoted but, as previously mentioned, they are a supplement to ordinary educational structures. They cannot be accountable for what and how schools are doing.
- National governments and international organisations, such as the European Commission, must invest more in longitudinal and country comparative research in order to scientifically inform policy making.

Education International and the report's authors hope that these recommendations and other insights presented in the four national contributions will help governments and teachers understand what is needed in order to provide their newly-arrived students with meaningful and equal education.

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# Opportunities and Hope Through Education: How German Schools Include Refugees

Dita Vogel and Elina Stock  
November 2017



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## About the authors:

### **Dita Vogel**

Dr., Senior Researcher, Unit for Intercultural Education,  
Faculty of Pedagogy and Educational Sciences,  
University of Bremen

[dvogel@uni-bremen.de](mailto:dvogel@uni-bremen.de)

### **Elina Stock**

M.A., Senior Policy Advisor, German Education Union /  
Gewerkschaft Erziehung und Wissenschaft,  
Headquarter, Frankfurt am Main

[elina.stock@gew.de](mailto:elina.stock@gew.de)

## Education International

Education International represents organisations of teachers and other education employees across the globe. It is the world's largest federation of unions and associations, representing thirty million education employees in about four hundred organisations in one hundred and seventy countries and territories, across the globe. Education International unites teachers and education employees.

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# 1. Introduction

## Refugee inflows in recent history

The Federal Republic of Germany has always been heavily influenced by migration, both of a permanent and temporary nature.<sup>1</sup> Besides labour and family migration, population inflows requiring large-scale emergency housing and shelter occurred in three periods of history:

- After World War II, around 12 million Germans fled from former German territories.
- After the breakdown of communist states, around 1.6 million ethnic Germans and 1.4 million asylum seekers sought protection in the peak years 1988 to 1993<sup>2</sup> alone, mainly from Eastern Europe and the Western Balkans.
- In 2015, more than 890,000 persons sought protection in Germany, mainly from Syria and Western Balkan states – up from around 20,000 in 2008. In the first half of 2017, around 90,000 new asylum seekers were registered.<sup>3</sup>

Despite high levels of immigration, government policies did not consider Germany a country of immigration until the new residence law that came into force in 2005.<sup>4</sup> Since then, immigration is no longer treated legally as exception. Immigration of (highly) skilled people is officially encouraged, and the need to assist integration is accepted. However, the public response to immigration has been divided. A welcoming culture with strong voluntary engagement can be observed on the one hand, alongside new movements with strong anti-immigrant sentiments (Rietig and Müller, 2016). These sentiments are particularly directed at and felt by Muslims (SVR, 2016). An analysis of media representation of immigrants in 2015 showed that dominant patterns changed in waves, beginning with stereotypical presentations of masses of people en route to Germany, a growing empathy with many stories emphasising the situation of children and, finally, an emphasis on criminality by refugees (Hemmelmann and Wegner, 2016).

1 For a more detailed country profile see Hanewinkel and Oltmer (2015).

2 Own calculation based on: Bundesverwaltungsamt (2017), BAMF (2016).

3 All numbers for 2015 and 2016 must be interpreted with care, as the asylum system did not cope with the influx (SVR 2017b).

4 Gesetz über den Aufenthalt, die Erwerbstätigkeit und die Integration von Ausländern im Bundesgebiet (Aufenthaltsgesetz): [http://www.gesetze-im-internet.de/aufenthg\\_2004/](http://www.gesetze-im-internet.de/aufenthg_2004/) Accessed 20 October 2017.

## Population impact of migration

Both regulated and unregulated in- and out-flows have changed the population of Germany. In 2016, 22.5 per cent of the population had an immigrant background – being either foreign born (15.4 per cent) or ‘second generation’, i.e. born in Germany (7.1 per cent) (Statistisches Bundesamt, 2017a). Turkey, Poland, and the Russian Federation are the most significant countries of origin. Among the recent refugee immigrants, Syrians are the most significant group, accounting for more than 40 per cent, and considerable numbers originate from Afghanistan, Iraq, Western Balkan states, Eritrea, and Somalia (Brücker et al., 2016, p.19).

A considerable number of the immigrant population is young. This is also true for asylum seekers: 36 per cent of all asylum applications are submitted on behalf of minors (Münch, 2017, p.5). About eight per cent of the more than eight million students in schools for general education are not German citizens and between two and four per cent have asylum applications submitted on their behalf.<sup>5</sup> About a quarter of all asylum applications are submitted by people aged 18 to 25 years of age (BAMF, 2016, p.18). The latter age group is also highly relevant for the education system, as a part of this group did not attend general education in their youth. They have poor labour market chances if they do not catch up with missed schooling contents for example in maths.

Immigration is unevenly spread across the country. In larger cities, more than half of all students - and nearly all in some neighbourhoods - have an immigrant background. Meanwhile, some rural communities were faced with migrant children in schools for the first time when the significant influx of refugees in 2015 has been redistributed to different parts of the country. In 2016 and 2017, the Federal Office for Migration and Refugees cleared much of the backlog of first asylum applications. Therefore positive *and* negative decisions on asylum applications increased in 2017 – this resulted in (i) more people receiving a residence status for two or three years with the chance of prolongation *and* (ii) more people being required to leave the country.

## Methods

For the purposes of this paper, laws, regulations, and secondary literature have been screened for general trends in Germany. Germany consists of 16 states of differing sizes and history. Three states are city-states (Berlin, Hamburg, and Bremen), others also include large rural areas. Five Eastern states were established in the territory of the former German Democratic Republic after reunification in 1990. The Western city state of Bremen was chosen as an

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<sup>5</sup> Relation of first asylum applications for specific age groups to the population of the age group as in Kober and Münch (2017, p.1).



example to investigate implementation and practices. Bremen, with 700,000 inhabitants, consists of the cities of Bremen and Bremerhaven in the North-West of Germany and comprises a small share of Germany's population of 82 million. Therefore, additional examples from other states are also included to complement the picture. Bremen itself has experienced high levels of immigration throughout its history: 30 per cent of the population has an immigrant background, being foreign-born (21 per cent) or 'second generation', i.e. born in Germany (nine per cent) (Statistisches Bundesamt, 2017b, Table 5I).

Education expenditures per student vary in the German states - ranging from €6,000 in Northrhine-Westfalia to €8,500 in Thuringia and Hamburg (in 2012). The city-state of Bremen has spent slightly above the national average of €6,800 per student in 2012 (Malecki, 2016, p.48). Cities usually spend more on education than rural areas. As the state of Bremen only consists of cities, this amount can be considered as relatively low compared, for example, to Hamburg which is also an entirely urban state.

Many studies on different issues of refugee integration and education were published in late 2016 and 2017 and were accessed by the authors.<sup>6</sup> In addition, one of the authors (Dita Vogel) gained valuable insights from her work teaching teacher trainees at the University of Bremen. She supervised several Master's degree theses for which students had interviewed head masters, teachers, students and parents, highlighting different issues of refugee integration in schools. These interviews were used for secondary analysis.<sup>7</sup> She also profited from student observations discussed in the course of support seminars for teaching students in practical training over the past five years. In August 2017, she visited three schools in Bremen, attended two preparatory German courses and sourced first-hand information on recent implementation queries from various actors. Colleagues from the German Education Union (GEW) Bremen and the Unit for Intercultural Education at the University of Bremen provided feedback on an earlier version of this text and shared insights and knowledge from their fields of experience.<sup>8</sup>

The co-author (Elina Stock) has been involved in the design and implementation of union initiatives as part of her work as a policy advisor in the GEW headquarters. She outlined and highlighted GEW positions and activities in the field. Vogel complemented the study by personal and phone interviews to seek answers to open questions. The conclusions and suggestions are the result of joined discussions and solely display the considerations of the authors.

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6 The number of published studies and articles increases since the end of 2016. For updates: <http://fluechtlingsforschung.net/>

7 The authors are grateful in particular to the Masters' Degree students, Svea Kiesewetter, Esther Nora Peters, Irem Koc and Asya Wolff, and to teaching students in their first practice phase in August 2017.

8 The authors are grateful to Nick Strauss and Katharina Lenuck from GEW Bremen and to Yasemin Karakaşoğlu, Katja Baginski and Lydia Heidrich from the Unit of Intercultural Education at the University of Bremen.

## 2. Legal framework and policies to promote education rights of refugee children and youth

This chapter introduces Germany's legal and administrative framework around the education of refugee children and youth. It introduces refugee administration and the school system (2.1), explores whether and when children and youth are provided with regular schooling (2.2.1), how the introductory phase in regular schools is organised (2.2.2), and how schools deal with refugee students once they are fully integrated in regular classes (2.2.3). These questions correspond to the three dimensions relevant for the process of integration – access, organisation of the introductory phase, and interactions in relations (Vogel and Karakaşoğlu, 2017).

Germany is highly federalised, with federal administration being the exception rather than the rule. The implementation of laws is generally the responsibility of local councils under the guidance of state regulations. Asylum laws and decisions are a federal responsibility. In contrast, school laws are a state responsibility with a wide range of discretion at local level. Thus, practices vary between states and even between cities in relation to refugee integration<sup>9</sup> and school education. The federal level has a coordinating function only.

### 2.1. General Legal and organisational framework

#### 2.1.1. Refugee administration

Before discussing school integration, it is crucial to have a general understanding of the living conditions of refugees. We use the term 'refugee' here in a broad sense, referring to people who have sought protection for humanitarian reasons – those who seek or have received asylum or another protected status as well as persons who are temporarily not deportable<sup>10</sup> (Vogel and Karakaşoğlu, 2017).

<sup>9</sup> The term 'integration' is critically discussed in Germany, as it is often used in contexts suggesting that integration means adjustment of migrants to given circumstances (Mecheril, 2011). It is used here as a descriptive term, indicating a process in which new members become part of a system. It can involve adjustments of the system and of newcomers (Penninx et al., 2004, p.142).

<sup>10</sup> These persons receive a so-called 'toleration' in Germany. It is no residence status, but gives access to social rights similar to those of asylum seekers.

The general responsibility for decisions on applications that must take the conditions in countries of origin into account is at the federal level (Federal Office for Migration and Refugees). All other residence law decisions are taken by the local foreigners' authorities, not by federal immigration authorities like in some other countries. In 2015, administrative capacities were overburdened, so it is not possible to extrapolate a general procedure in this year.

However, the procedure was reorganised in 2016 (SVR, 2017a, p.104). Now, newly arrived persons seeking protection are first distributed among state centres (preliminary reception centres) where they can apply for asylum. States must accommodate asylum seekers according to a quota that takes tax revenue and population into account (for example, Bremen must take in one per cent of all asylum seekers (BAMF, 2016, p.13). Cases that are complex (e.g. in cases from Iraq) or involving a quick decision on temporary protection or asylum (e.g. in cases from Syria) are further distributed within the states to local communities according to state-defined criteria. During the asylum procedure, applicants are supposed to be provided with accommodation in local shelters or flats, depending on local conditions and the housing market.

The procedure is different for asylum seekers from countries classified as *safe countries of origin* (e.g. from the Western Balkan states). These individuals are supposed to be returned to their country of origin directly from the state centre, with a maximum waiting time of six months.

Access to community and private housing varies. For instance, in the East German state of Saxonia, 25 per cent of people receiving special refugee support lived in flats, compared to 47 per cent in Bremen in 2015 (SVR, 2017a, p.109).

Before acceptance, refugees receive a special type of welfare that is lower than income support for Germans and foreign nationals with a regular status, thus leaving no scope for private educational expenditures.

*Unaccompanied minors* may or may not have lodged an asylum application, given that being a minor without a responsible adult leads to protection from deportation as well as an asylum application. They should be directly integrated into the general child and youth reception system; in practice, this means that they are transferred to youth shelters for unaccompanied minors. Since November 2015, unaccompanied minors – like asylum seekers – can be redistributed to other communities instead of the community in which they first appear. This policy changed in reaction to a concentration of unaccompanied minors in some cities, including Bremen.

### 2.1.2. School system(s)

There is no such thing as a German school system per se as the country's 16 states decide independently on school forms and school policies.<sup>11</sup> Thus, the 16 school systems are coordinated by the Standing Conference of Ministers of Education and Cultural Affairs (KMK). Some common features exist in all or most federal states.

Before school, parents have a right to *part-time early education and childcare* for their children from the age of one, according to federal regulations. School education is compulsory from the age of six for 12 school years.<sup>12</sup> *Primary school* encompasses four years (six in Berlin and Brandenburg), and pupils can leave *secondary school* with a school leaving certificate after year 9 or 10. Different levels are available – elementary, foundation, and intermediate – each with a different name in different states.<sup>13</sup> Secondary school is usually *followed by vocational education* in companies that are combined with part-time vocational education in public vocational schools (dual system), or by full-time vocational education in schools leading to recognised vocational qualification, or by courses for developing general vocational skills without a recognised qualification. For vocational education in the dual system, interested persons must apply to a company for an apprenticeship. A school leaving certificate is no legal precondition but often required by companies.

A tertiary entrance certificate (*Abitur*) – qualifying for university studies – requires additional upper secondary schooling and can be achieved after 12 or 13 years in schools.

Traditionally, German schools offered only part-time education for four to six hours in the morning – potentially followed by paid childcare in the afternoon. Now, the number of schools offering afternoon education has increased. Models differ from an integrated teaching programme for all during the entire school day or subject-oriented schooling according to curricula in the morning, complemented by optional courses in the afternoon. In Hamburg, 91.5 per cent of students learn in full-day schools, while this is the case only for 16.5 per cent in Bavaria. With 37.6 per cent, the share of full-day schooling in Bremen is close to the national average of 39.3 per cent (Klemm and Zorn, 2017, table 2, p. 31).

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11 Descriptions of "the" German education system often result from international comparisons (Lohmar and Eckardt, 2015; Döbert, 2017) that rest on the assumption of one education system per country. Particularly short interpretations can be confusing or even misleading, as it could be read that a wide variety of secondary school forms is available in all German states which is not the case. This is also true for official presentations - see for example KMK (2016a).

12 Details such as the rules regarding composition of general education and vocational education and cut-off ages (19 to 21 years) differ between the states.

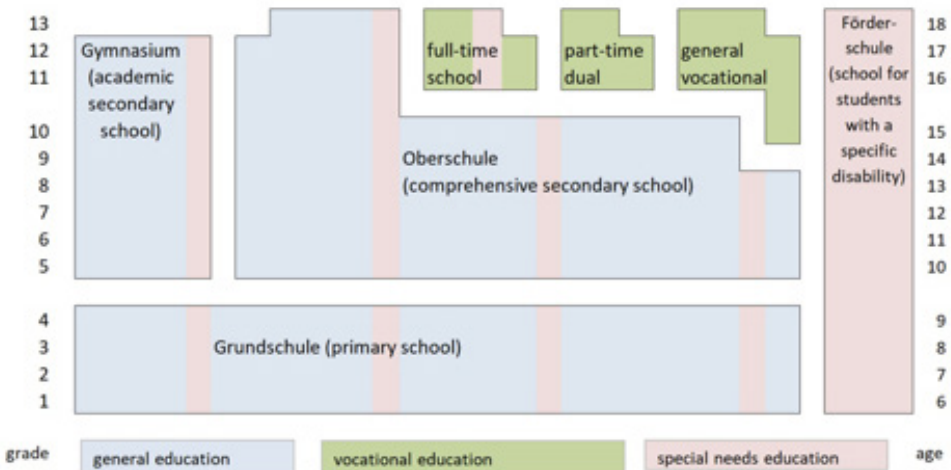
13 In Bremen, the elementary level is mainly for a small minority of students with special needs who have no capacity to achieve a higher level (einfache Berufsbildungsreife). It is sometimes also offered to immigrant students who arrive in their youth with significant gaps in their school history. The foundation level is *formally* sufficient for many crafts (in Bremen, "Erweiterte Berufsbildungsreife"; in other states, for example, "Hauptschulabschluss"). The intermediate school leaving certificate is required for further schooling and some white-collar apprenticeships (in Bremen, "Mittlerer Schulabschluss"; in some other states, "Realschulabschluss").

Full-day schooling is considered to be especially important for newly arrived children – it is free of charge and offers additional guided learning opportunities.

School forms have undergone considerable change, including repeated renaming of school types in the past decade with a trend towards the reduction of school forms at the lower secondary level. The *Gymnasium* is an academically oriented secondary school offering a fast track towards the tertiary entrance certificate after year 12.<sup>14</sup> The *Gymnasium* exists in all states; however, other school forms differ widely with two or more other school types.<sup>15</sup> Bremen has developed a system with the *Gymnasium* and *Oberschule* as the main school types at the lower secondary level.

The *Oberschule* leads to the general school leaving certificate, and some *Oberschule* include upper secondary education and a fast track to the tertiary entrance certificate. Students with good grades from other *Oberschule* can change to these schools and achieve the tertiary entrance certificate after 13 years. Students with an occupational education can achieve a tertiary entrance certificate for specific study courses and universities of applied sciences with additional schooling. Figure 1 summarises the main features of the Bremen school system.<sup>16</sup>

**Figure 1. School system of Bremen (2017)**



Source: Own compilation based on information by Senatorin für Kinder und Bildung (Bremen): <https://www.bildung.bremen.de/bildung-1464> Accessed 6 October 2017.

<sup>14</sup> Some states are dropping the fast track system and have started to re-introduce *Gymnasiums* with a tertiary entrance certificate after 13 years of schooling. *Key words for the debate are G8 or G9.*

<sup>15</sup> Traditional school types were *Gymnasium*, *Realschule*, and *Hauptschule*. They can still be found in some states and in many texts about the German school system, but they are not the norm anymore.

<sup>16</sup> On the Internet, there is a considerable number of graphs on school systems, many of them being outdated or differentiating vocational pathways either not at all or in considerable detail.

Children who are classified as having special needs due to physical, mental or psychological conditions either attend separate schools or receive additional support in regular schools or classes, according to the concept of inclusive education. The share of school students in special needs schools in Bremen was 1.5 per cent in the 2014/15 academic year (Malecki, 2016, p.22) – the lowest quota of all states, as most special needs schools have been dissolved in Bremen. Indeed, the right of inclusion is implemented differently across states: in Bremen, 77 per cent of all students eligible for special-needs education are in regular schools, compared to 27 per cent in Bavaria (KMK, 2016c, p.6).

### 2.1.3. Teachers and other staff in schools

The German model of teacher education requires the achievement of a Bachelor and a Master's degree, plus a state-regulated preparatory service (*Referendariat*) with a final practical exam. The content of this training varies from state to state, as states educate teachers for their specific school system. In recent years, teacher education usually includes preparation for a diverse student population as part of the curriculum, including preparation for teaching in classes with students who are not proficient in German as the main language of tuition.<sup>17</sup> However, a recent study found that, in most states, teachers may enter schools unprepared with regards to language education in all subjects (SVR, 2017a, p.130).

On employment in a public school, most fully trained teachers are integrated into state systems either as lifetime civil servants with specific favourable regulations around health and old age security, or as salaried employees. Headteachers are teachers with, at most, only limited additional training (teacher union representative).

In the past, learning was almost exclusively organised according to the 'one teacher, one class, one room' principle. This learning setting still dominates, but is increasingly being substituted by team-teaching – rarely with two teachers in class, and more often with one teacher who organises differentiated learning with the support of a range of approaches including assistants for disabled students, with students, trainees or volunteers. In addition, large schools usually have one or more social workers who address social learning and disciplinary problems outside regular classes. Data on the presence of different types of professionals in the school system are not available.

Indeed, staff shortages are prevalent across the country. Between 2000 and 2015, almost 1,800 primary schools closed in response to decreasing student numbers; teacher training programmes have also reduced in number.

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<sup>17</sup> The abbreviation 'ELL' for English language learners is used in English-speaking countries. The phrase 'second language learners' is also used. As a general term for comparative analysis, tuition language learners (TLL) is suggested.

Since 2014, immigration and birth rates have increased, the latter due in part to refugee immigration (Klemm and Zorn, 2017, p.8, p.10). Administrative planning is often based on outdated data, due to delays in official statistics. A recent study estimates that the population aged six to 18 will increase by more than half a million, compared to official statistics which predicts a fall of half a million (Klemm and Zorn, 2017, p.8). At the beginning of the 2017/18 academic year, staff shortages have already impacted on teacher allocation and recruitment. Legal recruitment procedures have been changed to accept career changers, also called lateral entrants, with a Master's degree but without pedagogic qualifications, i.e. biologists becoming biology teachers.

*In many states, the shortage of teachers leads to re-allocation, overtime work or cancellation of classes. In Lower Saxonia, for example, teachers with qualifications for upper secondary education in Gymnasium are re-allocated to primary and lower secondary schools. (Relocated teacher)*

*The City of Bremerhaven was not successful in finding any teachers – qualified or not – for 35 posts (about four per cent of open posts) for over a year by summer 2017. Less than 50 per cent of new appointments are qualified teachers. In a newly established school, out of seven newly hired teachers, only the head teacher has a full teacher qualification. (GEW union staff from Bremerhaven)*

## 2.2. Legal and organisational framework concerning refugees in schools

### 2.2.1. School access for refugee children and youth

International and European law obliges Germany to grant school access to all children and youth without exception and independent of their residence status.<sup>18</sup> Article 10 of the European Reception Directive obliges member states to grant access to the education system “under similar conditions as nationals” with a maximum waiting period of three months after lodging an asylum application, but also indicates that education may be granted in accommodation centres. As education is a state responsibility, the legal right to education and the legal obligation to send minors to school are regulated in state constitutions, state education laws and administrative regulations.

In many texts, the beginning of *compulsory* schooling is treated as the only relevant aspect for school access (Autorengruppe Bildungsberichterstattung,

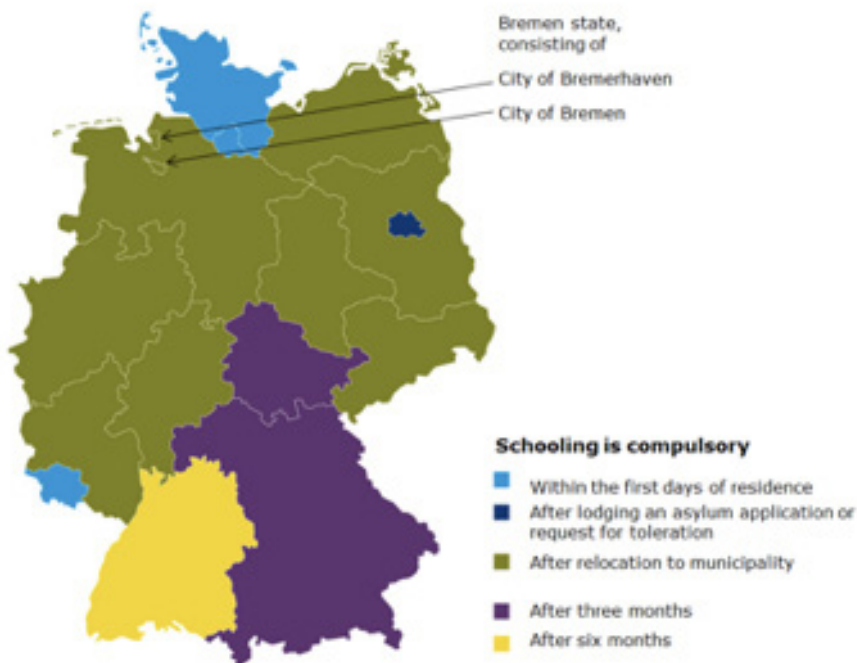
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<sup>18</sup> International Convention for the Rights of Children, European Convention on Human Rights; Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers.

2016, p.195). Only in three states schooling is compulsory from the very beginning of their stay in Germany (see Figure 2). Some states make it compulsory after three to six months from arrival and, in others, it depends on when an asylum application is lodged or when a refugee is sent from a preliminary reception centre to a municipality. In Bremen, schooling becomes compulsory after people are moved to municipal shelters or flats.<sup>19</sup>

It is possible that the time period where education is not compulsory may be extended, if the German states oblige people from countries classified as *safe country of origin* to stay in preliminary reception centres until return or deportation. This option from the state is part of a range of legal changes in 2017 aimed at increasing the return of rejected asylum seekers to their countries of origin (Deutscher Bundestag, 2017).

**Figure 2. Compulsory schooling for asylum seekers in the German states (Länder) July 2016**



Source: SVR (2017a, p.127) based on Massumi and Dewitz (2015) and information from the KMK; translation and indication of Bremen by authors.

<sup>19</sup> According to a survey of states by the German Institute for Human Rights, compulsory schooling begins already from the day of moving into Bremen, see: <http://landkarte-kinderrechte.de/> Accessed 19 Oct 2017



Legal access to education for young adults without a recognised school leaving certificate differs widely between the states. In Bremen and some other states, young adults have legal access to preparatory courses in vocational schools until the age of 18. Other states generally grant access until the age of 21, and exceptional access rights may be granted until the age of 27 (SVR, 2017a, p.132). After access is granted, students can finish their education in the respective schools – provided they are not forced to leave the country.

### 2.2.2. The organisation of school integration

Once children and youth access regular public schools, integration models vary widely between states. The organisation of the introductory phase is mostly regulated by administrative regulations and not by legislation.

It is a widely accepted assumption that new immigrants must learn the German language first.<sup>20</sup> Therefore, children and youth usually have to attend *preparatory German classes* before being integrated into regular classes. These classes have different names (among them *Vorkurs* [pre-course] in Bremen, international preparatory class in Hamburg, welcome class<sup>21</sup> in Berlin). Curricula are often undefined (SVR, 2017a, p.131) and may include only German language tuition or, in some cases, additional subject-oriented content.

Five models of integration in Germany have been identified (Table 1):

- *Immersion*<sup>22</sup> without any specific extra support
- *Integrative* with regular classes and supplementary German classes
- *Partly integrative* with a mix of German classes and regular class attendance
- *Parallel classes* can be given *temporarily* as a step towards integration into regular classes after three months to two years *until school leaving certificate* without integration in a regular class with students socialised in Germany.

20 While acknowledging that schools have broad tasks with respect to knowledge in subjects, skills and democratic values, the renowned Expert Council of German Foundations on Migration and Integration states in its report for 2017: "Most new migrants first and foremost have to learn the German language". [translation by authors] (SVR, 2017a, p.126).

21 In the city of Bremerhaven, the term 'welcome class' refers to preparatory German classes that are given outside regular school premises in refugee accommodation.

22 The German term 'submersives Modell' would directly translate into immersion model.

**Table 1. Models of school integration in Germany**

Model *	Regular classes with children socialised in the receiving country	Separate tuition for German language learners
<b>Immersion</b>	Full-time	No specific courses, access to general support options
<b>Integrative</b>	Full-time	Additional German lessons
<b>Partly integrative</b>	In some subjects or some time slots	Preparatory class for most of the school day
<b>Parallel (temporarily)</b>	No joint classes for three months to two years	Full-time preparatory class, mainly German as a second language
<b>Parallel until school leaving certificate</b>	No joint classes	Full-time, German as a second language plus subjects

Source: Own presentation based on Massumi and Dewitz (2015, p. 44).

Immersion models are mostly practised in the initial primary school years where all students learn reading, writing, elementary maths and other basic competences together with the accompanying vocabulary. Integrative, partly integrative, and temporarily parallel models are mostly practised in the later years of primary schools and lower secondary education. Parallel classes leading to a school leaving certificate are – if at all – offered for students who arrive aged 15 and older.

Besides the different legal and administrative regulations in the states, the implementation of a certain model is also left to the discretion of schools and can be based on elements such as specific educational or subject-oriented features of the school, available staff, financial and spatial resources (Terhart et al., 2017, p.240). Examples of this are discussed in Chapter 3.

### 2.2.3. Policies concerning interaction in schools

The KMK's recommendations on intercultural education emphasise, among others aspects, the potential value of diversity in schools, the appreciation of multilingualism, the need for self-reflection, and for schools to reach out to parents (KMK, 2013). In 2016, the KMK published a short report and declaration on the integration of young refugees through education (KMK, 2016b, 2016d). The declaration starts off with the assumption that the speed and quality of German language learning is the essential factor for successful integration and a precondition for access to regular education (KMK, 2016d, p.1). It confirms that no child or youth with a refugee background may be left behind.

Only on the last page, the KMK addresses the fact that not all children and youth will be allowed to stay in Germany. It recommends that specific measures should be developed for persons 'with an uncertain staying perspective' so that they receive education that serves their livelihood in their home country (KMK, 2016d, p.4). However, an uncertain staying perspective is not specific for a certain share of refugee children and youth, but generally affects all of them during their asylum application procedure. It seems that 'uncertain staying perspective' actually means 'expected return', referring to those categorised as persons from *safe countries of origin*. The topic needs further reflection, as unpredictability or a really 'uncertain' staying perspective may be the key challenge for the formulation of adequate curricula and for learning processes.

Mechanisms to disseminate and implement the KMK's agreements differ across states so that it is unclear how much of the recommendations trickle down to the local level and individual schools. In Bremen, for instance, the 2014-18 state plan for migration and education reflects the KMK recommendations of 2013 (Senatorin für Kinder und Bildung, 2014, p.32-40). The concept for language education of 2013 mainly concerns students socialised in Germany who are disadvantaged in school because they speak another language at home or because families have limited linguistic capacities (Senatorin für Bildung und Wissenschaft, 2013). Preparatory German courses are only briefly described in the plan. In addition, in teacher education at the University of Bremen, training in German as a second language used to focus on the specific learning needs of children who were brought up in Germany speaking a different language in the family. It is only recently that the needs of German language learners are addressed and handled more intensively.

## 3. Local implementation in Bremen and other states

Recommendations by the KMK and by Bremen's 2014-18 state plan for migration and education encourage schools to be aware of opportunities involved with teaching students from different countries and backgrounds (KMK, 2013; Senatorin für Kinder und Bildung, 2014).

For instance, the presence of these students could increase interest in global issues, could offer foreign language learning opportunities for local students, and could motivate schools to address international migration not as something exceptional but as a normal feature of schooling. However, *opportunities* involved with these developments are rarely mentioned in the context of current migration movements.

Exceptions can be found in pilot programmes. For example, a programme at the University of Potsdam in the state of Brandenburg seeks to qualify refugees with a teacher qualification from another country to allow them to work in German schools. Besides qualifying teachers, the programme also aims to enrich the German education system through the use of pedagogic staff with migration experiences and a non-German cultural and language background and by providing opportunities for joint intercultural learning in teacher education at the university.<sup>23</sup>

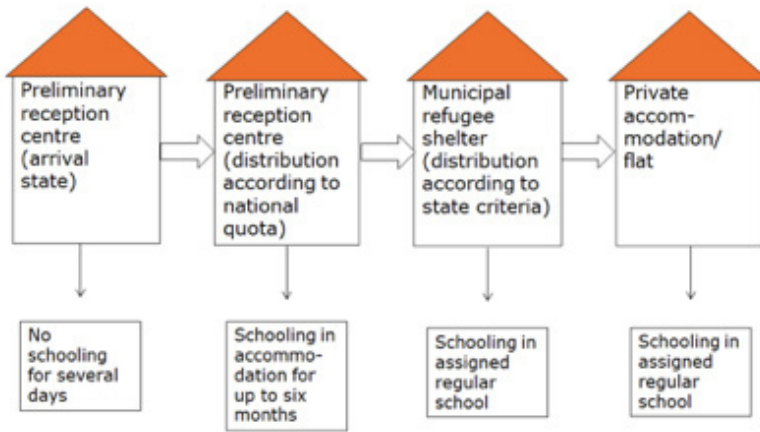
The public debate about immigration emphasises integration challenges, as does the main part of this section, which focuses on access to education, the organisation of the introductory phase, and interactions once newly arrived students are in regular classes.

### 3.1. Access to education

#### 3.1.1. Multiple changes in learning arrangements

Access to education is not an issue confined to the very beginning of a refugee's stay. The nature of the asylum procedure, which involves several changes of residence, has consequences for education. Figure 3 summarises key features of a reception procedure and what they mean for school access and change.

<sup>23</sup> <https://www.uni-potsdam.de/unterrichtsinterventionsforsch/refugee/kursbeschreibung.html> Accessed 19 October 2017.

**Figure 3. Refugee accommodation and consequences for schooling**

Source: Own compilation based on Lewek and Naber (2017).

The procedure can be shorter if the asylum seeker is immediately allocated to a flat in a municipality from the first preliminary reception centre; it may also be longer, as an extension of the maximum duration for preliminary reception centres is not unusual (Lewek and Naber, 2017, p.20). Even in the best-case scenario, this means that students have to change learning groups several times. For teachers, it means having to include and lose students during term time.

### 3.1.2. Education in preliminary reception centres

According to surveys of staff in refugee accommodation facilities (Klaus and Millies, 2017, p.15–19), children and youth housed in preliminary reception centres usually do not receive regular education similar to regular residents. They may receive no school-based education at all for several months, or they may receive part-time education in the centre which is not equivalent to general education. Lessons are not always provided by fully paid qualified teachers, but may be delivered by students and volunteers with or without educational qualifications.

Schooling in preliminary reception centres was introduced in Bremen in 2016. It is voluntary, runs for 20 hours per week, and involves learning of German and general competences. In Bremen, 4.7 per cent of young German language learners are refugee children who are educated in preliminary courses outside schools (own calculation based on Bremische Bürgerschaft, 2017).

A different type of on-site education in some preliminary reception centres in Bavaria is reserved for asylum seekers with a poor prospect of staying in

Germany. Fifteen to 20 hours of questionable-quality education are provided without German-language lessons – mostly “arts and crafts”, according to staff (Klaus and Millies, 2017, p.16). Since March 2017, such “special reception and return centres” have been instituted for persons whose prospect of staying in Germany are low. These centres may have a high turnover of people, including children and youth who had already attended a regular school.

*The siblings, Naime (20), Lejhana (18) and Jeton (16), came in Autumn 2014 from Albania to Germany. For a year, they lived with their parents in one room in a municipal shelter in a small Bavarian city. The parents engaged in work for persons on welfare (1-Euro-jobs), the brother went to school, the sisters took part in an advanced course of German as a second language. After internships, the siblings were offered vocational education in the dual system by a dental technician and technician for hearing devices, the brother as an apprentice in construction. Nineteen months after entry, the family had to move to the special reception and return centre. (Lewek and Naber, 2017, p.28)*

### 3.1.3. Waiting times until regular school entry in municipal shelters and flats

Access to education for those living in municipal shelters may also involve delay – due to staff shortages in schools or to bottlenecks in administrative procedures around areas such as residence registration, health checks, or age determination of unaccompanied youth. In fact, no school attendance is recorded for five per cent of a sample six-12-year-old age group of refugee children (Gambaro et al., 2017, P.384–385).<sup>24</sup> In addition, new arrivals who have not yet lodged a formal asylum application are not covered, leading to an underestimation of the number of children without access to education. In Bremen, 3.5 per cent of German language learners of school age are awaiting school placement (own calculation based on Bremische Bürgerschaft, 2017). Waiting times for school places were particularly long in the peak of immigration in 2015, as the education administration was not able to start new classes due to a lack of staff.

*A family came from Kosovo with four children in 2015. At the time of the interview with a Master's student in 2017, all the children were in school. While the three younger children were quickly assigned to schools, the daughter who was 17 in the year of arrival was told to wait due to lack of school places. The mother felt guilty for not securing a school place for her daughter, and the daughter who had attended a Gymnasium in Kosovo was frustrated. After six months of waiting, a retired teacher who gave voluntary lessons in the shelter intervened on her behalf and helped to get her into an Oberschule. “It was the happiest day for our daughter, and for us as well!” (Masters student, University of Bremen, interview, 2017)*

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<sup>24</sup> The sample is taken from a representative survey of adult asylum seekers who give information about the school situation of their children (Gambaro et al., 2017, p.379).

As one of several emergency education projects, a school preparatory course for 34 male unaccompanied minors was offered by staff and students in a Bremen university based tuition project in early 2016, seeking to integrate German and subject learning (Baginski, 2016). For some of the participants, it took nearly a year before they were placed in regular schooling.

Meanwhile, most students get a school place soon after moving into a shelter or flat.

*Sometimes we get them into school right after they move into the shelter. But there is also one boy who will go to school only after the summer holidays, even though he has been in our house for more than three months now. The school would not accept him without the obligatory health check, and the health check appointment was only two months after they moved in. (Bremen municipal shelter staff member, June 2017)*

*Seventy-six refugee students were registered at a Bremen university based tuition programme between January 2015 and March 2017. In the programme, supervised teacher trainees provide complementary lessons for students with non-German family language. According to programme data, they have faced an average waiting time of 4.5 months before regular school access. (Coordinator of Lehr-Lern-Werkstatt Fach\*Sprache\*Migration)*

### 3.1.4. Access to education for pre-school children and young adults

In many places, access to early childhood education is difficult for refugee children for a number of reasons – lack of places, complicated application procedures, lack of information, lack of interest due to cultural expectations, or unsecure residence (SVR, 2017a, p.122). Nonetheless, 80 per cent of three-to-six-year-old children amongst recently immigrated refugees attend a childcare facility, compared to 95 per cent in the total population (Gambaro et al., 2017, p.384). This care can include childcare offered by volunteers in reception centres for just several hours a week.

After the age of compulsory schooling ends, young refugees still often need regular schooling because they do not have a school leaving certificate. For unaccompanied youth, age determination can delay schooling. For the 18-25 age group, there is often no possibility of attending a school - either there are no options or no capacity (Klaus and Millies, 2017, p.19). The state of Bavaria was the first state to react to this need. It introduced refugee classes in vocational schools across the state. These classes can be accessed until the age of 21, in exceptional cases until the age of 25, and offer the opportunity to attain the basic school leaving certificate in two or three years (Klaus and Millies, 2017, p.20).

Vocational education in the dual system can be started without a school leaving certificate, but companies usually require it as trainees without school leaving certificate often find it difficult to pass the exams at the end of their occupational education. People undertaking an apprenticeship are protected from deportation even if their asylum application is rejected. Successfully finishing the apprenticeship leads to the right to a longer-term work visa and then a long-term residence status. Refugee youth can get advice on issues in their shelters or by state-funded consulting services for migrant youth.<sup>25</sup> In many places, companies can also receive advice by the employment agency or by business associations such as the 'welcome guides' from the Bremen Chamber of Commerce.<sup>26</sup>

## 3.2. The organisation of school integration

This section deals with the organisation of the introductory phase in schools, giving examples of practical implementation in Bremen and highlighting specific challenges.

### 3.2.1. Competence assessment and allocation of students to school

In Bremen, the central administration aims to distribute children to a wide range of different schools. The idea is to increase interaction opportunities with students socialised in Germany and to involve all schools in refugee integration.

*High immigration numbers are a big challenge and our strategy to cope with this is to distribute to as many schools as possible ... ideally to all schools. (Education ministry staff member in interview with Master's degree student, 2017)*

Other states concentrate students in specific schools, ensuring that teacher competences, particularly in German as a second language, are available in the school.<sup>27</sup>

However, before a school is assigned to a student, there is no systematic competence assessment, neither of German language competences nor of the student's level of subject knowledge. In Bremen, primary school children are assigned to the closest primary school with an available place in a preparatory German course. Secondary school children are assigned to a secondary school according to geographic considerations, available places, and a short conversational assessment of prior education by administrative staff.

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25 <https://www.bamf.de/DE/Willkommen/InformationBeratung/JugendlicheBeratung/jugendlicheberatung-node.html> Accessed 19 October 2017.

26 [https://www.handelskammer-bremen.de/Ausbildung\\_und\\_Weiterbildung/Ausbildung\\_Fluechtlinge/Willkommenslotse---Beratung-zur-Integration-von-Fluechtlingen/3342532](https://www.handelskammer-bremen.de/Ausbildung_und_Weiterbildung/Ausbildung_Fluechtlinge/Willkommenslotse---Beratung-zur-Integration-von-Fluechtlingen/3342532) Accessed 19 October 2017

27 For detailed information on local education strategies, different allocation procedures and the multilevel-structured mechanisms of inclusion or exclusion in the state of Northrhine-Westphalia, see Emmerich et al. (2017).



Ideally, illiterate students are assigned to specific separate courses, and students with a high level of competences acquired in schools in their countries of origin are allocated to preparatory courses in the academically oriented *Gymnasium*.

In principle, competency in the family language can be assessed and accepted as a replacement for a second foreign language that is necessary for acquiring a tertiary education certificate. However, not all schools are making use of this option, and teachers in schools still report cases of students who would be better placed in a different type of course or school (teachers in interviews with Master's degree student 2017).

### 3.2.2. Preparatory German classes and interlocking of German-learning and subjects

In Bremen, most children – for exceptions see below – must participate in a preparatory German class and have an assigned regular class in which they are supposed to follow some subjects. This partly integrative model is practised in primary schools for up to six months, and for up to one year in lower secondary schools. The idea is to provide early opportunities for initial contact with children and youth socialised in Germany and thus opportunities for improving their German in informal conversations. Decisions on assigning a student to a specific grade, class and course are organised within schools, with students often assigned to a lower grade than their age would indicate. The preparatory German class takes 20 hours per week, while the regular class is allocated 30 hours, so that up to 10 hours can be spent in the regular class. Schools decide when and in what lessons children should attend regular classes. This partly integrative model does not always match well with regular timetables in Bremen schools. While some schools seek individual solutions, others have schematic solutions that do not match well with individual needs.

*“They have the preparatory German class from the second to the fifth hour. That means that they go to the regular class in the first and the sixth lesson. That is sometimes very very difficult. In the first and the sixth hour, they do not get real contact with the class, and that is not only because of their German. One day, they experience one of the German lessons and then one in English or in arts, and they often feel very lost and then they cut classes and sit in front of the door of the preparatory German class and wait for the teacher to come. (Headteacher in interview with Master's degree student, 2017)*

*A member of the school management in an Oberschule explains that 20 hours per week for preparatory German classes for one year is not enough. The school seeks to gain flexibility by integrating some of them earlier and others later in regular classes. (Member of school management in interview with Master's degree student, 2017)*

Previously, students who arrived in Bremen aged 15 or 16 were educated according to this model. From August 2017, these newly arrived students without German proficiency will be taught in parallel courses with the aim of directing them towards achieving a general school leaving certificate (school administrator, from interview of colleagues at the Unit for intercultural education). This has already been the practice in some other states, for example Hamburg (Neumann and Schwaiger, 2014, p.72).

If migrants arrive in Bremen at the relevant age for upper secondary education, they are either placed in further general education leading to a tertiary entrance certificate, or further vocational education leading to a formal vocational qualification, or vocational education leading to improvement of employability in unqualified jobs. In the city of Bremen, 101 German language learners attend schools in upper secondary education, with an additional 1,298 in vocational education.

In *Gymnasium* or *Oberschule* the preparatory German course has been extended from one to two years. Students are supposed to enter grade eleven afterwards and strive for a tertiary entrance certificate after three years, learning with German-socialised students who are considerably younger.

Most refugees who arrive in their late youth are assigned to preparatory German courses in vocational schools. For two years, they receive simultaneous teaching in German and some subjects with occupational orientation.

*My German class takes place at a vocational school, but we have nothing to do with them, we just use the same building. The class receives 20 hours per week – 14 hours of German as a second language and six hours in maths, politics and internet proficiency. (Teacher of a preparatory German class in a vocational school, from interview with a Master's degree students)*

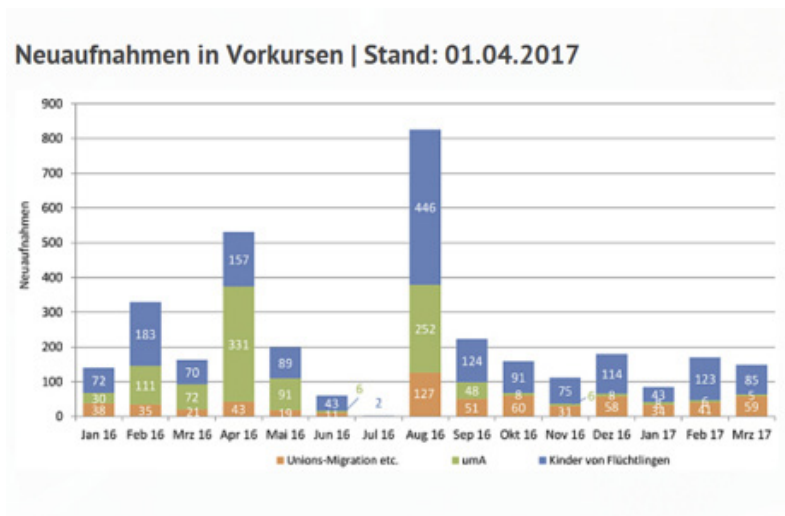
Longer phases of only learning the German language are problematic, as students miss other subject content being studied by German-socialised students; this broadens gaps in their education that may already exist because of their experiences of war and forced migration. However, there is no easy solution: if students move into regular classes with German as the only language of tuition, their limited German knowledge will mean they cannot follow lessons. In addition, some regular teachers are not trained to help them – for example, by scaffolding techniques and visualisations – issues that are only recently and not fully addressed in teacher education.

### 3.2.3. Fluctuation and heterogeneity

It must be acknowledged that the education administration has to cope with high numbers and fluctuation with regards to migrant children. At the beginning of the 2017/2018 school year, 2,145 students were attending specific courses for German language learners in general public schools and 1,477 in vocational education (Bremische Bürgerschaft, 2017), constituting around four per cent of all students with variations by school type and subregion.

Figure 4 shows that more than 800 students started a preparatory course at the beginning of the new school year in August 2016, being joined monthly by 100 to 200 extra students.

**Figure 3. Monthly numbers of new students in preparatory German courses in Bremen**



*Explanation: orange – migrants from European Union and other states; green – unaccompanied minors; blue – children of refugees*

Source: Senatorin für Kinder und Bildung <https://www.bildung.bremen.de/sixcms/detail.php?id=117153>  
Accessed 25 August 2017.

Teachers in preparatory courses must deal with high levels of fluctuation as students can enter and leave the course at any time of the year.

*I noticed a birthday calendar in the back of the classroom of a preparatory German course and counted 59 names. The teacher told me that she hung up the calendar about two-and-a-half-years ago. This means that she greeted on average two new students per month, and that the entire class changed about twice a year. (Author D. Vogel)*

Being faced with the needs of learning groups with a high diversity of age and educational backgrounds, teachers in preparatory German courses are often highly engaged with 'their' children and gain significant practical experience in internal differentiation in class.

*The preparatory course in an Oberschule in the city of Bremen includes 12 students aged between 10 and 16. Two Syrian boys aged 12 years have been in the class for two weeks in which they have been introduced to a couple of letters. The teacher starts the school day with a run-and-write-exercise in which all students take part. Pages with words or short phrases on three different levels are placed on tables in the back of the room. Students read, go back to their table and write down the words in their notebooks. The students with only two weeks of literacy training write words like mama, while the more advanced students write more difficult words and expressions. When they are ready, they show it to the teacher who advises them to check a word again if necessary. (Author D. Vogel, observation)*

Lack of literacy is considered a challenge that cannot be adequately coped with in preparatory German courses. In response to this problem, the education administration started introducing separate courses for students without literacy in any language in 2016, but the system is not yet fully developed. At the beginning of the 2017/18 academic year, five literacy courses were being conducted at schools offering general education and eight at vocational schools (Bremische Bürgerschaft, 2017).

#### **3.2.4. Coping with increasing numbers in times of teacher shortages**

Teachers are allocated to schools according to the number of their preparatory German classes. This differs according to the particular school level.

*It is foreseen that newly arrived students without proficiency in German can attain 20 lessons per week for six months in primary schools, for one year in secondary schools and for two years in occupational education. (Bremische Bürgerschaft, 2016, p.9)*

However, a lack of qualified teachers means that not all vacancies can be filled. In Bremen, shortages of teachers and rooms had already been criticised before the number of school students increased rapidly from 2014 to 2016.<sup>28</sup> The increasing need for teachers could not be accommodated from the existing supply of qualified and recognised teachers. Pensioners were re-activated and lateral entrants encouraged.

Contractual arrangements vary, but a considerable number of contracts is arranged via a non-government organisation (NGO) that was originally engaged primarily in tutoring for disadvantaged children and youth (Stadtteil-Schule).<sup>29</sup> Today, this NGO functions as a temporary employment agency which is subcontracted by the school administration. For example, students with a Bachelor degree are employed as teachers for regular subjects and for German as a second language. This way, the education administration avoids highly regulated staff-hiring procedures and qualification standards for public service at a time when qualified staff cannot be hired in sufficient numbers. Temporary teachers are allocated to the schools to teach in the preparatory German classes, but they have a different employer and are often not considered as part of the regular school staff.

*In late 2016, the staff council for the public schools in Bremen (Personalrat Schulen) organised a large meeting of almost all teachers of German preparatory classes to learn about their concerns. The main concerns were lack of job security, lack of equal pay for demanding work, lack of recognition within schools, lack of adequate teaching materials. The teachers were also concerned about the quality of education they were providing and raised the issue of the absence of set class sizes, special needs input, and psychological advice both for students and teachers. The chair of the staff council summarised: "The teachers in preparatory German courses feel left alone with these problems". (GEW 2016, p.11)*

In the 2017/18 academic year, 55 teachers for German as a second language have been employed by the city of Bremen and 78 are still employed by other organisations (Bremische Bürgerschaft 2017, p.10).

Refugee teachers are rarely accepted as regular teachers. However, a significant number of refugee teachers, who have been trained in other countries and have not been able to achieve recognition of their qualification, also work for the *Stadtteil-Schule*. As the regular German teacher education requires a Bachelor and Master's degree in two subjects plus state training on completion of the Master's degree, foreign teachers study additional courses at university to achieve a comparable level to German teachers in terms of level and content.

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<sup>28</sup> See for example union demands on the occasion of state elections: <https://www.gew-hb.de/aktuelles/detailseite/neuigkeiten/buergerschaftswahl-2011/> Accessed 20 October 2017.

<sup>29</sup> <http://www.stadteilschule-bremen.de/index.php/bildung/deutsch-als-zweitsprache> Accessed 20 October 2017.

In addition, they have to achieve the highest level (C2) according to the Common European Reference Framework for Languages (CEFR), which means near-native proficiency in German.

*“The teaching profession is among the most difficult to access for people educated in other countries.” (Coordinator in qualification network for immigrants)*

Refugee teachers can take part in projects that help them to acquire these additional qualifications, however this can take years. University timetables are compiled to suit full-time students, and they rarely fit in with employment and family obligations.

*First, I want to learn German and then I want to work. I do not want to go back to university. (English teacher from Syria with a Bachelor degree, in conversation with author D. Vogel)*

In spite of staff shortages, there are few systematic efforts to integrate refugee teachers. Some projects have commenced to help teachers to complement their education so that they are accepted as regular teachers for their subjects (i.e. a project cooperating with University of Bremen). Other projects, in Potsdam and Bielefeld for instance, qualify more generally on a level below a recognised teacher qualification.

*The University of Potsdam in the state of Brandenburg offers a ‘refugee teachers’ programme’ as a pilot project. It aims at preparing refugee teachers to enter the German school system without acquiring a full teacher qualification. The programme consists of intensive courses in German, introduction to the German school and education system, and other educational seminars and school internships conducted over 1.5 years.<sup>30</sup>*

### 3.3. Interaction in regular school classes

Ideally, primary school students should have reached the *level A2* (CEFR) after the preparatory German course, and in secondary school they should have reached *level B1 (passive)* so that they can understand the main points of clear standard input on familiar matters regularly encountered in school, leisure and so on, but this is not always possible. Many teachers in regular classes do not feel sufficiently prepared to integrate students without this level of German proficiency. While student interviews show that they appreciate the welcoming atmosphere and individualised attention in preparatory German classes, they also indicate that they miss ‘real’ school where they can learn subjects.

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<sup>30</sup> <https://www.uni-potsdam.de/unterrichtsinventionsforsch/refugee.html> Accessed 20 October 2017.

*I like the regular class better than the preparatory course because we only learned German and did not do maths and English and such subjects. (Interview with a student for a Master's thesis)*

However, it is often difficult for students to follow the lessons if they have missed years of school during their forced migration and during the preparatory German classes. Particularly in the upper secondary level, schools frequently do not cope well with the challenge of preparing students to achieve an appropriate leaving certificate.

*"There are four students in the class who understand nothing if they read Kafka. I mean Kafka is difficult enough for German students. Sometimes I get really sad when I get feedback from teachers in regular classes that a really bright kid will not be able to make it, to reach the tertiary entrance certificate. I know that if someone is really intelligent and hard-working, it is not his or her fault that they came here only at the age of 15". (Teacher of a preparatory German class in a Gymnasium, in interview with Master's degree student)*

*"There is no point in putting a child in a class that matches her age group, but then she can't really follow what is happening." (Oberschule teachers, interviewed by Master's degree student<sup>31</sup>)*

Going to a regular class does not always mean full participation in the lessons.

*We have to move them to the regular class after one year, but for many of them this is too soon so that they cannot really participate. In sixth grade, this is still possible, but in grade 8 or 9, if the class does history or chemistry, the new students continue working on their German. (Oberschule teacher, interviewed by Master's degree student)*

After moving to a regular class, students may receive extra lessons to support their proficiency in German or to help them with their homework. However, in this scenario – where a student has moved from the preparatory German to the regular class – there are no significant additional resources to continue complementary German lessons.

*"Last year, we had two hours of German per week for former preparatory German class students who changed into the regular class. That is nothing! But this year, we do not even have that." (Oberschule teacher, interviewed by Master's degree student)*

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<sup>31</sup> Report of a visit by a union delegation in Bremerhaven from 5 September 2017 <https://www.nasuwf.org.uk/news/international/international-news/german-teachers-help-rebuild-refugees-lives.html> Accessed 20 October 2017.

A project at the University of Bremen, partly funded by the education administration, also offers additional support. Two hundred school students – 60 per cent of whom are new immigrants - attend extra lessons in small groups, being instructed by supervised university students (coordinator August 2017 in e-mail to D. Vogel)

Once students are full-time in regular classes, gaps in their school biography become a barrier to understanding.

*“The main problem is that they are lacking knowledge from the primary school stage. They have not finished primary school in Syria. For one of them, it took three years to arrive here – three years without school. I am doing my best so that they can follow the lessons, but it is not possible to fill in the gaps in their education. I give them additional material to catch up, but adequate material is also a challenge. They are youth, and they have to learn issues for which we have only study material aimed at primary school kids. It is not motivating for them to work with nice little animal pictures”. (Teacher of two grade 8 youth from Syria, interviewed by author D. Vogel)*

Schools do not have to assess German language learners with numerical grades in the two years after the student moves from the preparatory class to a regular class. However, not all schools use progress reports instead of numerical grades (preparatory course coordinator in interview with author D. Vogel).

However, the development of teaching materials to serve the needs of newly arriving children and youth has increased in the last few years, both from public organisations<sup>32</sup> and private publishers. Whilst these new materials cover, in particular, subject teaching for different age groups and different degrees of language proficiency, there are still substantial gaps.

Apart from dealing with German language learners, teachers in regular school classes are often worried about educating traumatised refugee children, leading to an increased demand for further adult education about trauma. It is often difficult to learn whether students are shy because they are new in the class, because they do not understand, or because of a social-emotional or mental learning difficulty.<sup>33</sup> The diagnosis of special needs, not only for newly arriving students, is an issue. Indeed, the allocation of sufficient specialised teachers to support students with special needs had not been achieved before the numbers of German language learners increased.

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32 <http://www.lis.bremen.de/fortbildung/detail.php?gsid=bremen56.c.90260.de> Accessed 20 October 2017.

33 See for example <https://www.education4refugees.org/updates/341-german-union-support-teachers-facing-traumatised-refugee-children-and-young-people> Accessed 20 October 2017.



## 4. Union initiatives to increase education opportunities for all

Most teachers in Germany belong to one of two union groups, the GEW under the umbrella of the DGB (German Trade Union Confederation), or one of several unions under the umbrella of the DBB (German Federation of Civil Servants). The GEW is the biggest union in the education sector with about 280,000 members, among them educators and teachers in schools, early childhood education, vocational training, adult and higher education.

This chapter outlines GEW's general policies regarding the educational participation of refugees and migrants. It then highlights recent initiatives and selected projects as well as their impact on meeting challenges and increasing education opportunities for all.

### 4.1. General policies and advocacy

#### 4.1.1. Guiding principles

According to the stipulated policies for human rights, social justice and non-discrimination as well as professional ethics, GEW advocates for the right to quality education for all and is committed to valuing and respecting diversity. On this basis, GEW has been promoting the rights and entitlements of refugees and migrants in the different areas of education for many years. Initiatives in this field are coordinated by the federal committee on migration, diversity, and anti-discrimination (BAMA), with corresponding committee structures in the federal states. Its central positions have been published in a pamphlet titled "Appreciate diversity – realise the right to education".<sup>34</sup>

Thus, the political and professional involvement of GEW and its members to ensure equity in and through education systems and programmes is not limited to demanding better working conditions. It encompasses advocacy for inclusive policies and strategies for capacity building on different levels, the promotion of bi- or multilingual and intercultural education, teacher training and professional development regarding diversity issues, cooperation with organisations to raise awareness about racism, fostering activities and networks against all forms of discrimination, and the publication and dissemination of expertise and teaching materials.

<sup>34</sup> <http://www.gew.de/bama/> Accessed 20 October 2017.

Several resolutions by GEW's national congress in May 2017 strengthen its existing positions and actions, calling for a review of national education policies by more consistently taking the realities of migration in the context of globalisation into account.<sup>35</sup>

#### 4.1.2. "Education cannot wait" – calling for action

During the summer of 2015, it became apparent that the arrival of several hundred thousand refugees in Germany would challenge the educational system. Even though this was not the first time Germany experienced an increased influx of new migrants, the different sectors, especially the schools, were not well prepared to absorb such a high number of new pupils. Already existing deficits became even more visible: from the critical shortage of teachers and educators, the cutbacks and withdrawals in the vocational education sector, to the lack of skills in teaching diverse learners in heterogeneous groups/classrooms.

In October 2015, GEW published recommendations titled "*Education cannot wait*"<sup>36</sup> and informed the public about the union's proposals and demands to ensure unrestricted access to education and participation for refugees and asylum seekers. At the core of these recommendations lies a commitment to welcome and support people seeking asylum and to guarantee them their fundamental right to education, according to the UN Convention on the Rights of the Child, regardless of their residence status. For this purpose, necessary adjustments of the existing legal framework and administrative practices, such as the removal of discriminatory rules in the asylum legislation or statutory changes in school regulations (see Chapter 2), would be required.

Also, need-oriented short and medium-term measures to support the work of the educational institutions and their employees were proposed. These related to concrete programmes and activities in all education sectors – from the broadening of the federal language learning programme in early childhood education (so-called *Sprach-Kitas*), more social work, and training to teach German as a second language in schools and vocational schools to capacity building in higher and adult education, as well as additional counselling, care and welfare services.

More particularly, the demand for more qualified educators and teachers called for appropriate investment by federal states and local government. As there was a lack of reliable data due to the overburdened administration of the Federal Office for Migration and Refugees, GEW made their own extrapolations and calculated the necessary additional resources. On the basis of the expected number of refugees and former ratios of the age cohorts, GEW anticipated

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35 <https://www.gew.de/aktuelles/detailseite/neuigkeiten/migration-als-normalitaet-ankennen-und-gestalten/>. Accessed 20 October 2017.

36 <https://www.gew.de/flucht-und-asyl/>. Accessed 20 October 2017.

how many children and young people would be among them: 100,000 refugee children from birth to age six, 300,000 aged six-21, and 150,000 aged 21-25. The GEW estimated that these numbers would require additional 18,000 educators and 24,000 teachers at an estimated cost of €3 billion extra per year.<sup>37</sup>

In order to urge the federal government to take action, GEW used the media to publicise these claims and enhance the pressure. At the same time, the union made clear - to the public and stakeholders - that the whole education system had been under-financed and in need of qualitative and quantitative development for a long time.<sup>38</sup> Thus, general reforms to ensure full-time quality education were addressed to meet the challenges of education in a multicultural society and the development of an inclusive education system. This concerns for example the need for sustainable funding in all states, and the need for legal reform, particularly reviewing the constitutional ban on federal funding<sup>39</sup> for tasks in the sole responsibility of states, such as education.

The response to the press conference and public relations was remarkable. The following day, the KMK endorsed the requests for quick access to education for refugees<sup>40</sup> and confirmed, in essence, the GEW estimation for the necessary financial and personnel resources.<sup>41</sup> Furthermore, GEW representatives discussed the issue with several members of parliament and ministers of education, indicating that the initiative strengthened the reputation of the union as a constructive stakeholder with clear and multifaceted expertise.

Since then, GEW has, at national level, continued to lobby for better funding of education<sup>42</sup>, joined a campaign called 'School for everyone – the right to education contains no exception'<sup>43</sup>, issued further news releases and publications as well as statements on draft bills concerning asylum and integration law and its impact on access to education and employment.<sup>44</sup> Meanwhile, the GEW state branches continuously assess and discuss the specific needs on the ground, advocate for inclusive policies with local refugee councils and other partners, and negotiate with the local authorities to implement adequate measures.

37 <https://www.gew.de/aktuelles/detailseite/neuigkeiten/rund-38000-zusaetzliche-paedagoginnen-und-paedagogen-noetig/> Accessed 20 October 2017.

38 By demanding quality education for everybody, the union sought to avoid the impression that additional resources were only claimed for refugees.

39 So called ‚Kooperationsverbot‘.

40 Mit Bildung gelingt Integration!": <https://www.kmk.org/aktuelles/artikelansicht/kultusministerkonferenz-mit-bildung-gelingt-integration.html> Accessed 20 October 2017.

41 The forecast was also taken into account in the last National Education Report (Autorengruppe Bildungsberichterstattung, 2016).

42 See for example the initiative called: Education. Thinking ahead! <https://www.gew.de/weiter-denken/> Accessed 20 October 2017.

43 Campaign with refugee councils and other migrant and refugee non-profit organizations (BumF, Pro Asyl, JoG): <http://kampagne-schule-fuer-alle.de/> Accessed 20 October 2017.

44 Usually in cooperation and under the umbrella of the DGB.

## 4.2. Selected projects

Advocacy does not only require access to decision-makers, stakeholders and relevant audiences. It also presupposes expertise in order to deliver evidence-based recommendations and to raise awareness for the needs of action through communications and media work. This expertise can be promoted through research – therefore, GEW has engaged in research funding and publishing study results, such as a survey on educational funding (Jaich, 2016), on teacher diversity and teaching learners with diverse backgrounds (Klomfaß, 2017), or on the education of undocumented immigrants (Funck et al., 2015). The latter, for example, attracted significant media attention and resulted in a practical guide for educators and teachers.<sup>45</sup>

Above all, successful advocacy for quality education for all depends on the experience, engagement and commitment of the people involved, in particular teachers and other educational staff. Thus, GEW organises meetings, workshops and conferences at national and local level to bring members together, to facilitate and encourage the exchange of experiences and good practices, to discuss strategies and concepts with a variety of stakeholders, to present and disseminate research findings, information and teaching material. In terms of organising, networking, social mobilisation, and public relations, these events are crucial – with follow-up that includes concrete and immediate actions, for example alliance-building, demonstrations or other collective actions to highlight causes to the interested public and decision-makers.

As it is not possible to outline all activities at local level, the selected projects presented below are only sample initiatives that focus on refugee education issues and raise awareness about the need to take action.

### 4.2.1. “Teachers Organising for Quality Education Provision for Refugees”

This local capacity building project is led by the GEW state branch in Bremen and supported by Education International (EI). It started in autumn 2016 and aims to improve the quality of education for refugees in Bremen and to assist teachers organising as union members. For this purpose, teachers in preparatory (German as a second language) classes and other education personnel were invited to not only define their needs and the needs of their students, but also to develop ideas about the best measures to address these needs adequately and formulate demands towards political actors in Bremen.

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<sup>45</sup> Recht auf Bildung – auch ohne Papiere. Was sollten Beschäftigte in Bildungs- und Erziehungseinrichtungen beachten? <https://www.gew.de/aktuelles/detailseite/neuigkeiten/neuer-flyer-recht-auf-bildung-auch-ohne-papiere/> Accessed 20 October 2017.

In order to campaign effectively, the project coordinator and team members of GEW began to take stock of school integration of refugee children and the main challenges in the preparatory classes. They informed colleagues about the situation in schools and the most recent figures in Bremen – together with the local refugee council which provided information about the situation in the refugee reception centres – and presented their common advocacy work (GEW Bremen, 2016).

To give colleagues more space to articulate their needs and to identify the critical issues for different sectors of the education system (primary, secondary and vocational), 12 interviews were carried out including teachers of preparatory courses and union representatives in schools. Also, a workshop was organised for teachers employed by the *Stadtteil-Schule* during the pay round strike in February 2017 to put their specific claims forward and plan respective actions.

In September 2017, teachers and other educational staff in the preparatory courses in each sector were supported in producing a list of demands addressing critical issues at a day-long conference (*Fachtag*) with sector-specific working groups.<sup>46</sup> About 100 participants, among them refugee teachers, discussed educators' intercultural competences, dealing with prejudices, and best practice examples of teachers' work in schools. Parallel workshops with the local refugee council were held, concerning their projects in schools and discussions with the vocational trade council about how refugees can access apprenticeships and vocational training. The conference recommendations have been discussed with relevant stakeholders and are due to be published as part of a programme of action to improve the provision of education for refugee children and young people. This programme involves a combination of negotiations with the state government and public pressure from union activities from autumn 2017.

The project has been marked by the willingness of teachers in the preparatory courses to articulate their concerns and demands. At the same time, these teachers are generally the most precariously employed staff within Bremen's education system, so organising on a longer-term basis has been challenging.

#### 4.2.2. Support programmes for refugee teachers

As mentioned in Section 3.2.3, there are qualified teachers among the refugees who are eager to share their experience and use their skills in German schools and who could help to ease pressure in the system, but are rarely accepted for work in their profession. Recognition of their qualifications is impeded by bureaucratic procedures and their lack of proficiency in German language. Usually, further studies for the equivalent of a degree and postgraduate teaching

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<sup>46</sup> <https://www.gew-hb.de/projekt-gute-bildung-fuer-gefluechtete/> Accessed 20 October 2017.

qualification are required. At national level, GEW tries to push boundaries and advocates for support and improved access of refugees to higher and further education teacher training programmes (including the provision of free German language courses and consulting services). At state level, GEW branches in Hamburg and Berlin have established support programmes for the professional integration of refugee teachers.

The refugee-buddy-programme in Hamburg is named *'Here to participate!'*<sup>47</sup> and aims to bring union members and refugee teachers together to facilitate professional exchange and cooperation. It addresses refugees in different languages and provides information and contact references regarding the recognition of foreign degrees and work permits in Germany.<sup>48</sup> It has organised information events about teaching observation. In Berlin, the GEW state branch established a similar project named *'Peer-Up'*.<sup>49</sup> It also invites their members regularly to establish a peer-to-peer network with qualified refugees who want to work in the educational sector.

Since teachers and educators who qualified abroad can become GEW members without being employed in Germany, they are also introduced to other union activities by their buddy partners or peers. It is conceivable that a working group structure for the self-organisation of refugee union members will be established. A practical guide concerning the possible range of support and legal protection services offered by the union (excluding counselling services concerning asylum law) is being worked on.

In addition, solidarity networks at international, national and local level with refugee teachers are manifold – ranging from the individual, practical support for colleagues who seek refuge in Germany to fostering school-partnerships in conflict regions and fundraising actions to support the work of other unions.

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47 <https://www.gew-hamburg.de/themen/gew/here-to-participate> Accessed 20 October 2017.

48 <https://www.gew-hamburg.de/themen/gew/infos-zum-thema-anerkennung-und-arbeitserlaubnis>  
Accessed 20 October 2017.

49 <https://www.gew-berlin.de/18029.php> Accessed 20 October 2017.

## 5. Conclusions

German school systems differ in the country's 16 states, with additional discretion at city or school level. Therefore, it is not possible to give a comprehensive overview of a 'German' approach towards the integration of refugee children and youth. Education authorities in the different states have devoted considerable efforts to defining and supplying good education to refugees. However, on the basis of the above identified challenges, several central areas of actions can be identified.

This report's key findings are summarised below. The authors have also added what they consider the most important demands of stakeholders to be discussed by governments, schools and unions.

### Access to education

The right of refugee minors to school education – as in accepted national and international law – is uncontested in Germany, although it is not always interpreted as a right to attend a general public school. In general, the right to education is often only granted when education becomes compulsory, which may involve a waiting time of several months. There is no regular education in preliminary reception centres. Waiting times for regular school places differ – they have reduced with declining numbers of newcomers, but they still exist. Moreover, access to education before and after the age of compulsory schooling is characterised by multiple barriers.

Access to education must be granted by state governments and realised by local schools. In order to improve access to education for all, the authors consider the following points as vital:

- *The right to education – whether schooling is compulsory or not and regardless of a minor's residential status – has to be realised in all states at all levels.*
- *Classes in preliminary reception centres need to be strictly limited (to a maximum three months according to international law) and improved in quality with regards to curricula and staff if they serve as substitutes for access to regular schools.*

- *Comprehensive information on access to education in different languages* should be developed, regularly updated and disseminated to parents, community activists and counsellors in services for migrants and youth.
- *Access to education for young adults* must be improved through targeted programmes for young adults – preferably until the age of 27 – so that they are enabled to catch up on missed subject contents.

## The organisation of school integration

There is no systematic assessment of the competences and learning needs of students before they are allocated to schools. Illiteracy is considered as a limit to internal differentiation in preparatory German classes so that special classes are gradually introduced.

As a rule, preparatory German classes of varying length precede school integration in regular classes (except for early primary school entrants). As an exception, older teenagers are increasingly taught in special classes that combine subject teaching with German language learning. Refugee students often have substantial gaps in their education backgrounds. These gaps are aggravated by periods in which they only learn German. The issue of subject teaching in parallel with learning German in German schools has not been systematically addressed. There are numerous, but mostly small-scale, projects seeking to improve this situation with regards to, for example, alternative course schedules, curricula, and materials.

The following measures are considered as helpful for the initial phase of school integration:

- *More systematic assessment of initial competences in subjects* such as maths, languages and sciences can help to avoid the allocation of students to programmes that do not help them to achieve their full potential.
- *Subjects should be taught soon after arrival* – either in subject courses designed for German language learners or through courses in family languages, for example when large numbers of students with the same family language are in a particular location. This helps to avoid a widening of qualification gaps.
- *Evaluation and discussion of evaluation results* is needed to learn from the wide range of projects and ‘models’ which seek to improve the initial school integration of young people.



## Interactions in regular classes

Interactions in regular classes vary widely, depending on state policies, teacher education and school cultures. Regular class teachers often make great efforts to help all students to participate in their lessons. However, they are often not well prepared to teach their subject in a group that includes German language learners, and not all schools and teachers consider it as their task to address the learning needs of students with different levels of German proficiency. The authors did not find any documented cases in which mother-tongue teachers are employed to help alleviate the impact of education gaps.

We consider that the following measures are urgently required to improve the situation in regular classes that include newly arrived refugee students:

- *Team-teaching* with two teachers, or one teacher with additional specialised staff, can help to address learning needs in heterogeneous classes with different learning preconditions - including different levels of German proficiency.
- *Deferred grading* is a means to gradually lead German language learners towards accomplishing education standards without being assessed as failures.
- *Increased teacher education* for integrated subject teaching and second language learner pedagogy, for example through scaffolding techniques, can help regular class teachers to meet the challenges of including German language learners in their lessons.
- *Targeted additional support*, for example by professional staff with knowledge of mother tongues, can assist students in coping with regular class curricula.
- *Updated multilingual information* can help families and students to make informed choices in the transfer stages between schools in Germany – for example for the best suitable school type after primary school and for assessment of uniquely German choices of vocational training.

## Staff needs and shortages

Germany has a relatively comprehensive teacher education with a Bachelor degree, a Master's degree in two subjects, and a state-regulated preparatory service after which many teachers gain permanent employment in life-time civil service. This makes it difficult for politicians to react quickly to changes in numbers and needs, and also for refugee teachers to get their qualifications recognised. Refugee numbers rapidly increased at a time when staff shortages

were already emerging in many German states, particularly at the primary school level. Increasingly, more than one adult is organising learning processes in a class.

This led to a range of ad-hoc emergency measures. The reactivation of pensioners, job offers for lateral entrants without pedagogic qualifications, and temporary jobs for students and volunteers were strategies to cope with the gap between needed and available teachers. In particular, German lessons for new arrivals are often delivered by temporarily employed staff without full teacher qualification, and often with very limited training in teaching German as a foreign/second language. At the same time, a range of lateral entrants gained teaching experience and often sought to improve their performance *autodidactly*. Wage levels and working conditions differ considerably.

While staff shortages in general can only be addressed by more training and employment, we consider that the following points are important, specifically with regards to refugee integration.

- In times of decreasing refugee arrivals, *emergency measures should be replaced by long-term solutions*. Persons who started teaching without adequate qualifications and who wish to stay in education should be offered opportunities to adjust their qualification – for example by targeted further training which can be undertaken while on the job. Even if a full teacher qualification may not be accessible for all affected parties, developments towards team-teaching and multiprofessional teamwork could offer new job opportunities in schools. A reconsideration of qualification patterns and career paths are worthy of discussion, in order to avoid the development of ‘paraprofessionals’ without a specified role, pay or education.
- High refugee immigration numbers can create an impulse to consider *new ways of adjusting teacher qualifications from abroad* which currently involve lengthy periods of learning without pay. This is not attractive for foreign teachers from a different educational system with years of independent teaching experiences. As regular teachers have to fulfil a state-regulated preparatory service after their Master’s degree (called *Referendariat*), one idea is to develop a new type of state-regulated preparatory service for foreign teachers. It could be a paid alternative for complicated adjustment of qualification measures. Such a paid qualification phase could, for example, be for three years and include German as a second language, familiarisation with the German system, and additional training in subject content and teaching methods in a regular timetable.

## Conclusions for union activities

As a union, GEW is highly engaged in negotiations about the salaries and working conditions of its members. But it also considers its members' interest in state-funded high-quality education for all and professional training and development as a starting point.

Therefore, union activities include advocacy to ensure equal opportunities and access to all levels of public education as well as participatory projects to identify the challenges in schools with teachers and other professionals on the ground. Refugees with a professional education background are considered potential colleagues and future members. The union engages with them in pilot projects and fosters solidarity and mutual cooperation.

A key challenge, due to staff shortages and resource constraints, is to tackle the growing responsibilities and increasing workload in the different education sectors. At the same time, it is a challenge to balance the needs of new education staff who came to teaching as career changers or as professionals who often have received shorter (teacher) training in their countries of origin, and the need to maintain established professional standards.

As a consequence of refugee immigration, we consider that the following issues are particularly worthy of union attention:

- With their commitment to solidarity and joint action, unions are in a unique position for advocacy in favour of quality education for all and against all forms of discrimination, both within the membership and towards stakeholders in politics and civil society. They are also in a good position to warn about consequences of migration policy choices for the education sector.
- Unions are continuously negotiating professional standards, career and wage structures with – in the German case mostly public – employers. Recent refugee immigration has added new challenges to these negotiations – namely through the rapid increase of temporarily employed staff without usually required training and through immigration of experienced refugee teachers with foreign qualifications. If unions manage to organise such groups and find targeted training and career pathways for them, their traditional membership can be relieved of the pressure of staff shortages while maintaining professional standards.
- Unions can channel information in two directions – they can transfer their memberships' concerns about school integration of refugees to policy makers and the research community, and they can initiate



targeted knowledge creation and disseminate early experiences as well as scientifically secured knowledge to their members. This contributes to informed choices and appropriate actions with regards to refugee integration in the German education system.

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# Opportunities and Hope Through Education:

## How German Schools Include Refugees

Dita Vogel and Elina Stock  
November 2017



Gewerkschaft  
Erziehung und Wissenschaft



Education International  
Internationale de l'Éducation  
Internacional de la Educación  
Bildungsinternationale

Head office

5 bd du Roi Albert II  
1210 Brussels, Belgium  
Tel +32-2 224 0611  
headoffice@ei-ie.org

[www.ei-ie.org](http://www.ei-ie.org)  
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Cover picture: Dominik Buschardt





# The Journey of Hope

## Education for Refugee and Unaccompanied Children in Italy

Sonia Grigt  
October 2017



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**Sonia Grigt**  
October 2017



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## About the author:

### **Sonia Grigt**

Sonia Grigt works as a consultant for Education International in Rome (Italy). She supports the development of EI work in favour of migrants' and refugees' rights through research, capacity building and advocacy activities. She holds a Master degree in International Relations (University Paris 1 – Panthéon Sorbonne, France) and is completing her PhD in Comparative Education at the University Tor Vergata (Rome, Italy). Her research interests include international migration and forced displacement, refugee and migrant education, global and regional education policies (EU), international academic mobility patterns and globalisation of higher education and research.

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“These children are not a problem for us, they are a resource because they provide the input we need to move forward and work at our best to take on new challenges”.

—School principal, Milan

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Sonia Grigt

# Methodology

The information presented in this report was collated between August and November 2016. Field visits were organised in seven Italian provinces: Milan (Lombardy), Turin (Piedmont), Rome (Latium), Naples (Campania), Catania, Palermo and Trapani (Sicily).

In total, 85 people were interviewed through semi-structured individual (face-to-face and telephone) interviews and focus group discussions:

- Nine representatives of educational authorities: one representative of the education ministry, and eight representatives of provincial/regional offices (*Ufficio Scolastico Regionale/ Provveditorato agli studi*)
- 15 social workers from 12 accommodation centres for unaccompanied minors asylumseeking families
- Six representatives of four municipalities
- Three representatives of a prefecture.<sup>1</sup>
- 15 experts: two on intercultural education and integration from renowned foundations

(Fondazione ISMU and Centro COME), three law experts on asylum and international protection (*Associazione per gli Studi Giuridici sull'Immigrazione*), and 10 representatives of nongovernmental organisations (NGOs)/associations/social cooperatives working in the field of migration and/or intercultural education (*Dedalus Cooperativa Sociale, Save the Children, ASAI, Il Nostro Pianeta, Federazione delle Chiese evangeliche in Italia*)

- One representative of the United Nations High Commissioner for Refugees (UNHCR) Italy
- 18 teachers and 18 education support personnel (principals, vice-principals and administrative staff) of 19 schools

The panel of 19 schools comprised “regular” schools (including pre-primary, primary, lower and general/vocational upper secondary schools) and eight Adult Learning Centres (Centro Provinciale per l'Istruzione degli Adulti – CPIA), where most unaccompanied minors aged 16-18 years are enrolled.

In addition to that, informal conversations were held with national and local representatives of the education trade union, UIL Scuola, and the union confederation, UIL.

<sup>1</sup> Local delegation of the Ministry of the Interior.

# Introduction

Unlike other European countries, for many years now, Italy has experienced a significant influx of migrants landing on its southern coasts. However, policy and media discourse has focused on sea arrivals, border control, and “illegal immigration” rather than integration<sup>2</sup>, fuelling the impression of a never-ending “emergency crisis” (*“emergenza migranti”*).

In Italy, media and public discourse usually refers to “migrants” without any clear definition. This term is used as an umbrella term to refer to newly arrived migrants, asylum seekers, and second-generation immigrants.

This research focuses on minors who arrived by sea, a cohort which can be divided in two groups: asylum-seeking “accompanied” minors (accompanied minors not applying for international protection would most likely follow the expelled parent/responsible adult) and unaccompanied minors (either applying for international protection or not). As described later, the second group comprises most of the minors arriving by sea over the most recent period.

In public discourse and in the conservative media, immigration is often associated with a deepening of the economic and employment crisis<sup>3</sup>. Many stereotypes<sup>4</sup> against migrants are to be found on social media and in public discourse, notably concerning the economic conditions offered to asylum seekers in Italy (accommodation, daily pocket money, access to WiFi and mobile phones, etc.)<sup>5</sup>. These criticisms are often described as being part of a “war among the poor”<sup>6</sup>. As far as schools are concerned, the prejudice that migrants bring diseases<sup>7</sup> (particularly strong during the Ebola crisis) has been reported in some

2 Colombo, A. (2013) Foreigners and immigrants in Italy, penal and administrative detention systems. *European Journal of Criminology*, 10 (6), 746-759.

3 See for example: Cartaldo, C. (2016, October 25), “Tolgono lavoro agli italiani” Ecco le prove sugli immigrati. *Il Giornale*. Retrieved from <http://www.ilgiornale.it/news/politica/i-migranti-ci-tolgono-lavoro-ecco-tutteprove-1323319.html> (Accessed on 28 April 2017).

4 The website [www.openmigration.org](http://www.openmigration.org) of the Coalizione Italiana Libert  e Diritti civili (CILD) gives a series of analyses dispelling false myths about migration in Italy and disseminating positive messages about migration. See for example: Torrissi, C. (2016, November 11), Il bilancio positivo dell’immigrazione in Italia. Retrieved from <https://openmigration.org/analisi/il-bilancio-positivo-dellimmigrazione-in-italia/> (Accessed on 28 April 2017); and Torrissi, C. (2016, November 21), Immigrazione: non esiste nessuna invasione, solo politiche inadeguate. Retrieved from <https://openmigration.org/analisi/immigrazione-non-esiste-nessuna-invasione-solo-politiche-inadeguate/> (Accessed on 28 April 2017).

5 Genoviva, F. R. (2016, October 11), Quattro stereotipi da sfatare sugli immigrati. OPEN MIGRATION. Retrieved from <https://openmigration.org/analisi/quattro-stereotipi-sugli-immigrati-da-sfatate/> (Accessed on 28 April 2017)

6 See for example an interview of a union leader (Filcams Cgil) in a local newspaper: Versiliatoday Reda (2016, July 17), “Pi  che guerra tra razze   una guerra tra poveri”. Retrieved from <http://www.versiliatoday.it/2016/07/17/piu-guerra-razze-guerra-poveri/> (Accessed on 28 April 2017)

7 Torrissi, C. (2016, October 27), Come sfatare il mito dei migranti che portano malattie. OPEN MIGRATION. Retrieved from <http://openmigration.org/fact-checking/come-sfatate-il-mito-dei-migranti-che-portano-malattie/> (Accessed on 28 April 2017)

interviews with school personnel as a frequent source of anxiety for resident families when newly arrived migrant children are enrolled in their schools.

The immigration “crisis” is also perceived as another demonstration of “Europe” abandoning Italy<sup>8</sup> and lacking in solidarity towards a phenomenon that is considered continental, breeding further mistrust of Italian citizens towards European Union (EU) institutions. In November 2016, Amnesty International released a controversial report<sup>9</sup> revealing cases of abuse and torture in the newly created “hotspots” (whose mission is to identify, register and fingerprint incoming migrants) and incriminating EU leaders for “driving the Italian authorities to the limits – and beyond – of what is legal” (Matteo de Bellis, Amnesty International’s researcher on Italy)<sup>10</sup>.

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8 See for example Gatti, F. (2014, July 3). Migranti, l'Europa lascia sola l'Italia. L'Espresso. Retrieved from <http://espresso.repubblica.it/plus/articoli/2014/07/03/news/migranti-l-europa-lascia-sola-l-italia-mentre-l-esodo-e-senzafine-1.172074> (Accessed on 28 April 2017)

9 Amnesty International (2016), *Hotspot Italy: how EU's flagship approach leads to violations of refugee and migrant rights*, November 2016.

10 Italy: Beatings and unlawful expulsions amid EU push to get tough on refugees and migrants (2016, November 3). Amnesty International. Retrieved from <https://www.amnesty.org/en/latest/news/2016/11/Italy-Beatings-and-unlawful-expulsions-amid-EU-push-to-get-tough-on-refugees-and-migrants/> (Accessed on 28 April 2017)

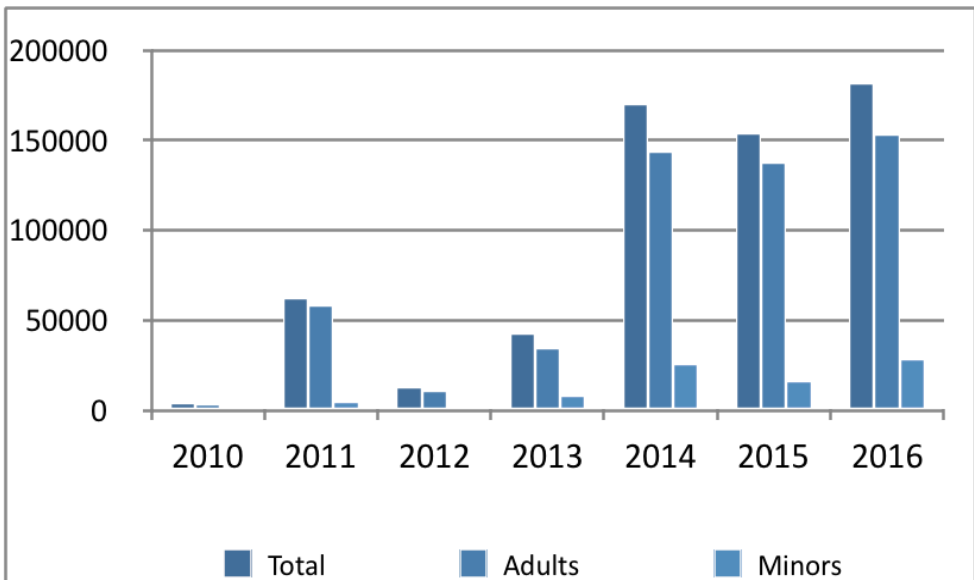
# Statistics

The starting point of this “emergency crisis” in migration can be dated to 2014, when the number of arrivals by sea in Italy increased by almost a multiple of four. Since then, the number of migrants landing on Italy’s southern coast has remained high and the number of persons applying for international protection has been growing steadily, from 63,456 in 2014 to 123,482 in 2016.

## Minors arriving by sea

Data shows that the number of minors arriving by sea tripled in 2014 and, following a slight reduction in 2015, increased again in 2016, to reach a total of 28,223 arrivals. Minors represent 15.5 per cent of the total incoming flows in 2016.

**Figure 1. Sea arrivals in Italy, 2010-2016**



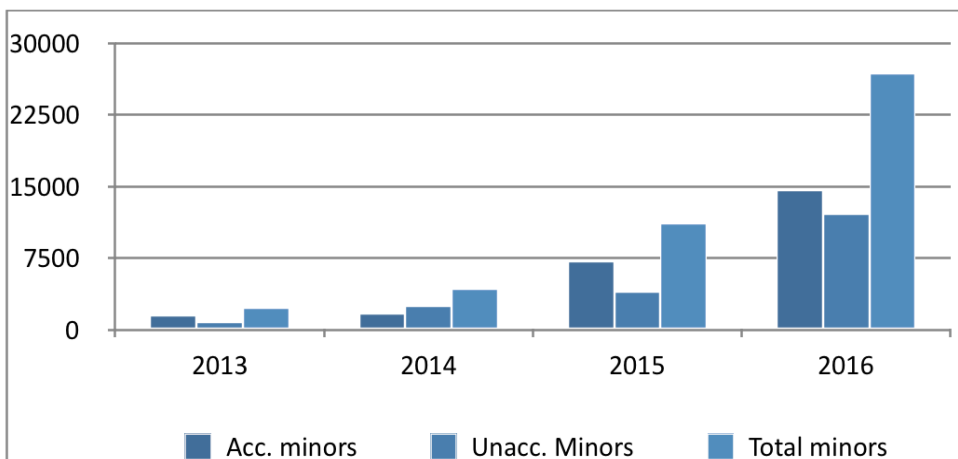
Source: Ministero dell'Interno/UNHCR

Unaccompanied minors make up an increasingly significant number of the total of minors arriving by sea: from 50 per cent in 2014 to 91.5 per cent in 2016. Except for 2014 (a year in which a particularly high number of Syrian and Eritrean families arrived by sea), the proportion of unaccompanied minors has always been higher than minors arriving with at least a parent or responsible adult.

### Asylum-seeking children

Between 2000 and 2013, the number of applications for asylum in Italy fluctuated between 10,000 and 30,000 yearly (with a peak of 37,350 applications in 2011). Since 2014, the number of applications has grown steadily, both for children and adults. In 2016, the number of children applying for international protection in Italy more than doubled, with a record 26,840 applications. Interestingly, since 2015, the number of accompanied children applying for international protection exceeds that of unaccompanied minors.<sup>11</sup>

**Figure 2. Minors applying for international protection, 2013-2016**



Source: Ministero dell'Interno/UNHCR

<sup>11</sup> Based on the information collected on the ground, a possible interpretation would be that the administrative difficulties facing asylum-seeking minors (cf. part II) may lead unaccompanied minors to opt for an "ordinary" integration path (ie. applying for a "minor" residence permit to be converted in an "adult" permit later on), instead of applying for international protection.

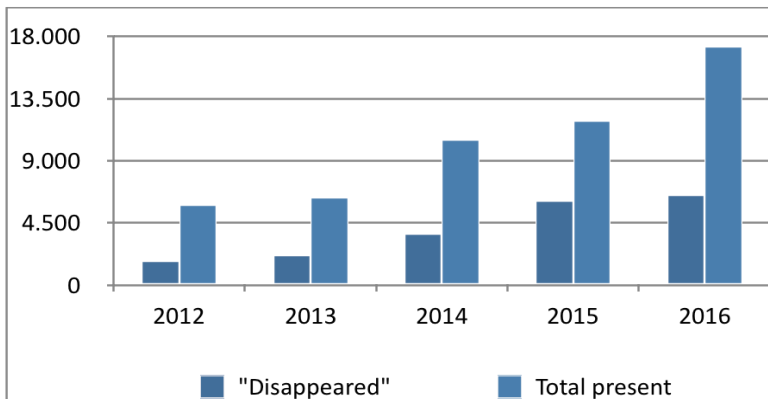
## Unaccompanied minors in Italy

According to the most recent data published by the Italian Ministry of Labour and Social Policy<sup>12</sup>, 17,373 unaccompanied minors were present in Italy as at 31 December 2016. Of these, 93.3 per cent were males. However, the proportion of female unaccompanied minors has grown steadily since 2015 (from 4.6 per cent of the total unaccompanied minors to 6.7 per cent)<sup>13</sup>. More than 80 per cent of these unaccompanied children are aged 16-18 and almost all of them are hosted in dedicated accommodation centres (92.5 per cent). The nationalities most represented to date are Egyptian (15.9 per cent), Gambian (13.3 per cent), Albanian (9.3 per cent), Nigerian (8.3 per cent), and Eritrean (7.7 per cent). Sicily is the main host region (hosting 7,097 unaccompanied minors – 40.9 per cent of the total).

### Disappearing minors

As at 30 November 2016, the Ministry of Labour and Social Policy estimates that 6,508 unaccompanied minors have disappeared (so-called *minori irreperibili*), representing 27.4 per cent of the total. Most of them are Egyptian (23.2 per cent), Eritrean (20.4 per cent), and Somali (19.1 per cent).

**Figure 3. Disappeared unaccompanied minors, 2012-2016**



Source: Ministero del Lavoro e delle Politiche Sociali, Direzione Generale dell'Immigrazione e delle Politiche di Integrazione

<sup>12</sup> The Ministero del Lavoro e delle Politiche Sociali (*Direzione Generale dell'Immigrazione e delle Politiche di Integrazione*) publishes a monthly statistical report on unaccompanied minors and a broader monitoring report three times a year. These publications are available here: <http://www.lavoro.gov.it/temi-e-priorita/immigrazione/focus-on/minori-stranieri/Pagine/Dati-minori-stranieri-non-accompagnati.aspx> (Accessed on 28 April 2017)

<sup>13</sup> The number of unaccompanied girls has doubled between December 2015 and December 2016. They are slightly younger than their male counterparts and most of them come from Nigeria (45.8 per cent) and Eritrea (19.3 per cent).



As Figure 3 shows, this complex phenomenon has been growing for the past few years, exposing these children to great dangers - putting them at risk of slavery, human trafficking, sexual abuse, etc<sup>14</sup>. According to the Ministry of Labour and Social Policies<sup>15</sup>, these children disappear for a number of reasons: their desired final destination, family and individual expectations, relatives' networks in other EU countries, etc. Although interviews have confirmed that some minors (especially Eritrean, Somali and Syrian minors) do not want to settle in Italy because they have family, friends and social connections in other EU countries, they also reveal limits in the Italian response to the growing influx of unaccompanied minors (cf. part II). And they highlight the case for improved and more efficient European coordination, in terms of family reunification procedures for unaccompanied minors.

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14 For more information concerning this phenomenon and the risks faced by these minors, see Save the Children (2016), *Piccoli Schiavi invisibili. I minori vittime di tratta e sfruttamento: chi sono, da dove vengono e chi lucra su di loro*. Available here: <https://www.savethechildren.it/sites/default/files/files/uploads/pubblicazioni/piccoli-schiaviinvisibili.pdf> (Accessed on 28 April 2017)

15 *Report di Monitoraggio. I Minori Stranieri Non Accompagnati (MSNA) in Italia*. Dati al 31 dicembre 2015, p.3: <http://www.lavoro.gov.it/notizie/Documents/Report-di-monitoraggio-31-diciembre-2015.pdf>

# 1. National legal framework and education policies

The Italian legal framework guarantees the right to education for asylum seekers and refugees and, over the most recent period, educational initiatives have been launched to promote access to education for displaced children and youth.

## 1.1. The immigration legal framework

Under Italian immigration law, minors cannot be expelled<sup>16</sup> and have the right to education, regardless of their or their parent's/responsible adult's immigration status. Moreover, they are entitled to obtain a "minor" residence permit (*permesso di soggiorno per minore età*). This may be converted to an "adult" permit<sup>17</sup> when they reach the legal age of majority (18 years old).

In many respects, Italian immigration regulations offer a protective framework for the most vulnerable children travelling unaccompanied, regardless of whether or not they apply for international protection. They provide for the appointment of a legal guardian and the recognition of unaccompanied children's fundamental rights such as the right to protection, health, education, adequate living conditions to ensure their wellbeing and social development, etc. Until 2014, unaccompanied minors were subject to the very same rules applying to Italian abandoned children. This meant that single municipalities were responsible for protecting and assisting them and each region was in charge of defining minimum standards for structures hosting them. However, given the unequal distribution nationally and with certain municipalities overburdened, the Italian authorities introduced new hosting arrangements for foreign unaccompanied minors. In some cases, this new reception scheme has caused violations of unaccompanied minors' fundamental rights (cf. part II concerning the impact on the right to education) and, almost always, led to a deterioration of their integration process<sup>18</sup>.

<sup>16</sup> Unless he/she follows the expelled parent (Legislative Decree 286/98, article 19.2.a).

<sup>17</sup> Several types of permits can apply in this case: work, study, prospective employment, or health.

<sup>18</sup> For an in-depth analysis of the Italian immigration legal framework concerning unaccompanied minors and its evolution over the recent period, refer to Rozzi, E. (2017) "In primo luogo minori? I diritti violati dei minori stranieri non accompagnati in Italia", in *Il diritto d'asilo. Report 2017. Minori rifugiati vulnerabili e senza voce, a cura di Delfina Licata e Mariacristina Molfetta, Fondazione Migrantes.*

## 1.2 The right to education

In principle, the Italian school system is very inclusive. According to the Italian constitution (article 34), “the school is open to all” and separate educational tracks or institutions for children with special needs do not exist in Italy. When a school receives an application from a migrant child, no document other than those requested for Italian children should be required and the lack of identity documents, health documentation, and/or school certificates should not preclude the child from being enrolled. If a child is unable to present any identity document, the child will be enrolled on a reserve list, which does not preclude him/her from attending the classes and obtaining the final certification of the course he/she is enrolled in<sup>19</sup>.

Education is compulsory for 10 years between the ages of six and 16 (obbligo di istruzione). This covers the first two years of the upper secondary cycle<sup>20</sup>. During this period, children should be enrolled in the class that corresponds to their age, unless the teachers’ board (collegio dei docenti) expresses a different view<sup>21</sup>. Nevertheless, in such cases, the 2014 “guidelines for the enrolment and integration of foreign pupils”<sup>22</sup> stipulate that the child should be enrolled in the previous or next grade<sup>23</sup>, to limit as much as possible the age difference between children in the same class.

From age 16 to 18, all children are entitled to the “right-duty to education and professional training” (diritto-dovere all’istruzione e alla formazione), in order to study for a diploma or a professional qualification<sup>24</sup>. Children aged 16 who have not obtained a lower secondary school certificate (the “esame di terza media”) can be enrolled in Provincial Centres for Adult Learning (CPIA), to prepare for this diploma<sup>25</sup>. According to the law<sup>26</sup>, minors can be enrolled in CPIAs as of 16 years old but some local agreements allow minors aged 15 under certain circumstances<sup>27</sup>.

19 Associazione per gli Studi Giuridici sull’Immigrazione, *Minori stranieri e diritto all’istruzione e alla formazione professionale*. Sintesi della normativa vigente e delle indicazioni ministeriali (aggiornata con le linee guida del MIUR del febbraio 2014).

20 The first cycle lasts eight years (five years of primary education and three years of lower secondary education). Once completed, students can choose from a range of training opportunities. State upper secondary education offers a five-year general (liceo) or vocational (*istituto tecnico* or *istituto professionale*) education, while the Regional Vocational Education and Training system (*Istruzione e Formazione Professionale*) usually offers three-year and four-year vocational education and training courses in vocational training agencies and upper secondary vocational institutes.

21 Presidential Decree 394/1999, article 45. Regional vocational education systems can to a certain extent, differ from these guidelines.

22 Linee guida per l’accoglienza e l’integrazione degli alunni stranieri, MIUR, febbraio 2014.

23 As explained in part II, migrant children are usually enrolled in lower grades.

24 The professional qualification can be obtained through professional training courses or apprenticeships.

25 For that same purpose, some provinces have activated school and training laboratories (*laboratori scuola e formazione*) for children aged 14 to 16 with mixed training paths (lower secondary education and professional training).

26 Ministerial Decree MIUR 139/2007, article 3, comma 3.

27 For example, this applies to students having repeated several grades and who are at risk of becoming early school leavers or to foreign minors with special needs (e.g. illiterate in their mother tongue).

A recently approved law containing protective measures for unaccompanied minors<sup>28</sup> reinforces some aspects of the current legal framework concerning the right to education. In particular, it stipulates that the unaccompanied minor can obtain the final certification of the course that he/ she is enrolled in, even in instances where he/she has reached the legal age of majority before completing the course.

### 1.3. Education policies and programmes for refugees

Over the past few years, education for asylum-seeking and unaccompanied minors has not been addressed as such in education policies or programmes, as it was included in broader integration activities targeting migrant children – and thus including second-generation immigrants. For instance, there is not a specific monitoring process at national or even local level concerning the access to education of these children and no detailed data is available concerning the type of institution they are enrolled in, their gender/age breakdown, etc.

However, national education authorities have recently started developing ad hoc initiatives, targeting asylum seekers/refugees and unaccompanied minors.

In 2015, the Ministry of Education issued two calls for funding of €500,000 each<sup>29</sup>, inviting schools to submit projects aiming to: a) teach Italian as a second language with special attention to newly arrived students, and b) foster integration of and/or provide linguistic/psychological support to unaccompanied minors. Since some projects were extended until the end of 2016, data concerning the outcomes were not available at the time this research was finalised but several similar sources reported during interviews that not all available funds were used. In November 2016, the ministry issued a single call for applications for €1 million in funding to support linguistic and “inclusion” school-based activities targeting both unaccompanied minors and newly arrived students<sup>30</sup>.

In May 2016, the UNHCR and the Italian Education Ministry signed a Memorandum of Understanding to develop joint activities aiming to sensitise all students concerning refugees’ journeys and rights. So far, a website called *Viaggi da imparare* (<http://viaggidaimparare.it/>) has been launched to provide pedagogical resources to secondary school teachers, with a view to raising students’ awareness about migrants’ and refugees’ rights.

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28 At the time of finalising this report, the law had not been implemented yet. It is known as *Proposta di legge “Disposizioni in materia di misure di protezione dei minori stranieri non accompagnati* (C. 1658-B) and was finally approved on 29 March 2017. Article 14 concerns the right to education and health.

29 Directorial Decree 829 & 830, 24 July 2015.

30 Directorial Decree 1144, 9 November 2016, available here: <http://www.istruzioneveneto.it/wpusr/wp-content/uploads/2016/11/MIUR.AOODPIT.REGISTRO-DECRETI-DIPARTIMENTALI0001144.09-11-2016.pdf> (Accessed on 28 April 2017).

Four additional projects, funded through the FAMI (Fund Asylum, Migration and Integration, managed by the Ministry of the Interior), are being developed by the Ministry of Education to develop teacher and administrative staff training<sup>31</sup>, school-based inclusion initiatives (€13 million), awareness-raising activities around migration and human rights (“Europe begins at Lampedusa” project), and linguistic-cultural mediation (with the objective of training 1,500 mediators).

Several local initiatives have also been identified in the higher education sector. The European University Association (EUA) has listed 15 Italian universities developing actions aiming to improve refugees’ access to tertiary education in Bari, Naples, Rome, Teramo, Siena, Bologna, Turin, Pavia, Verona, and Trieste<sup>32</sup>. In May 2016, Italy was the first European country to adopt the so-called “#U4Refugees” (Universities for Refugees) initiative proposed by the EU Member of Parliament, Silvia Costa, in order to create “educational” corridors for refugee tertiary students and researchers<sup>33</sup>. Finally, the Ministry of the Interior, in collaboration with CRUI (Conference of Italian University Rectors) and ANDISU (the National Association of organisations promoting the right to education at university level), has offered 100 scholarships to students granted international protection, to facilitate access to higher education programmes during the 2016-17 academic year.

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31 This is a €4 million multiyear plan targeting schools with high immigration rates, aiming to train 10,000 teachers, 1,000 school principals and 2,000 administrative staff. It includes the following actions: the launch of 30 Masters in “Management of multicultural schools”, specialised courses in teaching Italian as a second language, an e-learning platform and online training programmes, action research activities and the establishment of regional coordination structures.

32 The complete list and description of each activity is available on the EUA’s website (last consulted on 18 January 2017): <http://eua.be/activities-services/eua-campaigns/refugees-welcome-map>

33 The initiative has not been formalised yet. See <http://hubmiur.pubblica.istruzione.it/web/ministerocs030516> (Accessed on 28 April 2017)

## 2. Local implementation

The analysis of the data collected in the field through individual interviews and focus groups with a broad spectrum of actors and stakeholders illustrates comprehensively the implementation of the right to education for refugee children and unaccompanied minors.

### 2.1. The impact of migration policies on unaccompanied minors' right to education

While the issues outlined below do not directly relate to the education system itself, they have a direct impact on refugee children's ability to fulfil their right to education and, as such, make the case for a better cross-sectoral collaboration between relevant authorities, as well as the development of a comprehensive rights-based policy framework.

#### 2.1.1. The transformation of reception structures for unaccompanied minors

Under Italian law, minors enjoy a specific protection regime, in that they cannot be detained in the so-called "Centres for identification and expulsion" (CIE)<sup>34</sup> and cannot be hosted in the same accommodation structures as adults<sup>35</sup>. Nevertheless, cases of minors being detained in CIEs because they have been wrongly identified as adults have been reported<sup>36</sup> and a significant number of unaccompanied minors have been detained alongside adults in the so-called "hotspots" promoted by the European Commission as of May 2015<sup>37</sup>. They can even stay longer than adults in such structures - weeks or months - as their transfer to accommodation structures for unaccompanied minors may be delayed due to the lack of places. This long "transit" period often prevents them from exercising their most fundamental rights, including access to education and training.

34 *The Centri di Identificazione ed Espulsione* were established by the Law 40/1998 and initially called "Centri di Permanenza Temporanea e Assistenza". They were created to detain third-country citizens without a residence permit pending deportation.

35 Legislative Decree 142/15, article 19, comma 4.

36 Rozzi, E. (2017) "In primo luogo minori? I diritti violati dei minori stranieri non accompagnati in Italia", in Il diritto d'asilo. Report 2017. *Minori rifugiati vulnerabili e senza voce*, a cura di Delfina Licata e Mariacristina Molfetta, Fondazione Migrantes.

37 See [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/background-information/docs/2\\_hotspots\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/background-information/docs/2_hotspots_en.pdf) (Accessed on 28 April 2017). In Italy, there are four hotspots (in Sicily and in Apulia)

In 2015, a new two-phase accommodation system was introduced by the Italian authorities for unaccompanied minors. In this system, all unaccompanied minors<sup>38</sup> who are hosted in “short-term” accommodation structures (first phase), regardless of whether or not they apply for international protection, should have been transferred within 60 days – 30 days now under a 2017 regulation<sup>39</sup> - to dedicated long-term accommodation structures (*comunità di seconda accoglienza, second phase*) under the Protection System for Asylum Seekers and Refugees (*Sistema di Protezione per Richiedenti Asilo e Rifugiati, SPRAR*). Nevertheless, the lack of places in such long-term accommodation structures has kept many unaccompanied minors locked in the first stage. Thus, they are hosted longer than the prescribed time limit in government structures that are unfit for such long stays, with a negative impact on their overall integration process<sup>40</sup>. In August 2016<sup>41</sup>, the decision to facilitate prefects to establish “temporary reception centres” in case of significant and recurring arrivals of unaccompanied minors<sup>42</sup> raised concerns that this will have a similar impact. This is also relevant given that no term limit is envisaged for stays in these structures, contrary to the limits pertaining to government structures cited above. In both cases, these newly created accommodation structures for minors - “*strutture di prima accoglienza*” and “*strutture ricettive temporanee*” - are not prescribed to deliver the same services as long-term accommodation centres, in particular concerning the enrolment of minors in education and training institutes<sup>43</sup>.

### 2.1.2. Administrative delays

Considering the high influx of unaccompanied minors in some parts of the Italian territory, the administrative procedures for obtaining identification documents can be subject to serious delays. In some cities, the appointment of a minor’s guardian can take up to 11 months<sup>44</sup>. These delays prevent unaccompanied minors from enjoying their right to education in the absence of a legal guardian. Interviews revealed that this issue is particularly significant for unaccompanied minors applying for international protection:

38 Legislative Decree 142/15, article 19, comma 1-3.

39 Draft Law 1658-B approved on 29 March 2017.

40 Gruppo di lavoro per la Convenzione sui Diritti dell'Infanzia e dell'Adolescenza, “I diritti dell'infanzia e dell'adolescenza in Italia. 9° rapporto di aggiornamento sul monitoraggio della Convenzione sui diritti dell'infanzia e dell'adolescenza, 2015-16, p. 167: <http://www.gruppocr.net/IMG/pdf/ixrapportocr2016.pdf> (Accessed on 28 April 2017)

41 Legislative Decree , article 19, comma 3-bis.

42 In Sicily, which hosts the highest proportion of unaccompanied minors, a 2014 regional decree authorised the establishment of “temporary” structures in which lower standards apply and where, de facto, minors can stay up to the age of 18 without being involved in any integration process.

43 Rozzi, E. (2017) “In primo luogo minori? I diritti violati dei minori stranieri non accompagnati in Italia”, in Il diritto d’asilo. Report 2017. *Minori rifugiati vulnerabili e senza voce*, a cura di Delfina Licata e Mariacristina Molfetta, Fondazione Migrantes.

44 See European Commission’s infringement decision No 2014/2171 on the situation of unaccompanied minors seeking asylum in Italy, available here: [https://www.senato.it/japp/bgt/showdoc/17/DOSSIER/815612/index.html?part=dossier\\_dossier1-sezione\\_sezione117-h2\\_h248?part=&parse=si&spart=si](https://www.senato.it/japp/bgt/showdoc/17/DOSSIER/815612/index.html?part=dossier_dossier1-sezione_sezione117-h2_h248?part=&parse=si&spart=si) (Accessed on 28 April 2017)

“Asylum-seeking minors are subject to colossal administrative processes and they remain without any documents for months which prevents them from starting an educational or professional integration process. Now, the document released by the police when the asylum application is submitted can be considered sufficient by education institutions but it sometimes takes months to get this document which is only the starting point of the whole process”.

—Social worker, Accommodation centre for unaccompanied minors (Milan)

The new 2017 regulation<sup>45</sup> could result in significant progress in this regard as it provides for the possibility of applying for a residence permit or international protection, before the appointment of the legal guardian.

### 2.1.3. “Transiting” migrants

Several interviewees mentioned that a significant proportion of unaccompanied minors - especially from Eritrea, Somalia and Afghanistan - arriving by sea in Italy decide to continue their journey towards another European country. This phenomenon is reflected in the data above (figure 3), concerning the number of unaccompanied minors fleeing from the accommodation centres and becoming “invisible”.

While asylum-seeking unaccompanied minors may apply for family reunification, according to the Dublin Regulation III, or relocation to another EU country based on the EU relocation scheme<sup>46</sup>, the poor quality of accommodation centres, the length of administrative procedures<sup>47</sup>, and the lack of awareness concerning the existence of such opportunities were cited as the most common factors leading most (potentially eligible) minors to go underground. For example, as of December 2016, not one unaccompanied minor had benefited from the EU relocation programme<sup>48</sup>. This situation, apart from putting these children in a vulnerable position, also prevents them from exercising their fundamental rights, including their right to education. With the reintroduction of border controls inside the Schengen area, field actors warned that unaccompanied minors might remain exposed to these risks even longer:

“In the past, they wouldn’t have stayed longer than a week [here] but now that borders are closed, they can be blocked up to two or three weeks”.

—Municipality representative (Milan)

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45 Draft Law 1658-B, article 6, comma 3

46 This scheme only applies to migrants from Syria, Eritrea, Burundi, Mozambique, Bahrain, Bhutan, Qatar, and Yemen. For more information concerning the EU relocation mechanism, see <https://www.easo.europa.eu/what-relocation>. (Accessed on 28 April 2017)

47 Here again, the newly adopted regulation should accelerate such procedures (see article 6, comma 3), especially in relation to family reunification procedures for unaccompanied minors having relatives residing in another European State as provided for in the Dublin Regulation III.

48 Rozzi, E. (2017) “In primo luogo minori? I diritti violati dei minori stranieri non accompagnati in Italia”, in *Il diritto d’asilo. Report 2017. Minori rifugiati vulnerabili e senza voce*, a cura di Delfina Licata e Mariacristina Molfetta, Fondazione Migrantes.



## 2.2. The need to develop a systemic and coordinated approach to refugee and unaccompanied minors' education

*"There are difficulties and there is no doubt that we all make mistakes but as far as we [teachers and school personnel] are concerned, there is commitment and willingness to welcome them and make them feel at home".*

—Teacher, Lower secondary school (Catania)

### 2.2.1. Integrating individual local practices at an institutional level

As a starting point, it is important to underline that, in addition to identifying common challenges facing newly arrived children in relation to fulfilling their right to education, the field data collection revealed that many schools have developed "excellent" practices regarding the integration of asylum-seeking and unaccompanied minors. However, the absence of coordination mechanisms at national or local level seems to constitute a significant and structural limit to the effective implementation of the legal framework, which is very inclusive on paper. Such mechanisms would collect and disseminate or systematise such school practices, as well as provide a coordinated response to recurring obstacles identified below.

"The critical aspect of the legal framework is that it very often remains a declaration of intent because it is not supported by resources, a clarification of rights and duties, who does what, etc and that leads to a great margin of discretion. Good practices implemented in one place struggle to become a norm for everybody. There is attention paid to these issues, there are initiatives developed on the ground, even excellent ones, but there aren't common procedures".

—Expert in intercultural education

Indeed, the Italian education system values schools<sup>49</sup> and teachers' autonomy, which has a positive impact when it comes to developing personalised solutions for children presenting special educational needs, such as asylum seekers or unaccompanied children. However, this autonomy may never come to fruition if everything is left to the initiative of individual educational institutions without providing them with the support and guidance on how to integrate these children.

49 OECD (2016) Supporting Teacher Professionalism: *Insights from TALIS 2013*, TALIS, OECD Publishing, Paris.

“It is all left to the good will and judgement of the single institution or teacher, you can never take anything for granted. It all depends on the sensitivity of the school principal and collegial bodies”.

—Municipality representative (Milan)

### 2.2.2. Establishing common procedures aligned with existing regulations

Whilst local good practices are evident, so too are cases of school personnel being ignorant of some aspects of the legal framework concerning the right to education for migrant children. Such instances were reported by school personnel interviewees and require a determined response from local and national education authorities.

“We’re talking about small numbers but it happens that, sometimes, children are forced to roam from one school to another, because there is no place. This is not the right way. It might happen that a school is ‘full’ but the personnel should make every effort to find an alternative. Even if only 12 children were affected, it is not acceptable!”

—Expert in intercultural education

In particular, the duty of schools to enrol all children aged between six and 16, the right to be enrolled at any time during the school year, and the insertion of the child in a class that corresponds to his/her age were the most cited problematic aspects during the field data collection.

“We have cases of 13/14-year-old teenagers who have been inserted into the last grade of primary school. This is really embarrassing both for the pupils and for local families”.

—Social worker, Accommodation centre for unaccompanied minors (Catania)

The “resistance” from certain schools to enrol refugee children can be overcome by appealing to the provincial educational authority (commonly called “*provveditorato agli studi*”). Nevertheless, many interviewees declared that this solution would only be used as a last resort, to avoid going against the will of the school.

“Turning to the *provveditorato* is not in the interest of the minor. As a result, he or she could be ‘parked’ in a classroom and not receive the needed attention and support or even be suspended at the first occasion. The child is the big loser if he or she is not well accepted”.

—Social worker, Accommodation centre for unaccompanied minors (Milan)

Most often, these cases reflect not only the limited awareness of school personnel concerning the national legal framework and related guidelines but also their sense of “helplessness” in the face of these situations, often raising legitimate concerns about their ability to handle them:

“Between six and 16 years old, schools are required to enrol them but my experience is that, sometimes, they do so reluctantly: ‘We are not equipped, we don’t have mediators or teachers trained to teach illiterate pupils (*docent alfabetizzatori*), etc.’”.

—Responsible adult, Accommodation centre for asylum-seeking families (Milan)

These considerations, combined with the “structural” nature of the migration phenomenon in Southern Italy (considering both global migration perspectives and the geographic position of Italy in the Mediterranean), make a compelling case for developing a more systematic approach to asylum seekers’ and refugees’ education both in terms of disseminating and monitoring the implementation of existing regulations and providing targeted support and assistance to schools where such children are enrolled, in place of the current prevailing emergency short-term approach.

“Schools are absolutely not structured. When numbers are so important, it is necessary to provide schools with tools and resources to deal with these issues. We need 360-degree thinking from the ministry on how to integrate these children in school”.

—Social worker, Accommodation centre for unaccompanied minors (Catania)

## 2.3. Make education accessible all along the chain

Before examining in more details the needs facing schools enrolling refugee and unaccompanied minors, it is important to highlight issues surrounding access to education, in relation to specific education levels or sectors. The data collected suggest that, of all the education cycles, Early Childhood and Upper-Secondary Education are the most difficult ones to access for refugee and asylum-seeking children<sup>50</sup>. In relation to the latter, this poses challenges related to the concentration of unaccompanied minors in CPIAs.

### 2.3.1. Improving access to Early Childhood Education

Although pre-primary education is not compulsory, OECD evidence shows that it is particularly crucial for migrant children’s later academic achievements<sup>51</sup>.

50 The qualitative data collection of this research did not cover the higher education sector.

51 OECD (2015) *Helping immigrant students to succeed at school – and beyond*, p. 12. Available here: <https://www.oecd.org/education/Helping-immigrant-students-to-succeed-at-school-and-beyond.pdf> (Accessed on 28 April 2017)

In Italy, families can “choose” from three types of early childhood education institutions: State institutes, municipal institutes, and fee-paying private institutes. Interviewees working with refugee and asylum-seeking children aged three to six years old identified difficulties in enrolling these children in pre-primary schools (*Scuole dell’infanzia*).

Most of them emphasised that State institutes are often crowded and, as a consequence, very difficult to access. In addition, access to municipal institutes and related services (school meals, transportation, etc.) is determined by a “residency” criterion that excludes asylum seekers:

“Municipal institutes apply the ‘residency’ criterion, meaning that asylum-seeking children cannot be considered a priority. Even in the unlikely event of getting access as non-residents, they would pay the highest fee for the canteen which is impossible for these families”.

—Social worker, Accommodation centre for asylum-seeking families (Milan)

### 2.3.2. Opening up pathways to upper-secondary education

The Sustainable Development Goal 4 (Target 4.1)<sup>52</sup> stipulates that States are responsible for ensuring that all girls and boys complete secondary education. According to the Italian legal framework, all children aged 14 can access upper-secondary education as soon as they have the required competences. In the absence of a recognised lower secondary school certificate, the class board can assess the child’s competences and admit him/her if he/she succeeds on the oral and/or written tests. As mentioned earlier, most unaccompanied minors are teenagers aged 16-18 but no data is collected at national level concerning unaccompanied minors’ type of schooling. Nevertheless, the field investigation suggests that most unaccompanied minors attend CPIAs and, in some cases, get enrolled in the Regional Vocational Education and Training system in short training courses once they have obtained the Italian lower secondary school certificate. A local survey carried out by the regional educational authorities (*Ufficio Scolastico Regionale*) of Lombardy in 2015-2016 confirms this phenomenon: 93 per cent of unaccompanied minors covered by the survey were enrolled in CPIAs and were thus directed away from mainstream education<sup>53</sup>.

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52 See <https://sustainabledevelopment.un.org/sdg4> (Accessed on 28 April 2017)

53 Santagati, M. and Ongini, V. (2016) *Alunni con cittadinanza non italiana. La scuola multiculturale nei contesti locali. Rapporto Nazionale A.S. 2014-2015*. Quaderni ISMU 1/2016, p. 36.

For those able to enrol in an upper-secondary school<sup>54</sup>, the main barrier is that the “protection system” for unaccompanied minors usually ends when the teenager reaches the age of legal majority, with very few exceptions<sup>55</sup>.

“The fact that they have to leave the accommodation structures when they reach the age of 18 is not compatible with completing a three to five-year course”.

—Social worker, Accommodation centre for unaccompanied minors (Catania)

While regional upper-secondary training programmes are usually shorter than those offered in State institutes, administrative obstacles may prevent enrolment<sup>56</sup> (especially for asylum seekers) as “training centres often refuse to enrol unaccompanied minors who do not have a residence permit”<sup>57</sup>.

Other obstacles identified by the field research relate to the difficulty of having children’s previous educational experiences and competences recognised in some cases: “We have seen cases of minors with a nine-year educational background who have been required to obtain the Italian lower secondary certificate because theirs was not recognised at all”.

—Social worker, Accommodation centre for unaccompanied minors (Milan)

In CPIAs, unaccompanied children aged 16 (but in some cases even before) who are not qualified to enrol in upper-secondary institutions are offered two kinds of courses: a first basic Italian language/literacy course and, as a second step, a course preparing them for the lower secondary examination (*Esame di terza media*). While most interviewees praised the long-standing experience of CPIAs in dealing with foreigners and/or illiterate students or in assessing skills acquired in non-formal settings, they also highlighted limitations in this system, both in terms of attending unaccompanied children’s needs and providing them with opportunities to integrate into the host society.

### 2.3.3. Making adult learning fit for teenage students

Although CPIAs – previously called CTPs (*Centri Territoriali Permanenti*) – are also designed for early school leavers who have reached the age of 16, they were initially designed to respond to adult workers’ lifelong learning needs. As such, they sometimes fail to respond to unaccompanied minors’ needs, both in terms of psycho-pedagogical approach and practical arrangements.

54 See detailed explanation in Part I.

55 Minors’ stay in accommodation structures that are part of the National Protection System for Asylum Seekers and Refugees (*Sistema di Protezione per Richiedenti Asilo e Rifugiati*, SPRAR) can be extended for a six-month duration after they have reached the legal age of majority. Minors applying for international protection can be transferred to adult accommodation centres and stay there up to six months after they obtain the refugee status but, as a result, their integration process is interrupted while moving from one place to the other. The new regulation (Draft Law 1658-B) stipulates that unaccompanied minors who have reached the legal age of majority and need support for a prolonged period in order to successfully complete their social integration process could benefit from the protection system until the age of 21.

56 Nevertheless, these situations might improve with the implementation of the new legal provisions offering the possibility of applying for a residence permit before the appointment of the guardian (Draft Law 1658-B, article 6, comma 3).

57 Rozzi, E. (2017) “In primo luogo minori? I diritti violati dei minori stranieri non accompagnati in Italia”, in *Il diritto d’asilo*. Report 2017. *Minori rifugiati vulnerabili e senza voce*, a cura di Delfina Licata e Mariacristina Molfetta, Fondazione Migrantes.

“The approach is very much instrumental: prepare them for the lower secondary examination. Little attention is paid to discipline, it is not a very ‘structured’ environment. This can be positive for some of them but, generally speaking, CPIAs lack a proper pedagogical and educational thinking around what would be needed in terms of how to approach these teenagers”.

—Social worker, Accommodation centre for unaccompanied minors (Milan)

In some cases, where CPIAs received a lot of unaccompanied minors, teachers and education support personnel established separate classes for the minors. However, most of the time, the unaccompanied minors attend courses alongside adults, although several interviewees stressed that it would be necessary to address children’s specific psychological needs, for example. Most of the time, a lack of resources was invoked as the main barrier:

“We would need to dedicate more time and more personnel to these teenagers. Unfortunately most CPIAs don’t have the possibility to do so. Despite us doing our best to provide them with opportunities, the truth is that we don’t have much to offer at the moment. We would need more teachers, and not only teachers, but an extended multi-disciplinary team of professionals”.

—Teacher, CIA (Turin)

A major concern that emerged during interviews is the fact that CPIAs are unable to offer a significant number of weekly class hours, as they are initially designed for workers taking classes in the evening.

“School time should be more significant for these unaccompanied minors, especially those who have just arrived and are not yet enrolled in a professional training course because they first need to learn the language and pass the lower secondary examination. But CPIAs cannot offer that, they are set up to provide up to six-eight weekly hours. Here, we manage to offer 10 hours – i.e. two hours per day – to newly arrived unaccompanied minors but this is far from being equivalent to ordinary schooling”.

—Teacher, CIA (Turin)

On this matter, a representative of local educational authorities (Milan) expressed the following concern:

“This structural limitation de facto excludes unaccompanied minors from a getting a ‘real’ education. Their whole day is almost empty and evening courses are not fit for them. The whole situation is demotivating”.

Indeed, many interviewed teachers and education support personnel in CPIAs also underlined that adult education is undergoing an important transformation process. Certain provisions of the recent reform that transformed CTPs into CPIAs<sup>58</sup> in 2015-2016 still need to be worked out (e.g. the coordination with evening upper-secondary schools, practical arrangements with hosting schools in order to offer classes in the morning, etc.) and once implemented, could impact positively on the education of unaccompanied minors.

### 2.3.4. Opening doors to the Italian society

*“Education isn’t only about obtaining academic results but, above all, it is about getting a chance to integrate into the host society. It means that if we are not able to integrate these young people into an ‘ordinary’ environment, we are failing”.*

—Social worker, Accommodation centre for unaccompanied minors (Catania)

This quote highlights another major area of concern: the “ghettoisation” of unaccompanied minors in CPIAs, due to the increasingly low attendance of Italian students<sup>59</sup>.

*“The main limitation of the CPIA is the fact that unaccompanied minors always stay together, without having any contact with their Italian peers. From this point of view, ordinary schools are more formative, they open doors to the host society”.*

—Social worker, Accommodation centre for unaccompanied minors (Milan)

Several interviewees mentioned that this issue should be carefully considered and monitored by educational authorities at local and national levels<sup>60</sup>, in order to identify good practices in terms of creating bridges between “regular” schools and CPIAs:

*“I’m not saying that unaccompanied minors should be enrolled in upper-secondary schools [when they are not qualified for it], but most of them could easily access ordinary secondary schools in the frame of specific projects and activities, at least for the sake of peer contact”.*

—Local Educational Authority (USR) representative (Milan)

58 Presidential Decree 263/12 (29 October 2012)

59 Attendance of Italian students may differ from place to place, depending on the levels of unemployment and early school dropout.

60 Interviewees stressed that this aspect should be considered in light of the Italian approach to migrant students’ education in which inclusion is fundamental. See for example Ministero della Pubblica Istruzione (2007), *La via italiana per la scuola interculturale e l’integrazione degli alunni stranieri*. Available here: [http://hubmiur.pubblica.istruzione.it/alfresco/d/d/workspace/SpacesStore/cecf0709-e9dc-4387-a922-eb5e63c5bab5/documento\\_di\\_indirizzo.pdf](http://hubmiur.pubblica.istruzione.it/alfresco/d/d/workspace/SpacesStore/cecf0709-e9dc-4387-a922-eb5e63c5bab5/documento_di_indirizzo.pdf) (Accessed on 28 April 2017)

## 2.4. The importance of education support personnel and teachers

All education institutions enrolling asylum-seeking, unaccompanied, or newly arrived children in general highlighted the decisive impact of a sufficient, competent, and diversified workforce as outlined in the following paragraphs, to ensure a successful integration process for these children in the host education system.

### 2.4.1. The crucial role of administrative staff

Administrative support staff are at the frontline of the enrolment process of asylum-seeking and refugee children, often representing the first point of contact with the school. Interviewees agree on the importance of training these staff members on how to deal with these children and families.

“The administrative staff is often the ‘face of the school’. They should be trained concerning the rights, the duties, the legal framework but also in terms of interpersonal and intercultural skills”.

—Expert in intercultural education

Above all, school principals’ training is often cited as vital, considering that they lead and manage all aspects related to refugees’ integration in school, from building a competent workforce to identifying needs and related opportunities.

“The principal must take the lead on these aspects and he/she must be trained to do so. It is important that there is an institutional structured approach, not relying on a single teacher’s goodwill”.

—Social worker responsible for migrant education and training, social cooperative (Naples)

To date, most schools receiving refugee children are forced to apply for external funding to develop integration project-based activities for these students. Administrative staff often play an important role in this regard as they oversee project administration and reporting but, very often, there is no time or resources to help schools develop this aspect of their work appropriately.

“Schools like ours should have a reinforced administrative team. If we consider the ordinary management of the school and the whole project development, implementation and reporting, our administrative staffing is inadequate”.

—School principal, Primary school (Palermo)



### 2.4.2. The presence of external professional experts

Most of the interviewees deplored the absence of specialised professional figures within schools, particularly around linguistic and cultural mediation. Most of the time, accommodation structures for asylum-seeking and unaccompanied minors have mediators at their disposal but this is not considered a sustainable solution, given the need for linguistic and cultural mediation within the school. Some respondents reported that a few municipalities have developed specific initiatives in that area but it was generally insufficient or short term.

The presence of a linguistic and cultural mediator is deemed crucial during the period immediately following the enrolment of the child, to help him/her become familiar with the new environment, its rules and the people with whom he/she will interact. The mediator could also liaise with teachers and provide background information concerning the newly enrolled child (his/her story, journey, family circumstances, etc.):

“Our experience shows that during the integration process [in the school], the presence of a cultural mediator is fundamental, especially to help mediate nonverbal communication and cultural aspects”.

—Social worker, Accommodation centre for unaccompanied minors (Trapani)

The mediator is also crucial in terms of communicating with families concerning the integration and evolution of the child throughout the year as they often need more time than children to learn the host country's language.

“For non-technical information, we need to communicate directly with the parents without the mediation of the child!”

—Teacher, Primary school (Palermo)

Finally, the importance of providing specialised psychological support to these children through professional psychologists' intervention was highlighted, especially in relation to unaccompanied minors.

“Most of them have a very difficult background; they're here alone without their family, far away from their country. They have a hard time integrating which is just normal considering their young age. We try to provide them with as much psychological support as we can because it happens that one of us might be qualified to do so but this is not part of what the school is expected to offer them”.

—Teacher, CPIA (Naples)

### 2.4.3. Teaching refugees and asylum seekers

The difficulty of educational institutions in effectively integrating asylum-seeking children and unaccompanied minors has also often been linked to the lack of appropriate training for teachers.

First, schools require language teachers who are specialised in teaching Italian as a second language or teaching illiterate students, considering that many unaccompanied minors do not have any educational background in their home country. In this regard, the recent reform “*La Buona Scuola*” (Law 107/2015) has led to substantial progress by recognising academic qualifications to teach Italian as a second language in teacher recruitment processes<sup>61</sup>. Regrettably, none of the 500 candidates who qualified in 2016 to teach Italian to foreigners have been assigned any school so far<sup>62</sup>.

Teaching refugee children requires specific skills regardless of the taught discipline. In addition to Italian language teachers with subject-specific qualifications, schools also need well-prepared teachers in all disciplines who are sensitised to the specificity of learning a second language in the context of migration and trained to adapt their teaching practice to multicultural contexts (e.g. teaching the technical lexicon and using nonverbal communication supports), which is rarely the case.

“To teach foreign students, you need a specialisation. We [teachers] had to adapt, look for resources and advice on the internet”.

—Teacher, Lower-secondary school (Catania)

Interviewees also highlighted the need for training on how to evaluate newly arrived students when they do not speak the local language as key to a successful integration process in school.

“Another aspect that is missing is everything related to assessing the student’s competences when he/she arrives. The risk is to limit it to deficits and gaps, without valuing existing competences: talents, know-how, linguistic skills, etc”.

—Expert in intercultural education

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61 *Classe di concorso A23*

62 Concorso A23 (Lingua italiana per discendenti di lingua straniera), Anief: Miur dimentica istituire posti in organico diritto, vincitori senza cattedre (2016, September 28). *Orizzontescuola*. Retrieved from <http://www.orizzontescuola.it/concorso-a23-lingua-italiana-per-discendenti-di-lingua-straniera-anief-miur-dimentica-istituire-posti-in-organico-diritto-vincitori-senza-cattedre/> (Accessed on 18 January 2017)

The recently adopted “National Teacher Training Plan 2016-2019” (*Piano per la formazione dei docenti 2016-2019*)<sup>63</sup> made it compulsory for each school to develop an in-service training plan for its personnel. However, several interviewees said the Plan does not include any specific incentive to focus such training on intercultural education or teaching Italian as a second language.

“This kind of [intercultural] training should be widespread, not delegated to a single teacher in charge of integration. Teaching is increasingly becoming an intercultural job”.

—Expert in intercultural education

In terms of distributing the existing specialised/trained staff to the institutions with the greatest needs, the massive recruitment of precarious teaching staff as tenured teachers following the above-mentioned reform, allowed schools “in need” to benefit from a reinforced staffing (“*organico dell'autonomia*”). But many interviewees qualified this a missed opportunity, because additional staff were randomly assigned, with little consideration to their qualifications and experiences or the specific needs of the school.

“Considering our situation, we had requested a ‘reinforcement’ (*potenziamento*) of the teaching staff with someone specialised in teaching illiterate students or at least an Italian teacher but we only got an additional teacher in physical education...”

—Teacher, Lower secondary school (Catania)

## 2.5. Financial resourcing

The difficult economic conditions in which schools operate was often cited as a major impediment to ensuring access to quality education for all children. Schools receiving refugee children need extra support to set up appropriate learning conditions and develop ad hoc integration paths.

### 2.5.1. Extra linguistic support

The Italian “model” does not support the idea of separate paths for migrant children (e.g. to learn the language first), quite the contrary. Inclusion of all students in regular schools from the outset has always been a fundamental feature of the Italian education system, regardless of students’ special needs and (dis)abilities. Nevertheless, as far as newly arrived children are concerned, the Italian legal framework provides for organising extra linguistic support in

63 Available here: [http://www.istruzione.it/allegati/2016/Piano\\_Formazione\\_3ott.pdf](http://www.istruzione.it/allegati/2016/Piano_Formazione_3ott.pdf) (Accessed on 28 April 2017)

small groups at school level<sup>64</sup> and establishing individualised educational plans and objectives (*Piani Didattici Personalizzati*) for students with special needs due to “socioeconomic, linguistic and cultural disadvantage<sup>65</sup>”, which “applies in particular - but not only - to newly arrived students aged over 16 years and coming from non-Latin countries”<sup>66</sup>.

In terms of initial linguistic support, the Ministry of Education considers that an effective intervention consists of eight to 10 hours weekly of Italian as a second language over three to four months<sup>67</sup>. However, in all the schools visited during the field data collection, the lack of resources has prevented teachers from offering this number of extra hours to newly arrived children. All interventions ranged from two to five hours weekly with, in some cases, teachers working voluntarily in addition to their contractual hours.

“We [teachers] have organised a system to offer a few weekly extra hours of additional linguistic support but these hours are not paid”.

—Teacher, Lower secondary school (Catania)

### 2.5.2. Class size

As previously mentioned, crowded classrooms may be invoked in some cases to refuse the enrolment of asylum-seeking or refugee students. Leaving aside illegitimate refusals, most interviewees recognised that this issue should not be neglected, urging local educational authorities (i.e. *Provveditorato*) to support schools in this regard, as small classes are essential to ensure a smooth and successful integration process.

“It’s true that, very often, upper secondary schools – especially vocational institutes – have very big classes with up to 30 students. Enrolling a newly arrived child in such a context does not allow for the individualised approach that these students need”.

—USR representative (Milan)

Huge class sizes can also determine the enrolment in a lower grade than the grade corresponding to the age of the child.

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64 Ministero dell’istruzione, dell’università e della ricerca (2007) “*La via italiana per la scuola interculturale e l’integrazione degli alunni stranieri*”.

65 Ministerial Directive “*Strumenti d’intervento per alunni con bisogni educativi speciali e organizzazione territoriale per l’inclusione scolastica*”, 27 December 2012.

66 Note MIUR Prot. 2563, 22 November 2013.

67 “*Linee guida per l’accoglienza e l’integrazione degli alunni stranieri*”, February 2014.

“Since we had crowded classes in the fifth grade, we had to temporarily enrol one refugee boy in the fourth grade. He will return to the right grade when he has acquired a basic language proficiency that will allow him to follow the course in such a big class”.

—School principal, primary school (Milan)

### 2.5.3. Financing refugees' education

For most surveyed schools, the so-called “funds for risk areas<sup>68</sup>” were the only structured annual funding channel dedicated to organising integration activities for refugee children. They all underlined that the amounts made available through this mechanism are too low. As of 2015, the Ministry has dedicated €1 million annually through a call for projects, aiming to support schools organising extra linguistic support for newly arrived children and integration activities for unaccompanied minors. Schools stressed that such funding was not covering existing needs.

However, most schools receiving refugee children and unaccompanied minors have to apply for external project-based funding, a situation deplored by many interviewees in terms of its unsustainability.

“The main issue for our school is the discontinuity of funding. We know that, every year, we face integration issues but we don't have access to a long-term funding source. This means we spend a lot of time and energy looking for funding that is always short-term”.

—School principal, Primary school (Palermo)

Many interviewees also underlined the fact that schools do not have the resources to engage in project-based activities.

“We participate in calls for projects but schools are not equipped to do so. You have to do it out of working hours, taking full responsibility for it, even without technical support to design and manage the project. And you're not even sure of getting the funding - and if you get it once, you might not get it the following year, although we're talking about structural needs for our school”.

—Teacher, CPIA (Turin)

Finally, interviewees highlighted the need for more flexibility that would allow schools to respond effectively to a continuously changing landscape due to fluctuating migration flows.

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68 For more information, visit [http://www.istruzione.it/dg\\_studente/normativa\\_aree\\_rischio.shtml#\\_WIs2IRvhBPY](http://www.istruzione.it/dg_studente/normativa_aree_rischio.shtml#_WIs2IRvhBPY) (Accessed on 28 April 2017)



“Schools should be given the capacity to develop flexible initiatives. For instance, if we hadn’t applied last year for extra funding – which is the situation in many schools – how could we deal today with these newly arrived children that we are required to enrol?”

—Teacher, primary school (Palermo)

These various elements make the case for developing substantial, long-term, predictable, and flexible funding channels dedicated to refugees’ and unaccompanied minors’ education. As outlined in the previous section, it is also an argument for allocating resources to offer staff training in this area and extra working hours to be dedicated to project application and management.

### 3. Trade union actions

Italian education trade unions have been particularly active in the establishment of the so-called funds for schools located in “areas at risk” mentioned above, that include areas with high rates of immigration. Every year, these funds are subject to collective bargaining both at national and regional levels, to decide the amount available for each region and on which criteria schools can apply. Other public funding sources (e.g. Law 440/1997<sup>69</sup>) are negotiated with union representatives at school level.

Most recently, the education union UIL Scuola, has developed several initiatives to promote the right to education for migrant children.

In collaboration with the union confederation, *Unione Italiana del Lavoro* (UIL), and its patronato, ITAL-UIL<sup>70</sup>, UIL Scuola has published a brochure in several languages (Italian, English, Spanish, Romanian, Arabic, and Chinese) to inform newcomer parents about children’s right to be enrolled in school and to explain the administrative procedures (documents to be provided, etc.).

In addition, a series of initiatives have been carried out at local level. In Rovigo, the union has sensitised local authorities about the importance of cultural and linguistic mediators. In Sicily, in collaboration with its professional training institute, IRASE (*Istituto per la Ricerca Accademica, Sociale ed Educativa*), the union is developing three capacity building projects comprising training and tutoring activities for teachers and education support personnel as well as workshops for migrant and refugee children.

In Palermo, the *Direzione Didattica Edmond De Amicis* (pre-primary and primary school), bringing together students from 15 different nationalities, aims to build a “welcome culture” in the school. In particular, the project will develop a systematised procedure to welcome migrant students upon arrival. It will organise a 30-hour training programme, delivered with the support of a linguistic-cultural mediator, to a specific team of 10 “front-office” administrative staff and teachers (“welcome commission”). Beneficiaries of the training will acquire linguistic and relational competences: basic languages skills,

69 “Istituzione del Fondo per l’arricchimento e l’ampliamento dell’offerta formativa e per gli interventi perequativi”, Legge 18 dicembre 1997, n. 440.

70 In Italy, a Patronato is an institute emanating from a trade union or an employer organisation, that provides assistance to and safeguards the individual rights of all citizens present on the national territory.

development of multilingual administrative forms, intercultural communication, etc. The project will also include tutoring with a team of external professionals (a cultural mediator, an educator and a psychologist), to support teachers' communications with the family and, in particular, the development of appropriate individualised educational plans when necessary. Teachers will also benefit from in-service training activities related to intercultural education. Finally, the school will activate a series of workshops for the students, in order to provide linguistic support to newly arrived students and promote cultural exchanges and diversity.

In Salemi, the *Istituto Comprensivo Statale G. Garibaldi* – G. Paolo II (pre-primary, primary and lower-secondary school) is carrying out similar training activities in intercultural education for teaching staff.

Students will also be offered artistic workshops (60 hours in total) focusing on body language through mime, music, theatre, and photography as well as a visit to a theatre in Palermo. A video will be produced to disseminate the outcomes of the project and a final performance with all participating students will be organised.

In Trapani, the CPIA will develop training activities for teachers and organise introductory professional training workshops in electricity and cooking for migrant students completing the first cycle (lower secondary certificate). Such initiatives, by building bridges with upper-secondary State institutes, will create an incentive for students who are close to finishing the lower secondary level to continue their education at upper-secondary level. In these workshops, participants will be given a theoretical and practical introduction to each programme, become familiar with the new structure, and interact with teachers and students.

The training modules and materials developed in these three projects will be made available on the IRASE online learning platform<sup>71</sup> and a national seminar will be organised to present the outcomes of the projects and disseminate good practices concerning refugees' education.

The three main Italian union confederations - UIL, *Confederazione Italiana Sindacati Lavoratori* (CISL) and *Confederazione Generale Italiana del Lavoro* (CGIL) - are also developing broader activities in the field of international migration. It is worth noting that, in 2016, on World Refugee Day, the three unions issued a joint statement on unaccompanied minors<sup>72</sup>, urging European and Italian authorities to establish "humanitarian corridors" and offer these minors protection and integration opportunities.

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71 <http://online.irasenazionale.it/course/index.php> (Accessed on 28 April 2017)

72 Cgil Cisl Uil: dare un futuro ai minori non accompagnati (2016, June 20). Retrieved from [http://www.uil.it/NewsSX.asp?ID\\_News=6865&Provenienza=1](http://www.uil.it/NewsSX.asp?ID_News=6865&Provenienza=1) (Accessed on 28 April 2017)



UIL has also developed a series of initiatives –mainly humanitarian microprojects– to promote the rights and improve the living conditions of refugee families and children in Greece following the 2015 emergency crisis<sup>73</sup>. In 2017, it also organised an international meeting in Lampedusa, bringing together religious and union leaders from Europe and the Mediterranean region, to open a regional multidimensional dialogue to promote peace and work opportunities in both sending and receiving countries<sup>74</sup>.

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73 See [http://www.uil.it/rapporti\\_ong/default.asp](http://www.uil.it/rapporti_ong/default.asp) (Accessed on 28 April 2017)

74 Per un Mare di Pace e di Lavoro (2017, January 20). Retrieved from [http://www.uil.it/NewsSX.asp?ID\\_NEWS=798&Provenienza=2](http://www.uil.it/NewsSX.asp?ID_NEWS=798&Provenienza=2) (Accessed on 28 April 2017)

## 4. Conclusion and recommendations

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Overall, the Italian legal framework provides a high level of protection for asylum-seeking and unaccompanied minors and a noticeably inclusive approach concerning the integration of these children into the education system. That said, recent developments of the immigration legal framework concerning unaccompanied minors and its impact on the fulfilment of their rights, and in particular the right to education, should be closely monitored. The phenomenon of migrant children going underground also requires special attention and preventive work from all concerned institutions, including schools, considering the privileged relationship that education personnel have with these young people. Both aspects require stronger cross-sectoral collaboration and information-sharing mechanisms between national and local authorities.

The analysis of the field research data highlights the many challenges facing the Italian education system in fulfilling the right to education of refugee and unaccompanied minors and offering them quality education opportunities. While many of the possible solutions call for more investment in terms of financial and human resources - both quantitatively and qualitatively - it is also obvious from the collected empirical evidence that the excellent practices developed by schools, teachers, and other education personnel on the ground as well as the expertise available among concerned stakeholders, could be better tapped to develop a more effective and coordinated approach to refugees' education. In this regard, the increasing awareness and proactivity of the education authorities recently and the commitment to tackle these issues by education unions and their members have potential to allow refugee and unaccompanied minors to realise their full potential through education and to improve the quality of the Italian education system for all children.

The following list of recommendations aims to contribute to this process, by identifying the priority interventions that are required to tackle the issues identified in this research.

## **Concerning the immigration legal framework and its impact on the fulfilment of the right to education:**

- Develop cross-sectoral consultation and coordination panels at national (including the education ministry, the Ministry of the Interior, and the Ministry of Labour and Social Policy) and local levels (including regional and provincial education offices, regional authorities in charge of education, municipalities, prefectures and local competent judicial authorities) to identify effective monitoring mechanisms and when relevant, coordinated action, concerning the fulfilment of the right to education of asylum-seeking/refugee children and unaccompanied minors
- Ensure the immediate transfer of identified minors from “hotspots” to dedicated accommodation structures and the transfer from short-term accommodation structures to long-term accommodation structures within the term provided by the law
- Define appropriate standards to guarantee the right to education in short-term accommodation structures hosting unaccompanied minors and monitor systematically the fulfilment of the right to education in all accommodation structures hosting foreign minors
- Ensure the timely appointment of a legal guardian for unaccompanied minors
- Promote the rapid issue of the “minor” residence permit, including before the appointment of the legal guardian
- Guarantee the enrolment in education of all unaccompanied minors and asylum-seeking children, even in the absence of identification documents or residence permits

## **Concerning “disappearing minors”:**

- Accelerate family reunification procedures for unaccompanied minors whose relatives reside in another European State, as provided for in the Dublin Regulation III
- Automatically inform unaccompanied minors upon arrival in Italy about all available legal avenues to continue their journey to another European State
- Develop awareness-raising initiatives aimed at unaccompanied minors, including in educational settings, concerning the risks associated with going underground to pursue their journey

### **Concerning the development of a systematic and coordinated approach to the education of refugee and unaccompanied minors:**

- Ensure the dissemination and monitor the implementation of the existing regulation and guidelines for the enrolment and integration of foreign pupils in education
- Set up a consultation process with relevant experts and stakeholders to develop specific guidelines concerning the enrolment and integration of refugee and unaccompanied minors in education
- In collaboration with all relevant authorities, develop a systematic mechanism of data collection and monitoring concerning the enrolment of refugee and unaccompanied minors in education, covering all levels of education (incl. pre-primary, vocational, tertiary, and adult education) as well as State and non-State sectors
- Based on the above-mentioned monitoring process, conduct a systematic mapping of local areas - and related education institutions - presenting structural needs for support, based on the annual enrolment of refugee and unaccompanied minors
- Develop a systematic process to identify, disseminate – and, when relevant, systematise - good practices and initiatives developed by schools and education institutions in all sectors concerning the integration of refugee and unaccompanied minors

### **Concerning the barriers facing refugee and unaccompanied minors in accessing education for specific sectors:**

- Ensure access to State pre-primary education institutions for refugee and asylum-seeking children
- In collaboration with relevant local authorities, guarantee access to municipal pre-primary education institutions and related services (including school meals, transport)
- In collaboration with relevant regional authorities, guarantee access to Regional Vocational Education and Training for all unaccompanied minors and asylum-seeking children in the absence of identification documents or residence permits
- Develop and share, with relevant local education authorities, common standards and procedures for the recognition of foreign certificates and diplomas needed to access upper levels of education

- Evaluate nationally the enrolment of unaccompanied minors in CPIAs with a view to identifying sector-specific issues, possible solutions, and local good practices

### **Concerning the human resourcing of the education of refugee and unaccompanied minors and in collaboration with trade unions:**

- Conduct a training needs assessment of teachers and administrative staff in schools enrolling refugee and unaccompanied minors and develop (i) a national initial and in-service training plan for all education personnel and (ii) incentives for related schools to include such aspects in their own training plan
- Assign newly recruited teachers with academic qualifications to teach Italian as a second language to schools in greatest need of such skills
- Improve the allocation of reinforced staffing ("*organico dell'autonomia*") to better match education institutions' needs and staff qualifications and competences

### **Concerning the financial resourcing of the education of refugee and unaccompanied minors:**

- Develop substantial, long-term, predictable and flexible funding channels for schools and education institutions enrolling refugee and unaccompanied minors, giving due consideration to the unpredictability of arrivals throughout the school year, the existence of overburdened geographic areas/education institutions presenting structural needs and the need for allowing individual institutions to develop tailor-made interventions concerning a wide range of aspects (including linguistic support, psychological support, cultural mediation, specialised teaching staff, extra working hours, class size)
- Create scholarship programmes and comprehensive support mechanisms to allow refugee and unaccompanied minors to continue their education at upper-secondary and tertiary levels once they have reached the legal age of majority

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# The Journey of Hope

Education for Refugee  
and Unaccompanied  
Children in Italy

Sonia Grigt  
October 2017



Education International  
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## Head office

5 bd du Roi Albert II  
1210 Brussels, Belgium  
Tel +32-2 224 0611  
[headoffice@ei-ie.org](mailto:headoffice@ei-ie.org)

[www.ei-ie.org](http://www.ei-ie.org)  
[#unite4ed](https://twitter.com/unite4ed)

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# Spain: Hope through diversity

Begoña López Cuesta  
November 2017





Education  
International  
Research

# Spain: hope through diversity

**Begoña López Cuesta**

Edit by Clara Fontdevila, Universidad  
Autónoma de Barcelona



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Frida Kahlo, from the activity “artistic talks” of the school Sansomendi IPI, Vitoria.

## About the author:

### **Begoña López Cuesta**

Begoña López Cuesta holds a Bachelor of Arts degree in Political Science and Sociology from the Universidad Complutense de Madrid, as well as a Master of Advanced Studies in Public International Law and International Relations, an MA in Organisation, Management, and Communication in NGOs, and a Master's Degree in International Solidarity Action, Asylum, Migration, International Cooperation and Social Inclusion, from the Carlos III University of Madrid.

She is currently the general secretary of FIDEAS Foundation, focused on education and social action, and an advisor to the international secretariat of FECCOO.

Her main areas of work are teacher training and vocational training programs, conflict resolution and educational support to overcome inequalities in the field of non-formal and informal education. She has also coordinated several projects since 2008 with grants from European Funds.

## Education International

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# METHODOLOGY

This study was prepared using a combination of different types of data, both quantitative and qualitative, collected between September and December 2016. The principal source of information was a set of 17 semi-structured interviews with people with extensive experience in the reception of refugees or experts in the subject. They include the staff of non-governmental organisations, experts in asylum and working with foreign nationals, local government officials and representatives of different Spanish universities. The details are set out in the bullet points at the end of this section.

In addition to the interviews, information was also collected during a visit to 16 primary and secondary schools with a high proportion of pupils who are refugees, have been displaced by force, and/or are seeking international protection and migrant status, located in the country's four most densely populated autonomous communities (Catalonia, Basque Country, Autonomous Community of Valencia, Autonomous Community of Madrid). In each of these schools we spoke to teachers, head teachers and other education professionals, as well as to the refugee pupils and a selection of the mothers and fathers of this group of students.

Finally, there were two additional sources of data, of a secondary nature. Firstly, a quantitative analysis of data on the flow and the reception of refugees published by official bodies, including the National Institute of Statistics, the Ministry of the Interior, the Ministry of Education, Culture and Sport, the Office of the Ombudsman, and different local administrations, was carried out. Secondly, in order to capture the feelings of the public and principal social agents, we analysed documentary material, looking at articles in the printed and digital press, from the newspapers with the highest national circulation (especially those publications focused on migration and refugee population); at the electoral programmes of the different political parties for the General Elections of December 2015; and at publications from various non-governmental and trade union organisations, foundations and international institutions - including UNESCO, UNICEF, the European Parliament and Education International.

## List of people interviewed

- Carla Amador, a volunteer in Greece working with Syrian refugee street children, for the Association *Holes in the Borders*.
- María Antonia Casanova, a lecturer from the Education Department of the Camilo José Cela University (Autonomous Community of Madrid), Director of the Higher Institute for the Promotion of Education and patron of the Higher Institute of Research and Developmental Studies in Social Behaviour (Instituto Superior de Promoción Educativa y patrona de la Fundación Investigación, Desarrollo de Estudios y Actuaciones Sociales - FIDEAS).
- Cristina Domínguez, representative of the Refugees and Social Intervention Programme of the Spanish Red Cross (CRE).
- Francisco García, Secretary General of the State Federation for Education, Comisiones Obreras (CCOO).
- Jaione Gaztañaga, Director of the Sansomendi de Vitoria Primary Education and Learning Community Centre (Basque Country).
- José Hernández, expert in asylum and foreigners.
- Ana María Julián, Councillor for Education on the Town Council of Mislata (Autonomous Community of Valencia).
- Mónica López, representative of the Spanish Commission for Refugee Assistance (CEAR).
- Luís Muedra, Headmaster of La Morería de Mislata secondary school (Autonomous Community of Valencia).
- Felipe Perales, director of the Refugee Reception Centre (CAR) de Mislata (Autonomous Community of Valencia).
- Miguel Recio. Headmaster of the Vega del Jarama de San Fernando de Henares secondary school (Autonomous Community of Madrid).
- Miguel Ángel Rodríguez, head of External Communication, Communication and Images for the Spanish Red Cross (CRE).
- Miquel Ruiz, Education Director at the Santa Cruz College (Autonomous Community of Valencia).
- Teresa Sanz, educator for unaccompanied minors in reception centres
- Alejandro Tiana, Dean of the National University of Distance Learning (UNED).
- Teresa Vivancos, Director of the Josep Carner Secondary School in Badalona (Catalonia).
- Souad Yousef, a Syrian refugee in Spain and student in San Fernando de Henares (Autonomous Community Madrid).

# INTRODUCTION

Spanish legislation provides for the right of refugees to education and international protection. In practice, however, the absence of a legal framework and institutional infrastructure specifically designed to identify the needs of this target group and provide an appropriate response runs counter to this formal recognition. There are no mechanisms to guarantee the fulfilment and respect of these rights. This failing has a particularly harmful effect on child refugees and asylum seekers, given their greater vulnerability.

This study provides an overview of the current situation of refugee and asylum-seeking minors in the Spanish State – with regard to the right to education and, more generally, in relation to access to adequate protection mechanisms given their vulnerable situation. To this end, we begin with a review of the legal, institutional and administrative structure of refugee reception, followed by an analysis of the risks, limitations and challenges posed by it. This analytical section is accompanied by a review of the initiatives and actions led by civil society, which are limited in nature but nevertheless indicate areas of improvement, as well as good practices, which could be incorporated into existing institutional mechanisms. Finally, the study concludes with a set of proposals aimed at developing a systematic and effective response to enable progress towards the comprehensive care of refugee children.

The study has had the benefit of input from experts in education, international protection, childhood and human rights. An effort is thus made to give a voice to the diversity of persons who can draw on their professional experience to provide an informed perspective on the issue, as well as proposals for improvement based on the evidence and practical experimentation. Promoting exchanges between these experts, and the attention paid by the competent authorities to their observations prove of vital importance in moving towards a generalised improvement of the system.

This report essentially emerges as an initial approximation to the right to education for refugees in Spain, thereby serving as a point of departure or invitation to closer attention and a public discussion on this issue. Similarly, the range of good practices and proposals for improvement is likewise conceived in exploratory terms. The aim is to identify potentially useful actions, but above all to encourage in-depth reflection on the current state of the situation.

# STATISTICS

## Minors applying for protection

The available quantitative data show how Spain receives a very reduced fraction of the total applications for asylum in the European Union. In 2016, for instance, this figure was 1% of the total. Furthermore, in practice, the State turns down some 70% of such applications, according to the 2016 report by the Spanish Refugee Aid Commission (known by the Spanish acronym CEAR).

For their part, applications for international protection filed by minors represent 25.2% of the total applications received according to the latest available data published by the Ministry of the Interior for 2015. In absolute terms, these figures represent 3,750 applications out of a total of 14,887. The origin of these applicants per continent is given in Table 1.

**Table 1. International protection applications in Spain by minors per continent in 2015**

	0-13 years of age	14-17 years of age	Total
África	214	77	291
América	165	46	211
Asia	1858	387	2245
Non-recognized states	164	32	196
Central and Eastern Europe	716	88	804
Stateless	-	-	-
EU-28	3		3
<b>Total</b>	<b>3120</b>	<b>630</b>	<b>3750</b>

Source: Ministry of the interior.

Nevertheless, as shown in Table 2, most of these applications were turned down -- some type of protection was granted to only 389 of all minor applicants, i.e. 10.4% of the total.

It should moreover be noted that Refugee Status and right of asylum to minors were granted only in a marginal proportion of these cases. Most of the accepted applications were authorised under what is known as the *Right to Subsidiary Protection*. Pursuant to the Asylum and Subsidiary Protection Act 12/2009, subsidiary protection is protection provided to nationals of other countries



and stateless persons who, although they do not meet the requirements to be granted asylum or recognised as refugees according to the 1951 Geneva Convention and the 1967 New York Protocol Relating to the Status of Refugees, they are considered to run a real risk of suffering serious prejudice (death penalty, torture or inhuman and degrading treatment, or indiscriminate violence in conflict situation). Although this form of protection results in authorisation to stay or to reside in Spain, it is worth bearing in mind that such people are denied refugee status. The consequences of such non-recognition entail loss of protection if they should leave Spanish territory. Whereas pursuant to the UN provisions, refugee status guarantees protection for the person irrespective of where s/he is, subsidiary protection applies only within the Spanish State.

**Table 2. Response to international protection applications by minors in 2015**

	Recognition of refugee status and granting of the right to asylum to minors	Recognition of right to Subsidiary Protection to minors	Authorisation for minors to stay or reside in Spain on humanitarian grounds	Rejected
<b>Total</b>	63	326	0	3361

Source: Ministry of the Interior.

It is also worth underscoring the virtual absence of applications for international protection filed by unaccompanied minors. There were 25 such applications in 2015 and 26 in 2016 – figures which contrast sharply with the 14,440 applications received by Germany or the 32,250 received by Sweden according to Eurostat figures for 2015.

Finally, although no official data have been published by the Spanish authorities for 2016, the figures published by Eurostat suggest the number of minors applying for asylum in Spain is stable at 3,745. It is not possible to determine at this time the proportion of these applications that were accepted.

**Table 3. Underage asylum seekers in 2016**

	14 years of age	14 to 17 years of age	Total
Spain	3.205	540	3745

Source: Eurostat.

# PART I: NATIONAL LEGAL FRAMEWORK

## International protection

The right to asylum and subsidiary protection in Spain is regulated by Act no. 12 adopted on 30 October 2009. Article 3 thereof addresses and specifies the definition of refugee:

**Art. 3: Refugee status shall be granted to every individual who resides outside of the country of his or her nationality due to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, gender or sexual orientation, and cannot or, because of said fears, do not want to avail him/herself of the protection of said country, or to a stateless person who, lacking nationality and being outside the country where s/he previously resided, for the same reasons cannot, or because of said fears, does not wish to go back, and does not fall under any of the reasons for exclusion under Article 8 or the causes for rejection or revocation of Article 9.**

The processing of applications for international protection falls under the direct preview of the Asylum and Refugee Office in Spain. This body meets under the mandate of the Ministry of the Interior and examines asylum applications to decide whether they are accepted or rejected in the processing phase (known as the application process). This same body is also responsible for examining the case and the evidence included in the applicants granted leave (a process known as the investigation of the dossier), to issue a favourable or unfavourable report in the end whether to grant international protection. In essence, the final decision on the matter ultimately depends on the minister for the interior.

It is worth underscoring that a number of experts have pointed out that the Spanish legislation on this matter is not in line with the procedures considered by directives adopted at European level. The representative of the UN High Commissioner for Refugees (UNHCR), Francesca Friz-Prguda, cited the need to address this lack of harmony when she appeared before the Lower House of Parliament in March 2016.<sup>1</sup>

To these limitations should be added the lack of specific legal provisions on

<sup>1</sup> Diario de Sesiones de las Cortes Generales. Comisiones Mixtas. N°8/12.04.2016 (p. 6 and 7). Available at: [http://www.congreso.es/public\\_oficiales/L11/CORT/DS/CM/DSCG-11-CM-8.PDE](http://www.congreso.es/public_oficiales/L11/CORT/DS/CM/DSCG-11-CM-8.PDE) (consulted on 5 August 2017).

and references to the protection of minors. According to the Office of the Ombudsman, “there are significant gaps in the specific procedure used to detect the specific international protection needs and to determine the interest of minors... the approach to applications for international protection filed by minors is absolutely different from that for applications from adults, and consequently, the sole form of assessing in-depth and with sufficient guarantees whether it is advisable to grant protection is to treat applications from minors differently.” (Ombudsman, 2016a, p. 75).

The Spanish reception system for applicants for, or beneficiaries of, international protection is organised along a double network consisting of public migration centres on the one hand, and a series of receptional measures and programmes managed by non-governmental organisations (NGOs) and subsidised by the Ministry of Employment and Social Security.

The public network has four Refugee Reception Centres (known by the Spanish acronym CARs), managed directly by the Administration and employees of the Ministry of Employment and Social Security. They were all created in 1989 and specialise in asylum seekers. These centres provide accommodation, sustenance, urgent and primary psychological and social assistance for asylum seekers in Spain, but do not have economic resources to attend to their needs and those of their family. The CARs are located in different territories of Spain, more specifically in Seville, Valencia and Madrid, with two such centres in the latter.

Reception facilities run by NGOs are managed mainly by the Spanish Catholic Migration Commission Association (known by the Spanish acronym ACCEM), the Spanish Refugee Aid Commission (known by the Spanish acronym CEAR), the Spanish Red Cross (known by the Spanish acronym CRE) and the Mercy Foundation for Migration. These bodies manage some 2,000 reception places, with a €13 million direct subsidy from the administration.

## **The situation in Melilla and unaccompanied foreign minors**

Located on the African continent and governed by their own Statute of Autonomy, the cities of Ceuta and Melilla constitute a key point in the migration routes. Both are located on the Mediterranean coast just a few kilometres from the Iberian peninsula, and are thus one of the most common access ways to Europe. Given the pressure of the migration flows in these areas, so-called Centres for Temporary Stay of Migrants (known by the Spanish acronym CETI) have opened up, designed as provisional reception facilities and geared to providing essential services and basic social benefits to migrants and/or asylum seekers who arrive at those cities, in many cases as a preparatory step to reach the Iberian Peninsula by sea. This is where the identification formalities

and medical examinations are carried out prior to any decision on the most appropriate action depending on their administrative situation in Spain. These centres are regulated in accordance with Articles 264 and 266 of the Regulations for Organic Law 4/2000, adopted by Royal Decree 557 of 20 April 2011.<sup>2</sup>

The increased migration pressure on these cities in recent years has given rise to serious overcrowding problems at the CETIs, exacerbated in turn by the relative institutional neglect and ensuing lack of adequate attention for migrants and asylum seekers. The visits paid by the Office of the Ombudsman to the Melilla CETI in 2015 brought these dynamics to light. The centre received 1509 persons in May and 1700 in September, most of whom were families from Syria in need of international protection. The number of minors accommodated in the centre was 530, exceeding in and of itself the centre's total capacity, which is around 480 places. The UNHCR representative in Spain, Francesca Friz-Prguda, alluded to this problem also when she appeared before the Lower House in 2016. Among other issues, she noted that the CETIs were not up to the reception standards set out in the European directives, and that the staff employed in them was not sufficiently specialised. The Spanish government was accordingly called upon to increase the number of reception places and to upgrade the corresponding infrastructure, as well as to coordinate the action with other institutional stakeholders (municipalities, trade unions, universities private individuals) in order to move towards sustainable integration programmes.

The saturation of the Melilla CETI led to the decision, likewise in 2015, to move some of the asylum seekers to peninsular Spain where they could be accommodated with more appropriate resources. This procedure was not managed satisfactorily, however, as these transfers were not accompanied by the deployment of resources required to pay proper attention to the migrants. For instance, many of the migrants or asylum seekers transferred to Madrid stayed overnight in a youth hostel made available by the local authorities or in the street, due to lack of places. Similarly, care for these people was frequently delegated to NGOs because of a lack of an *ad hoc* institutional response. That year, the Spanish Red Cross attended to 18,000 people in need of international protection, 85% of whom did not stay in Spain, and 60% of whom were Syrian nationals (Ombudsman, 2016a, p. 90).

One area in which the management of the CETIs proved particularly precarious and inadequate was care for unaccompanied foreign minors. Most of these were not yet 14, and were thus in a particularly distressing and vulnerable situation. The institutional response from the Spanish authorities did not provide proper protection for this group however, and was characterised by neglect and lack of proper care. The Harraga Association presented a report<sup>3</sup> in 2016 on the

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2 Ministry of Employment and Social Security. Available at: [http://www.empleo.gob.es/es/Guia/texto/guia\\_15/contenidos/guia\\_15\\_37\\_3.htm](http://www.empleo.gob.es/es/Guia/texto/guia_15/contenidos/guia_15_37_3.htm) (consulted on 5 August 2017)

3 Harraga Melilla. Available at: <https://harragamelilla.wordpress.com/> (consulted on 5 August 2017)

situation of unaccompanied foreign minors in Melilla, which documented the use of violence by the local authorities and security forces, as well as the generalised ill treatment, abandonment and inaction on the part of the city's institutions. A similar situation in Madrid was denounced by the Fundación Raíces [Roots Foundation] and the NGO Save The Children: many of these minors are not properly documented, were not given the residency option and are not protected according the same standards as other minors.<sup>4</sup>

The situation of unaccompanied foreign minors led to a specific investigation on the matter by the Office of the Ombudsman in 2015. An effort to identify the main difficulties and limitations of the current management identified the saturation in protection centres, the delay in being granted authorisation to stay, the expiry of that authorisation once they come of age, and discrimination in their schooling. It was moreover noted that all these elements discouraged said minors from staying in the corresponding centres, and made them want to head for the peninsula.

This diagnosis was accompanied by a series of recommendations submitted to the Department of Social Welfare of the Autonomous City, the Government Delegation and the Office of the Attorney General. They include the need to take measures so as to broach the situation of the minors from different angles than merely political or coercive perspectives, by adopting support and educational measures. Similarly, the Spanish administration was called upon to launch a community register at European level to keep track of these minors, who are potential victims of human trafficking and other types of exploitation (Ombudsman 2016b2016a, 2016b).

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4 [eldiario.es](http://www.eldiario.es). 07.11.2016. Menores tutelados duermen en un parque de Madrid "abandonados" por la Comunidad, según Save The Children. At [http://www.eldiario.es/desalambre/Madrid-Comunidad-Save-The-Children\\_0\\_577792554.html](http://www.eldiario.es/desalambre/Madrid-Comunidad-Save-The-Children_0_577792554.html)

## Right to education

The Spanish Constitution of 1978 stipulates (in Article 27) that every person has a right to education, and that the aim of education is to be the full development of the human personality with respect for the democratic principles of living together and fundamental rights and freedoms. The rights of refugees are treated specifically in Act 12/2009, which governs the right to asylum and subsidiary protection in Spain. Article 36 of said Act stipulates that a refugee has the right of access to education, as well as to health care, housing, welfare assistance and social services, the rights recognised by the legislation applicable to persons who are victims of gender violence, social security and integration programmes. It is specified that this access and the enjoyment of this right must be under the same conditions as for Spanish nationals. Thus, access by refugees to continuing or vocational training and placements, as well as the recognition of academic and professional degrees and certificates and other proof of official qualifications issued abroad, must be guaranteed without any differentiation from Spanish citizens. On the other hand, the State School Board calls on all educational administrations to guarantee in all centres and on all levels, including those that are not compulsory, human and material, educational and technological resources required for pupils with special needs among those who enter the education system late, such as refugee minors or asylum seekers (State School Board, 2107).

In general terms, guaranteeing the right to education falls under the purview of the Ministry of Education, Culture and Sport (known by the Spanish acronym MECD). This ministry is responsible for regulating the basic aspects and guaranteeing equality for all Spanish nationals, pursuant to Article 149.1 of the Constitution of 1978. By virtue of that same constitutional order, however, the legislative and executive competencies for education fall essentially under the so-called Autonomous Communities – which leads to a notable internal diversity in terms of education policy. The provision of education services is consequently the direct responsibility of the educational administrations of those communities, frequently in cooperation with local authorities tasked with providing essential services to citizens. The latter authorities carry out various actions in the fields of children's education, adult education, specific vocational training programmes, art education, transport and catering services for centres and complementary and extracurricular activities or orientation services (State School Board, 2107).

Guaranteeing the right to education for refugees unfortunately is not the purview of a specific institution that specialises in this matter or is legally responsible for its observance. In any event, given the high degree of decentralisation when it comes to education in Spain, it is assumed that responsibility ultimately lies with the aforementioned Autonomous Communities. As listed in Organic Law on Education 2 of 3 May 2006 (known by the Spanish acronym LOE), and

the amendment thereof referred to in the Quality Education Improvement Act (known by the Spanish acronym LOMCE) of 2013, the measures that can help guarantee this right are regulated by the autonomous educational administrations. These measures include organisational and curricular actions to take account of diversity, curricular adaptations, splitting groups, integrating materials, flexible groupings, support in ordinary groups and offer of specific materials, programmes to improve learning and performance and programmes for the specialised treatment of pupils with specific educational support needs.

## Public opinion and the perception of immigration

According to data published by the journalists' group PorCausa<sup>5</sup>, in a study carried out through Metroscopia, Spanish public opinion does not see immigration as a problem. The majority of Spaniards considers a border management model based on the shield to have "failed," and 61.3% of the persons questioned think that legal avenues must be opened so as not to play with people's lives. Similarly, 80% opt for a society of "co-existence," which suggests a certain predisposition to welcome and integrate the migrant population.

However, the same data show a prevalence of certain negative perceptions of the effects of this phenomenon, and the experience of assessment thereof in terms of a threat, as suggested by some of the results:

- 64% think that "migrants contribute little or anything to employment creation";
- 47.5% believe that "migrants pay little or any taxes";
- 26% believe that "they are a threat to our jobs";
- El 47,5% cree que "sobrecargan nuestros servicios públicos"
- A little more than 26% believe that "they threaten our values and culture" and "our jobs".

According to the collected data, these perceptions of immigration are more deep-rooted among those questioned who consider themselves to be on the political right than those who consider themselves to be on the left. Breaking down the answers by political affinity, the results are as follows:

- Those who vote Podemos (left-wing party) are the ones that have the most positive opinion of immigration – 90.6% approve of it.
- 43.6 of those who vote for the Partido Socialista Obrero Español (centre left) agree with the statement that "the borders should be reinforced and stricter controls should be imposed".
- The majority of those who vote for the Partido Popular (right) and Ciudadanos (centre right) believe that migrants overburden the public services and contribute little if anything towards employment creation (63% and 67.7% respectively).

<sup>5</sup> PorCausa. Investigación y periodismo. Available at: <https://porcausa.org/articulo/espana-pais-acogida/> (consulted on 5 August 2017).



Gonzalo Fanjul, one of the authors of the report, points out that these myths about immigration can be reinforced if the media repeat biased, tendentious or alarmist news. He cites how against the background of a rise in xenophobic positions, public opinion could swing to intolerance for immigration. In a similar vein, Esteban Ibarra, president of the Movement Against Intolerance, points out that “xenophobia and the rejection of refugees and immigrants are growing in Europe and go hand in hand with intolerance of Islam and Muslims and Islamophobia – an entire reality which has come to the fore with force during this crisis despite shows of solidarity (...). It is necessary to rise up against racism, xenophobia, anti-Semitism and Islamophobia that crop up in crass, criminal and vicious guises on hate websites” (Movimiento Contra la Intolerancia, 2015).

# PART II: RESPONSES FROM THE PUBLIC ADMINISTRATIONS AND CIVIL SOCIETY

## Main challenges and institutional responses

### Challenges with respect to the socio-economic context

The analysis of the right to education of refugee children in Spain entails an analysis of the causes of child poverty and educational poverty (FECCOO, 2016). In this respect, it is important to bear in mind that the refugee population is arriving in Spain in a highly complex social context characterised by the relative absence of an institutional response capable of dealing with this scenario.

A clear indication of the growing levels of socio-economic vulnerability of the Spanish population is the risk of poverty which has registered a rising trend since 2009. It is significant that the child population has been the group most affected by this trend. Thus, 40% of minors between the age of 12 and 17 are at risk of poverty or social exclusion.

The complexity of this situation has been exacerbated by the low levels of investment in policies for equity in education – although it is considered the most cost-effective social investment (FECCOO, 2015a). The economic crisis the country has been going through since 2008 has entailed a substantial reduction of funds intended to guarantee social rights, including educational rights. Thus, more than €10,000 million has not been invested in education from 2009 to 2016. These cuts have affected especially those budget items that are clearly of a compensatory nature (Consejo Escolar del Estado, 2017), such as those intended for scholarships and aids or those intended to boost equal opportunities – described in greater detail in Box 2.<sup>6</sup>

According to the analysis of Miguel Recio, director of the Vegal del Jarama Institute of Secondary Education, in 2012 the Ministry of Education cut the vast majority of essential funds used by the various Autonomous Communities to attend to diversity. The quantity of public spending on diversity in non-university education was thus reduced by 55.4% between 2009 and 2012- these items being the most affected of all the education programmes.

<sup>6</sup> The reduction of investment in policies to promote equal opportunities has been particularly pronounced in the autonomous communities of Madrid, Castilla-La Mancha and Valencia.

On the other hand, the budget for Compensatory Education was reduced substantially in 2015 and 2016. The effects of this reduction have in turn been exacerbated by staff reducing policies, as a result of which support hours in primary and secondary education have been largely reduced, as has the weight of orientation departments and professionals specialising in diversity,<sup>7</sup> leading to an increased incidence of part-time employment and teacher rotation. Finally, resources for shared teachers and practical programmes and support required by the Compulsory Secondary Education Act have not been budgeted nor provided.

These trends have had a considerable impact on the pupils as can be considered by the fact that against the background of early school leaving, the gap in this indicator between Spanish and foreign nationals has tended to widen, amounting to double for foreign nationals in 2013.

## Policies in equity for education

### Diversity policies

According to the State School Board's report on the Education System 2016, diversity policies are geared to pupils with specific needs of educational support owing to disability or serious behavioural disorders, high intellectual capacities, late integration in the education system, specific learning difficulties, or particular personal, socio-economic or academic conditions.

The educational administrations define procedures that ordinary centres can use to identify such pupils and to detect special needs, and provide the resources, organisational forms, teachers and specific professionals, as well as curricular adaptations and cooperation agreements with other administrations and entities for appropriate care.

In Compulsory Secondary Education, these general guidelines lead to the so-called performance and learning improvement programmes (known by the Spanish acronym (PMAR)), geared preferably to those pupils that show relevant learning difficulties not attributable to lack of studying or effort, the creation of new cycles for Basic Vocational Training and measures to promote staying in the educational system as well as opportunities to access and remain in the labour market, and the *Youth Entrepreneurship and Employment Strategy 2013-2016*.

<sup>7</sup> Including specialists in Linked Classrooms, Compensatory Education, Special Education and Listening and Speech skills among others.

## Compensatory education policies

As stipulated in the Organic Law on Education 2/2006 (known by the Spanish acronym LOE), compensatory education policies are geared to strengthening the educational system so as to avoid inequalities due to social, economic, cultural, ethnic or other such factors. Article 80 of this law therefore spells out that the Administrations are required to pursue actions of a compensatory nature in order to implement the principle of equality in the exercise of the right to education. Nevertheless, the amendment of the LOE by the LOMCE in the year 2013 has de facto entailed the elimination of these considerations, which have not been replaced by provisions of a similar nature.

## Educational reinforcement, orientation and support actions

From academic year 2005-2006 to academic year 2012-2013, the Reinforcement, Orientation and Support Plan (known by the Spanish acronym PROA), which resulted from cooperation between the Ministry of Education, Culture and Sport and the educational administrations of the autonomous communities, has led to a series of compensatory education actions geared to centres supported by public funds which provide compulsory primary and secondary education.

Although the PROA was ended at state level as of academic year 2014-2015, a large part of the autonomous communities have continued the activities that were carried out under this programme. In the case of the autonomous cities of Ceuta and Melilla, during the financial year 2014-2015, drawing on the experience with the PROA, the Educational Support Programme (known by the Spanish acronym PAE) was launched to improve academic results in centres with a high percentage of pupils in a disadvantaged socio-educational situation and at risk of leaving school early.<sup>8</sup>

## Challenges regarding the education system

The UNHCR has made a number of recommendations needed to address the immediate and serious state of access to protective and high quality education for the majority of refugees in the national education system so that education turns out to be a long-term solution for them. However, progress on this front has been limited up to now. According to Alejandro Tiana, Rector of the Distance Education University (known by the Spanish acronym UNED), the basic challenge faced by the education system to guarantee the right to education for displaced,

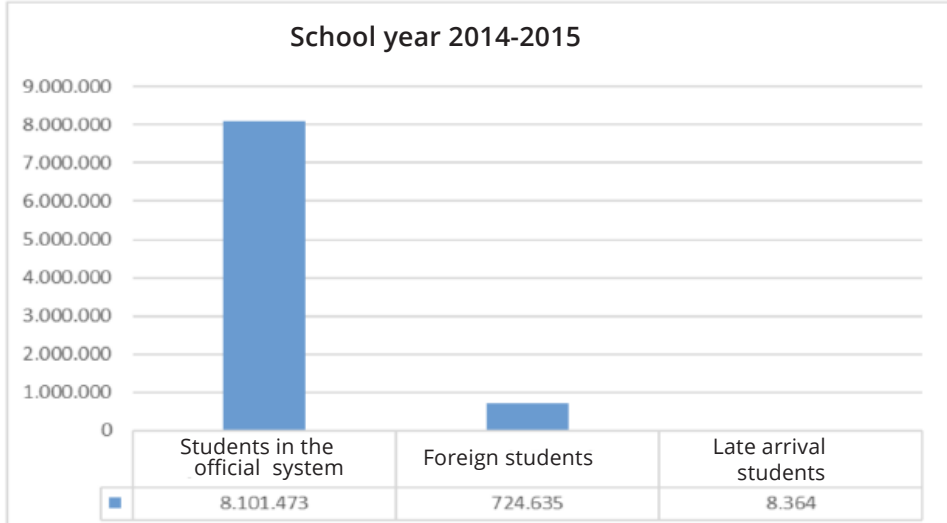
<sup>8</sup> The specific normative actions and innovations of each autonomous community relating to educational reinforcement, orientation and support actions during the academic year 2014-2015 can be consulted in Consejo Escolar del Estado (2017), and in MECED (2016).

refugee, asylum seeking, stateless and migrant children consists of ensuring the necessary conditions for successful schooling. In this respect, as shown in graph 1, it is important to bear in mind that the Spanish education system has integrated a sizeable number of students of foreign origin with mixed success. Thus, the absence of serious difficulties or conflicts notwithstanding, the data provided by national and international assessments show that these children have not always attained a satisfactory level of education. According to Mr Tiana, this experience suggests that the educational success of refugee minors may prove very problematic, exacerbated by potentially traumatic experiences for many of them, which require special attention and corresponding means and resources.

María Antonia Casanova, professor at the Camilo José Cela University and director of the Institute for the Promotion of Education, reports that the schooling of children of foreign origin has not been accompanied by a difficulty in the Spanish context in recent decades. She stresses that the right to education has been respected over and above the administrative condition of the families of migrant pupils, the number of which has gradually increased. In this respect, she considers that the obligation to guarantee this right is potentially more patent or less ambiguous for the refugee population, given its explicit regulation at the international level.

The challenges faced by the education system in receiving refugee minors would therefore be those currently faced by the system in attending to diversity. The inclusive education framework recognised at state level requires the system to be flexible as and where necessary, and to offer diversified responses in the classroom to deal with differences that each pupil may show at all levels of education, and more specifically in compulsory education.

Graph 1



Source: Ministry of Education, Culture and Sport

In a similar vein, Miguel Recio, director of the IES Vega del Jarama, in Madrid, pointed out that schooling refugee pupils should not entail any extraordinary challenge nowadays, in as much as this population represents approximately 0.1% of the more than 8 million non-university students that start school every year in Spain. The main difficulty in this context therefore lies in the lack of investment into equal opportunities to attend to this pupil profile. Mr Recio pointed to possible actions, including training for the teachers of the centres where pupils with this profile are schooled, the issue of materials to facilitate their integration in the Spanish education system and the recruitment of support (translators, social workers) and educational staff and compensatory teachers to facilitate the integration of refugee children.

## Challenges regarding the accreditation of diplomas

The recognition and accreditation of diplomas for displaced, refugee, asylum seeking, stateless or migrant persons, who wish to continue their education or teaching work in Spain entails significant complications of a practical nature, due particularly to the great difficulty of gathering the information that the process requires. It is moreover worth noting that no specific procedures have been defined for refugees. These elements make it particularly difficult to integrate refugee teachers. Alejandro Tiana, rector of the UNED, points out that: “It is a complicated process, which generally applies protectionist criteria that make accreditation difficult. If refugee teachers are to be integrated, an official programme must be launched that facilitates the process, since it cannot be expected to accredit a significant number of diplomas through the usual channels.”

The accreditation of diplomas of minors is less complicated, particularly if the minors in question are still in compulsory education. Nevertheless, Miguel Recio cites certain habitual problems when it comes to schooling such pupils, especially the use of the “preventive” grade repetition as a levelling mechanism. “The Support and Schooling Services, as they are called in Madrid, educate children and teenagers, sons and daughters of refugees, according to age, and have them repeat a grade to guarantee adequate progress.”

## Challenges regarding teacher training and diversity

As Mrs Casanova (professor at the Camilo José Cela University and director of the Institute for the Promotion of Education) points out, the integration of a sizeable number of migrant pupils in the first decade of this century was accompanied by the deployment of a wide range of reinforcement and adaptation measures and actions geared to creating appropriate conditions for the inclusion of these pupils. It can therefore be assumed that the resources and measures deployed to that end are also potentially effective for the adequate integration of refugee students in the education system – even though the established system suffers from certain limitations that will seriously affect its efficacy.

The package of adopted measures included, first of all, the provision of a series of services geared to specialised attention for such pupils. These measures were integrated and helped reinforce a set of diversity mechanisms already present in the system (cf. Box 3 for a more detailed description of the current offer). However, most of these services have an insufficient number of units given the number of pupils with special education needs, which will presumably make it difficult to pursue lines of work geared specifically to refugee pupils.

Beyond this group of measures of a more immediate nature (or geared to mitigating the most urgent effects of the arrival of migrant pupils), many teacher training and professional development programmes were implemented, together with separate support mechanisms for teachers and other education professionals who have a role to play in receiving such pupils. These courses were coordinated or managed by teacher training and cooperation centres, and were generally related to the needs that had arisen in the education system, including the teaching of Spanish as a second language, methodological strategies, personalised assessment models, development of materials, coexistence in diversity, etc. At the same time, for the Community of Madrid at least, various studies were published on teacher orientation and on training in these issues.<sup>9</sup>

However, budget cuts in the education sector have had a negative impact on the availability of such programmes and especially autonomous community plans for continuing teacher training, thereby diminishing their potential applicability to refugee minors. As Mrs Casanova points out: "This gradually declined over the years, both owing to the labour situation in Spain (which has diminished immigration and fostered emigration by Spaniards and foreign nationals) as by the approaches of the education system, which have focused more on technology and languages, than on diversity. There is not much training on offer at present for teachers who have to attend to arriving refugee pupils, and such training is not a priority for the Administrations".

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<sup>9</sup> These materials can be consulted at: [www.madrid.org](http://www.madrid.org) (Consulted on 5 August 2017).



## Diversity mechanisms

The main units that attend to diversity currently in ordinary education centres are as follows:

- Educational and Counselling Orientation Teams (known by the Spanish acronym EOEP), Early Attention Teams, and General and Specific Orientation teams. Units responsible for orientation in pre-school and primary education are also active in nursery schools. They determine the specific support needs that the pupils may have owing to special educational needs, special learning difficulties and high capacities.
- Support Service for Migrant Pupils (known by the Spanish acronym SAI). Counselling service for Education, Youth and Sport of the Community of Madrid geared to advice and support to facilitate the educational integration of migrant pupils in the system during the academic year, especially when they are not proficient in the vehicular language of instruction.<sup>10</sup>
- Translation and Interpreting Service (known by the Spanish acronym SETI).<sup>11</sup>
- Therapeutic pedagogy, listening and speech and other suchlike teachers (only in nursery and primary schools).
- Compensatory education teachers linked to diversification programmes (PMAR) (only in secondary schools).
- Technical teachers for services to the community, i.e. welfare workers (only in secondary schools).

<sup>10</sup> For more information, see: <http://www.educa2.madrid.org/web/sai-capital/> (consulted on 5 August 2017).

<sup>11</sup> For more information, see: [http://www.madrid.org/dat\\_oeste/seti.htm#quees](http://www.madrid.org/dat_oeste/seti.htm#quees) (consulted on 5 August 2017).

## Challenges regarding the inclusion of refugee pupils in education centres

Refugee, displaced, asylum seeking or stateless pupils face inclusion difficulties similar to those experienced by students of migrant origin. As Teresa Vivancos, director of a primary school in the Community of Catalonia, points out, a significant part of those difficulties stem directly from the lack of knowledge and the absence or fragility of a social support network: “They leave their homeland, part of their family and friends, and arrive in an unknown country. They have to adapt to a new culture, a new environment, learn a new language and make new friends. The first months are particularly hard. They go to school every day, but they do not understand the language”.

In a similar vein as Vivancos and Gaztañaga, Luis Muedra, director of a secondary school in the Community of Valencia, also cites language difficulties and “cultural misunderstanding” as one of the main challenges faced by refugee pupils, amplified by the emotional impact from a forced displacement which is often traumatic. Mr Muedra is highly critical of the lack of mechanisms designed specifically to tackle these challenges, and of the dependence on volunteering from professionals to provide appropriate guidance and support to these minors.

One of the possible mitigating actions for such difficulties is the reception classroom, which was developed in Catalonia and is geared to specialised attention for migrant pupils who are less familiar with the vehicular languages of instruction in the region (Spanish and Catalan). This system provides for the deployment of human resources necessary to create reception groups in centres with a high number of pupils from other countries, through which the migrant pupils work several hours a week on an intensive language programme, geared to providing them with basic vocabulary and linguistic structures so that they can communicate as rapidly as possible. As Vivancos points out, this mechanism entails recruiting language support staff as a fruitful means of attending to refugee children, advised and supported by a corresponding team of facilitators to facilitate communication with the family, and teacher training in diversity.

Another approach to this integration process is the proposal by Jaione Gaztañaga, director of the Sansomendi Education Centre, Learning Community of Votira-Gasteiz, in Basque Country. Mrs Gastañaga suggests deploying the relevant professionals (speech therapists, special education teachers, etc.) in the classroom to avoid separating recently integrated students and to maximise the hours of contact with the rest of the students, so as to accelerate the inclusion and language learning process.

## Responses from organised civil society

Despite a lack of a normative framework and institutional infrastructure specifically designed to attend to refugee, forcefully displaced, international protection seeking and migrant minors, Spanish civil society and the local authorities have often assumed a leadership role on this matter. In this respect, it is worth pointing out that in spite of the economic crisis, Spain is currently the largest private donor to the UNHCR – an element of which, as pointed out by that institution's representative, Francesca Friz-Prguda, is indicative of the readiness of citizens to welcome and protect refugees.<sup>12</sup> Similarly, local and autonomous governments, private institutions and universities have launched a series of specialised actions which have contributed significantly to guarantee protection for these people, at least partially.

At the autonomous level, the experience of local citizens' networks in the Basque Country and Catalonia stand out in particular. In the first of these regions, the Refugee Aid Commission (CEAR EUSKADI)<sup>13</sup> recently launched a civic mobilisation campaign to call on the autonomous government to provide services that guarantee the rights of refugees received in the region, as well as minimum standards for such a reception.

In Catalonia, the so-called Educational Network in Support of Refugees<sup>14</sup> was designed and organised in 2016. It was joined by schools, institutes, families, leisure centres, social movements, and associations and was open to participants in an individual capacity.<sup>15</sup> This initiative currently groups more than 114 bodies organised into municipal and district groups that operate as mutual support networks to attend to refugees locally.

On the national scale, another prominent action is the so-called INCLUD-ED project (Flecha, 2015), popularly known as “learning communities.” Promoted by the CREA<sup>16</sup> research group, the initiative consists of a series of actions geared to social transformation through educational action, including the training of adults in precarious situations, the articulation of interactive groups, the inclusion of the families of pupils in an exclusion situation in the decision-making processes of educational centres, and the opening of the colleges to the community during extra-curricular activities. Even though the initiative is not geared to refugee pupils, the success of the project in including minority and migrant groups suggests that it would constitute a good practice for the reception of displaced people.

12 Diario de Sesiones de las Cortes Generales – Comisiones Mixtas. N°8 (Record number 219/000037 – Congress, 715/000001 – Senate). Available at: [http://www.congreso.es/public\\_oficiales/L11/CORT/DS/CM/DSCG-11-CM-8.PDF](http://www.congreso.es/public_oficiales/L11/CORT/DS/CM/DSCG-11-CM-8.PDF) (consulted on 5 August 2017).

13 For more information, see: <https://www.cear-euskadi.org> (consulted on 5 August 2017).

14 For more information, see: <https://obrimfronteres.wordpress.com/> (consulted on 5 August 2017).

15 Source: <http://diarieducacio.cat/> (consulted on 5 August 2017).

16 Community of Research on Excellence For All - research group linked essentially with the University of Barcelona.

Finally, another prominent programme is the so-called Roma Project, geared to promoting and ensuring inclusive education. The model, proposed and developed by Miguel López Melero (Professor of Education and School Organisation at the University of Malaga) can prove a major source of inspiration to guarantee the right to education to children who are refugees, displaced or applying for international protection, who are schooled in our education system.

This proposal has given rise to the idea that it is the education system that has to change to deal with diversity in the classrooms, and not the other way around. Consequently, it is assumed that their learning difficulties cannot be attributed to mere personal difficulties, but to the curriculum structure, thus pointing to the need to develop methodologies for adjusting to particular necessities. Similarly, it is understood that exclusion cannot be eliminated only through educational actions, research and innovation, but also through social justice and the sphere of values. The inclusive school must therefore be built on a new form of thinking, communicating, feeling and acting.

## Initiatives from the university sector

The universities and other organisations connected with higher education are among the social agents that have provided responses relating to the reception of refugee pupils. These institutions have made a substantial contribution towards guaranteeing the right to education for the displaced population through institutional declarations and the implementation of support programmes. Some of the most prominent actions are described below.

### Declarations and commitments

One of the first organisations to take an active part in this sphere of action is the Conference of Rectors of Spanish Universities (known by the Spanish acronym CRUE), a non-profit association formed by a total of 76 universities (56 public and 26 private). This body acts as the contact and main representative of the universities with central government, and plays a key role in all normative developments that affect higher education in Spain. This organisation has on several occasions reiterated its commitment and determination to act as agents of reception, thereby showing that the universities are prepared to cooperate in the reception of refugees, offering support and aid in areas under their purview. Furthermore, the CRUE has repeatedly helped to bring the refugee crisis to the centre of the public debate, calling on European governments to honour their international commitments under Humanitarian Law and International law – whether by providing asylum or by avoiding a massive expulsion of those seeking protection.<sup>17</sup>

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<sup>17</sup> For more information, see: <http://www.crue.org/Documentos%20compartidos/Comunicados/2016.04.08%20Comunicado%20Refugiados.pdf> (consulted on 5 August 2017).

Another organisation that has had an impact on the public debate and opinion is the Conference of Rectors of Universities in Madrid (known by the Spanish acronym (CRUMA)).<sup>18</sup> At its meeting of 16 September 2015, this body agreed to articulate a common and coordinated position so as to provide a better response to the needs of refugees. Two main types of action are thus being considered: basic support for recently arrived refugees (through language reinforcement and assistance with learning Spanish, plus support for translating documents, etc.), and actions for the longer term and/or geared to the social integration of refugees (through support to continue their studies, find a job and housing, etc.).

### Scholarships, aid and reception

Some Spanish universities have launched different initiatives, with greater or lesser coverage, to support refugees who wish to start or continue their studies in Spain. These include in particular:

- The launch of a Refugee Reception Plan<sup>19</sup> by Complutense University of Madrid.
- An effort to cooperate with Arab countries with a humanitarian orientation driven by the University of Barcelona,<sup>20</sup> which enabled three Syrian students to enrol in academic year 2015-2016.
- The cooperation of the University of Barcelona in the creation of the Arab-Euro Higher Education Conference (known by the Spanish acronym AECH), a bridge between the Association of Arab Universities (AARU) and the European University Association (EUA). The third edition of the AECH, held in 2016, included a section dedicated entirely to refugees. That same body is endeavouring to launch projects that can be financed by the Madad Fund, an EU fund for the Syrian crisis.
- The reception of 10 students from conflict zones<sup>21</sup> by the Camilo José Cela University in Madrid in 2016, through the participation of this institution in the Integra Project, in which UNICEF, UNHRC, and the Tres Culturas del Mediterráneo [Three Cultures of the Mediterranean] Foundation also participated. The purpose of the project is to make it easier for refugee or asylum seeking students to access training programmes in different disciplines as well as their personal, social and academic integration in Spain and attention to basic needs (housing, sustenance).

18 Consisting of the University of Alcalá, the Autonomous University, Charles II University, Complutense University, Polytechnic University, and King Juan Carlos University.

19 For more information, see: <http://www.ucm.es/ucmrefugiadas> (consulted on 5 August 2017).

20 The University of Barcelona stands out for its track record in receiving forcefully displaced person or victims of armed conflicts. In the 1990s, the University of Barcelona signed agreements with the ACSAR to support students fleeing the War in the Balkans.

21 Specifically, from Syria (Damascus, Aleppo and Homs), Iraq, Ukraine (Xerco) and Afghanistan.



- The preparation of a Refugee Support Plan by the University of Malaga (UMA) in November 2016. Designed in cooperation with NGOs, this plan provides measures for including refugees in the university.<sup>22</sup>
- The launch of the Support Programme for Refugees by the University of Santiago de Compostela. This programme has made it possible to receive 2 Syrian refugees, paying for their registration fees and a monthly stipend for sustenance, free accommodation, Spanish courses and practical training in the summer in the university.

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<sup>22</sup> For more information, see: <http://www.uma.es/sala-de-prensa/noticias/la-uma-presenta-el-plan-de-apoyo-personas-refugiadas-un-proyecto-pionero-elaborado-de-forma-conjunta-con-ong/> (consulted on 5 August 2017).

## PART III: ACTIONS BY TRADE UNIONS

The main trade unions at state level have in general shown a proactive attitude to the reception of refugees. This is particularly the case of Comisiones Obreras (CCOO), the leading trade union in education which covers all levels, from nursery school to university education. This trade union has contributed actively towards putting this issue on the political agenda, especially through the intervention of its main leaders and representatives in public debate forums. This is the case of the intervention of Francisco García, General Secretary of the Education Federation of CCOO, in the Education Commission of the Lower House of Parliament in March 2017.<sup>23</sup> Mr García stressed the unavoidable connection between the right to education and the right to inclusive education, whilst advocating diversity as a key value for learning and cooperation. On that same occasion, Mr García pointed to the redistribution policies and the fight against school segregation as key actions towards universalising the right to education, and to teacher training commensurate with the magnitude of the challenge. Ignacio Fernández Toxo, General Secretary of CCOO, pursued a similar line of argument in 2016 when he stressed that Europe must find a way out of an insufferable crisis that is consistent with its history.

Beyond these public statements, the CCOO has also worked on a report on Educational Diversity (FECCOO, 2015b), prepared by the Education Federation of this union (FECCOO). The aim is to shed light on the importance of instruments and actions for diversity and the risks associated with the marginalisation of this line of work in the education legislation in force (LOMCE). As argued in the previous section, these policies play a key role for the inclusion of migrant and refugee pupils, as well as for the principle of equal opportunities.

In order to move forward in a normative and institutional framework that can respond to these challenges, FECCOO has laid down a series of principles for an institutional response (FECCOO, 2013). These include in particular:

- The importance of training in values, both those geared to promoting democratic citizenship and those for the affective, emotional and sexual development of pupils, and the necessary planning of those circular aspects with contents, objectives and evaluation methods with the rest of the circular elements. aspectos curriculares con contenidos, objetivos y métodos de evaluación como el resto de los elementos curriculares.

<sup>23</sup> Source: [http://www.fe.ccoo.es/noticia:234631--CCOO\\_exige\\_una\\_financiacion\\_suficiente\\_para\\_garantizar\\_el\\_derecho\\_a\\_la\\_educacio](http://www.fe.ccoo.es/noticia:234631--CCOO_exige_una_financiacion_suficiente_para_garantizar_el_derecho_a_la_educacio)



- The definition of a basic diversity framework for all levels of education, agreed and assumed by the Autonomous Communities, that ensures the provision of the necessary human and material resources, reduces the student/teacher ratio and the number of pupils per class, reinforces the acquisition of basic skills and enables personalised attention for all students.
- The defence of a secular, critical, multilingual and transforming education for peace and democracy in action. In an increasingly diverse schooling context (in cultural, social, religious and linguistic terms), it is vital to ensure those principles that contribute to living together and to respect for diversity. In this regard, it is important to ensure co-education in all schools for the same reasons.

The aim is equity in education through policies for equal opportunities and for redressing inequalities, so as to impart basic skills for all pupils without discrimination on the basis of socio-economic or geographic origin.



## CONCLUSION AND RECOMMENDATIONS

All the consulted sources, testimonies and recorded experiences for this report suggest that the Spanish educational administrations are confronted with multiple and complex challenges when it comes to guaranteeing the right to education to refugee and asylum seeking minors. It is worth pointing out first that the Spanish state is not very responsive or open to receive applicants for international protection and perhaps worse still, minors. In this respect, a first step towards ensuring protection for these people necessarily requires correcting this situation and ensuring higher levels of cooperation on the part of the country for the protection of refugees and asylum seekers in general.

Second, it is noted how the lack of specific guidelines and legal provisions on the protection of refugee or asylum-seeking minors tends to complicate considerably the development and implementation of effective actions for these minors, as well as the allocation of the resources necessary to that end. Although this element results in large measure from the limited number of refugees received, its effects are no less prejudicial to a comprehensive reception. Therefore, it would be necessary to endow the Spanish educational framework with a provision specifically geared to ensuring the protection and inclusion of said minors, as well as to guaranteeing their rights, especially the right to education.

Third, the splintering and fragmentation of the (limited) existing actions call for a higher level of coordination between the different sectors and tiers of government involved. Similarly, the leading role of the separate civil society, academic and basic organisations call for more attention to be paid to expert knowledge generated by said social agents to chart a duly informed action. Finally, it should be noted that against the background of budget cuts by the Spanish State, and especially the reduction of resources to guarantee equity in education, actions geared to the protection of the most vulnerable segments – including refugees – tend to be put on the backburner. In this respect, it would be convenient to recover and/or amplify redistribution mechanisms that can lead to progress in equity in education and the inclusion of minors in exclusion or risk situations.

In global terms, these challenges clearly require focusing on the education system and education policies to create the conditions for decent reception with guarantees, so as to help improve international protection and the right of those minors to education. More specifically, a number of recommendations that can help improve the various indicated dimensions are set out below. However, it is worth noting that the list is by no means exhaustive, but constitutes an initial proposal which can be enriched with such suggestions as other social agents would want to make.

As regards equal opportunity policies in education:

- Adopt education funding legislation with clear objectives that guarantees a level of investment comparable to the EU average and protects those sections with greater redistributive capacity. Although this concerns a general action, not necessarily focused on refugee minors, it is believed to constitute a key step towards the levels of equity in education required to receive these minors.
- Devise and implement a flexible curricular framework to address the specific needs of refugee pupils without obstacles to obtaining the regular qualifications. The curricular adjustment that may ensue from this action should be accompanied by assessments and instruments in line therewith, as well as by specific monitoring mechanisms to detect and anticipate learning difficulties that may arise.
- Establish a programme of scholarships and aids geared specifically to this group, to offset and mitigate the socio-economic difficulties they often face. It would also be advisable to establish a specific line for unaccompanied foreign minors, given their greater vulnerability to and risk of social exclusion.

As regards the development of a legal and institutional framework to guarantee the right to education:

- Work on improving the data gathering systems on participation and performance in education by refugee pupils in order to conduct an accurate needs analysis for this group and be able to provide an appropriate institutional response.
- Define clear standards, as well as foreseeable procedures for the recognition and accreditation of foreign diplomas so as to integrate refugee students in upper (academic or technical) secondary education.
- Organise work teams to enable the various stakeholders of the local education community (schools, municipal school boards, parents' associations, etc.) to participate in the coordination of the reception and integration of refugee pupils.
- Draw up reception protocols geared to coordinating the local educational authorities with other relevant social services so as address the different (educational and extra-curricular) needs of minors fully.

As regards inclusion policies for schools:

- Articulate and define transition teams composed of teachers, families and volunteers capable of providing guidance to

this group in times of transition between educational levels, including from primary to secondary school, and from the latter to higher education. These teams could help secure continuity between cycles and familiarise the stakeholders with the Spanish education system so that they can take informed decisions.

- Provide support and/or language assessment for refugee pupils and their families to secure their academic progress and gradual proficiency in the vehicular language(s) used in the education systems of each of the autonomous communities.
- Develop teacher training courses geared to refugee pupils, and include them in teacher training programmes in universities and in the continuing training programmes of the various autonomous communities.
- Endow the centres with human and material resources, including special education support staff, language professionals and specialists in cultural mediation, plus additional staff to give this group the care they need, by reducing the student/teacher ratios, arranging groups by level, etc.
- Identify barriers to access to education and learning for the pupils, including those displaced by force, migrants, stateless individuals, applicants for international protection and refugees, and seek methods to address their specific needs.

As regards the international protection of minors:

- Provide safe and legal paths to the asylum procedure, with the possibility of applying for asylum in Spanish embassies and consulates, making it easier to issue visas on humanitarian grounds, complying with commitments to relocation and easing family reunification requirements.
- Proceed to receive in Spain refugees who find themselves in Greece and Italy, in accordance with the relocation agreements in the European Council.
- Put an end to the forced return of migrants and refugees at the borders of Ceuta and Melilla.
- Facilitate the asylum application and processing procedure for unaccompanied minors by easing the acceptance requirements and taking support and monitoring measures, in accordance with the regulations concerning the recognition of the basic rights of these minors.
- Transpose the European directives on asylum and approve the regulation and institutional deployment provided under the Asylum Act in Spain adopted in 2009.



- Devise and implement training programmes on human rights and gender for public employees who come into contact with persons displaced by force, migrants, stateless individuals and applicants for international protection and process their files.

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# Spain: Hope through diversity

Begoña López Cuesta  
November 2017



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Internationale de l'Éducation  
Internacional de la Educación  
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## Head office

5 bd du Roi Albert II  
1210 Brussels, Belgium  
Tel +32-2 224 0611  
[headoffice@ei-ie.org](mailto:headoffice@ei-ie.org)

[www.ei-ie.org](http://www.ei-ie.org)  
[#unite4ed](https://twitter.com/unite4ed)

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# Newcomers

## Hope in a Cold Climate

Nihad Bunar  
October 2017



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# Newcomers

## Hope in a Cold Climate

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October 2017



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## About the authors:

### **Nihad Bunar**

Professor, PhD, Department of Child and Youth Studies, Stockholm University

nihad.bunar@buv.su.se

## Education International

Education International represents organisations of teachers and other education employees across the globe. It is the world's largest federation of unions and associations, representing thirty million education employees in about four hundred organisations in one hundred and seventy countries and territories, across the globe. Education International unites teachers and education employees.

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Nihad Bunar  
Stockholm, October 2017

# Introduction

The aim of this article is to describe and analyse major patterns of response from Swedish authorities and institutions towards newly arrived, asylum-seeking and refugee children during the last decade. The term “response” refers to organised and structured actions undertaken and measures deployed by the Swedish government and its judicial and educational branches through imposing new regulations, providing support and allocating resources; by local governments and local educational authorities through providing equal education of high quality for newly arrived children and catering for their welfare and health; by other organisations, primarily teacher unions, directly or indirectly engaged in the reception and inclusion of newly arrived children and their families.

Concerning the second premise of the aim, “the last decade”, although Sweden has a long tradition of receiving migrant children (refugees and non-refugees) relative to other European nations, stretching back to World War II and its aftermath, and although a sudden arrival of relatively large numbers of refugees is nothing new<sup>1</sup>, the trend since at least 2011 is marked by several important events. Firstly, the crises in the Middle East continued to fuel long-standing refugee flows from Iraq and gave rise to new refugee flows from Syria. In 2015, Sweden received the highest number of refugees in one year ever, around 163,000 (including approx. 71,000 children), the majority of whom were from Syria. Iraq, Afghanistan, Eritrea, and Somalia are continuously among the top citizenships of asylum-applicants.<sup>2</sup> Secondly, the number of unaccompanied minors seeking asylum has increased unprecedentedly since 2007, from 1,264 to over 35,000 in 2015. In 2016, restrictions in asylum policy and tighter border control saw that number drop to around 2,200.<sup>3</sup> In addition, the demographic characteristics with respect to the age and educational background of asylum-seeking children in families and unaccompanied asylum-seeking children changed compared to previous refugee flows. The possible implications of this change for the educational system and children’s educational opportunities will be explored later on in the article. Thirdly, the entire Swedish policy and the basic approach to the educational rights of newly arrived children was overhauled, resulting in what could be considered as one of the world’s most

1 In 1992, 84,000 asylum-seekers, mainly from Bosnia and Kosovo, sought refuge in Sweden. (<https://www.migrationsverket.se/Om-Migrationsverket/Statistik/Oversikter-och-statistik-fran-tidigare-ar.html>). Retrieved on 2 April 2017.)

2 Ibid.

3 Eurostat (2017).

comprehensive education legislation devised for this group of students (Crul, Keskiner, Schneider, Lelie & Ghaeminia, 2016). Some of the main elements of these regulations, policies and additional measures will be further explained in the article.

Methodologically, the article is primarily based on the author's previously published research (Bunar, 2010, 2012, 2014a, 2015a, 2015b, 2016a, 2016b, 2016c, 2016d, 2017a, 2017b; Nilsson Folke & Bunar, 2016; Jahanmahan & Bunar, 2017). It also includes analyses based on heretofore unpublished empirical data on bilingual classroom assistants, collected within the framework of the *Newly arrived and learning* (2011-2015) research programme. The article is also based on other research literature, reports from government agencies (Swedish National Agency for Education, National School Inspection, Department of Education), media accounts, and information from education unions. Education International's previous report on Sweden was also consulted (Bourgonje, 2010).

The article starts with an overview of the latest reforms, definitions, and policies with regard to the educational rights of newly arrived children. The following section contains three interlinked topics: newly arrived in elementary schools, unaccompanied minors and the language introduction programme at the upper-secondary level, and a brief account of some major opportunities partly deriving from government measures (i.e. more resources to municipalities) and partly from the children's own resources. The third section deals with education unions and refugee teachers, with concluding remarks and general recommendations in the final section.



# Definitions and policies

Prior to 2016, no official definition existed of who constituted a newly arrived student in Swedish schools (i.e. based on the length of residence). Furthermore, there were no regulations at national level providing guidance for local educational authorities on how to organise work with newly arrived students. The status of certain rights, such as the right to bilingual classroom assistance, was unclear. Was this a right inscribed in legislation, or just a recommendation? Prior to 1 July 2013, undocumented children did not have legal access to education, although they could be admitted at the discretion of the school principal (Bunar, 2015).

The government and local authorities were heavily criticised in several reports for neglecting this group of students and their right to equal education (Skolinspektionen, 2009; Bunar, 2010, 2012). The reports revealed that students were often automatically placed in separate classes, where they could spend up to three years learning Swedish as a Second Language with limited access to other academic subjects. Students who were interviewed for these reports (see also Svensson & Eastmond, 2013) highlighted social isolation and physical segregation as one of their largest problems; conditions for transition from separate to ordinary classes were unclear; and there was limited understanding and incorporation of students' previous knowledge and experiences into teaching. Even when the previous knowledge was mapped, there was confusion about how to use it in daily teaching practices; other documentation on students' progress was lacking; students did not have access to bilingual classroom assistance and there were no consequences for schools that failed to provide it; and communication with newly arrived parents was virtually non-existent. The list was long.

Beginning in 2011, the government appointed several national commissions to overhaul legislation and propose a new policy package in response to this criticism and public concern over newly arrived students' educational conditions, and as an attempt to reduce the growing achievement gap between migrant and non-migrant students.

The first major educational reform concerning newly arrived students was introduced in 2011 at upper-secondary level. In addition to the two existing national programmes (vocational and university preparation tracks), a third one, the so-called Introduction Programme, consisting of five tracks, was established.

Students eligible for the national programmes needed to have grades in 12 (university preparation) and eight (vocational) subjects. The total number of

subjects is 16. Eligible students also required pass grades in the so-called core subjects of Swedish/Swedish as a Second Language, English and Mathematics.

Students not eligible for these two programmes could enter one of the tracks of the Introduction Programme, leading to either a transfer to a national programme or a certificate (which is not equivalent to a graduation diploma) after three years. One of the tracks of the Introduction Programme, the language introduction programme, is specially designed to admit newly arrived students, i.e. students without sufficient knowledge in Swedish. Every student follows an individual schedule depending on their amount of prior schooling and what they need in order to become eligible to enrol in national programmes or other Introduction Programme tracks. The individual plan could entail studying the core subjects at the level corresponding to the last year of elementary school, becoming an apprentice in a company, or studying other subjects. The individual schedule is expected to be reviewed and updated at least four times per year together with a student's mentor (Skolverket, 2017c, p.43) or according to students' needs at any time. During the 2016/17 academic year, the programme was attended by 35,900 children (79 per cent male, 21 per cent female, see Skolverket, 2017a). It is the fourth largest programme in Swedish upper-secondary schools, enrolling approximately one in ten of all students (Skolverket, 2017b, p.18). The majority of students are unaccompanied minors, and their particular challenges and the language introduction programme will be explored more closely later on in this article.

The second substantial reform was enacted in July 2013, granting undocumented children legal access on equal terms to elementary (including pre-school class, age six) and upper-secondary schools. Thus, today all children residing in Sweden, irrespective of their migration status, have a right to education. Furthermore, the national government assumed economic responsibility for the reform. Every year, municipalities with undocumented children in their schools can apply for additional resources. At the time of the reform, an estimated 2,000-3,000 children were undocumented (Skolverket, 2015, p.10) and around €2.5 million was allocated to 94 municipalities (Skolverket, 2013a). Today, that number is probably higher, due to the high number of asylum applications that were denied in 2016-2017, particularly for unaccompanied children. In the autumn of 2016, the National Agency for Education allocated approximately €5 million to the municipalities to cover additional costs for this group of students.<sup>4</sup>

The third major reform, concerning for the most part only elementary schools, was enacted in January 2016 through amendments to the Education Act. It is basically composed of four elements.

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<sup>4</sup> <https://www.skolverket.se/skolutveckling/statsbidrag/grundskole-och-gymnasieutbildning/papperslosa-barn-1.203490>. Retrieved on 10 September 2017.

- 1.** *Definition* – The government articulated an official legal definition of what it means to be labelled as a newly arrived student (3 kap. 12a § Skollagen 2010:800). Briefly, children who lived abroad and move to Sweden after the autumn semester's start in the year they turn seven are considered as newly arrived irrespective of the reasons for migration: refugee, family reunion, children of labour migrants, and even children born to Swedish parents who grew up abroad. A child is considered newly arrived up to four years after arrival to a Swedish school. It means that resources, measures, and policies designated to cater to the newly arrived can be applied within this timeframe.
- 2.** *Compulsory mapping* (in Swedish *kartläggning*) – The Swedish National Agency for Education (Skolverket) has, in cooperation with universities, produced material for mapping students' prior knowledge and experiences. Basic literacy and numeracy, home language and, eventually, school language, the way of learning, favourite and less favourite subjects, and competency in various subjects are examined and a portfolio is produced for each student. Then, learning is organised based on the portfolio and information on the students' development is updated continuously through discussions and observations. The mapping is compulsory and the first step should be conducted within two months of a student's arrival in the school.
- 3.** *Preparatory classes* – A new organisational form for newly arrived students, preparatory classes (in Swedish *förberedelseklasser*), was devised. As previously mentioned, newly arrived students were being placed in these classes for many years, albeit without an underpinning legislative framework. Since January 2016, preparatory classes have been "legalised", but with some limitations. Currently, the school principal decides, partly based on the results of initial mapping and partly on social circumstances (friends, siblings), whether to place a newly arrived child in a preparatory or in ordinary class (so-called direct immersion). It means that individual circumstances will be considered in every case and no-one will be automatically directed to one or another form of class, simply because of his/her status as newly arrived. Furthermore, a student can spend a maximum of two years in a preparatory class and the placement is only partial, meaning that a student has to be provided with some activities with a mainstream class. However, the number of hours per week or the nature of the activities are not regulated. These restrictions have been implemented in order to avoid segregation and social isolation.
- 4.** *Reallocation of teaching hours* – During the introductory period but not exceeding a year, teaching hours may be reallocated from other subjects to Swedish or Swedish as a Second Language. At a minimum,

students will be granted an equal amount of teaching hours as all other students during the remaining time in school (see Bunar, 2017a).

This new legislation is an important step in providing a structure of opportunity for newly arrived children to succeed in school. It is also in line with recommendations presented in previous research (Nilsson & Axelsson, 2013; Bunar, 2015a; Lahdenpäre & Sundgren, 2017; Sharif, 2017) and in various documents and evaluations (Skolverket, 2012, 2014; Skolinspektionen, 2009, 2014, 2015, 2017a, 2017c; Länsstyrelsen Dalarnas län, 2013; Länsstyrelsen Södermanlands län, 2014; Utbildningsdepartementet, 2015). Today, policy around newly arrived students is characterised by clear governance and oversight by local educational authorities, principals and teachers, strengthened rights to bilingual classroom assistance at all levels, individualised approaches, and efforts to avoid social and pedagogical exclusion.

At grassroots level, the implementation of policy in elementary schools has not been subject to comprehensive evaluation yet, although National School Inspection has scrutinised various aspects of their work in several audit reports (see next section). However, its initial implementation coincided with efforts to accommodate the exponential number of children who arrived as asylum-seekers since 2014.

The National School Inspection's audit of the language introduction programme at upper-secondary level (Skolinspektionen, 2017a) concluded that: only a few schools manage to meet the students' educational needs; not all principals and teachers are aware that individualised student schedules have to be produced, followed, evaluated, and updated; students tend to be treated as one single collective; expectations remain low; bilingual classroom assistance is not always provided; in some schools, students are offered only 13 hours weekly at school (it should be at least 20, according to Skolverket, 2017c); school health organisations remain undersized, which is particularly important for unaccompanied minors who may suffer from physical or psychological trauma (Eide & Hjern, 2013). Clearly, there is a gap between policy and practice, and between good intentions at national level and outcomes at local level. The language introduction programme will be explored more closely in the next section.

My conclusion is therefore that Swedish authorities should shift the focus of their interest from legislative and policy (document producing) efforts to identifying the obstacles encountered in school by principals, teachers, the newly arrived, and their parents. Supporting refugees themselves and acknowledging their resources, supporting school professionals and local communities, financially and through professional development, should be the next decisive step in order to affect the policy's local outcomes, which are outlined hereafter.

# Newly arrived in Swedish schools – challenges and opportunities

This section addresses three main topics:

- (i) Newly arrived students in elementary schools, their numbers, social and demographic characteristics, achievement and challenges
- (ii) Unaccompanied minors and the language introduction programme at upper-secondary level
- (iii) Recent government measures, as well as resources possessed by newly arrived children themselves

## Elementary schools and the newly arrived

According to the Swedish National Agency for Education (Skolverket, 2016a, p.2), in the autumn of 2008, there were 30,200 newly arrived students<sup>5</sup> attending elementary schools, corresponding to 3.4 per cent of all students. Seven years later, in the autumn of 2015, the number had increased to 49,500, or 5.1 per cent of all students. However, the largest leap was between the academic years of 2014/15 and 2015/16, when the number increased from 41,800 to 49,500.

**Table 1. The ten most common countries of birth among newly arrived students in elementary schools, in the autumn of 2015.**

Country of birth	Number	Percentage %	Boys %	Girls %
Syria	11,833	24.2	53.0	47.0
Somalia	8,584	17.6	51.6	48.4
Afghanistan	2,680	5.5	58.2	41.8
Iraq	1,738	3.6	53.9	46.1
Poland	1,635	3.3	51.3	48.7
Thailand	1,524	3.1	47.4	52.6
Eritrea	1,453	3.0	53.5	46.5
Iran	1,362	2.8	53.7	46.3
Serbia	653	1.3	49.9	50.1
Turkey	630	1.3	53.0	47.0
<b>Total</b>	<b>32,092</b>	<b>65.7</b>		

Source: Skolverket (2016a, p.5)

<sup>5</sup> Newly arrived students are defined here as those who have arrived in the last four years.

As evident from Table 1, Syria, Somalia, Afghanistan, and Iraq accounted for more than half of all newly arrived children in elementary school in 2015. These countries have also dominated refugee migration statistics for many years (since 2012 in the case of Syria).

According to a recent study covering the period between 1988 and 2015 (Grönqvist & Niknami, 2017), there is a significant and growing achievement gap between children born in Sweden and those born abroad. Interestingly, there were no differences in school achievement for students who arrived before they turned seven (age of compulsory schooling) and those who arrived after the official school start in 1988. Since then, the groups drifted apart considerably, reaching a peak in 2008. Those who arrived before they turned seven have slightly improved their results, while those who migrated thereafter performed considerably poorly during this period. However, Grönqvist and Niknami's study shows that children born in Asia and Africa, in particular, had the poorest progress. Students born in other Nordic countries and in the EU had the best grades among the newly arrived. There are at least three significant reasons behind these differences:

- (i) Students arriving from other Nordic and EU countries are children of labour migrants and it can be assumed that their move to Sweden contained a certain amount of planning, preparing and organising. Students from Asia and Africa are mostly refugees, with many having spent years in transit camps in Kenya, Turkey, Jordan, Lebanon and Iran. The trauma of the arduous route across the Mediterranean<sup>6</sup> means that these children have different experiences of what it means to leave their native country and under what circumstances they arrive in Sweden.
- (ii) Varying reasons for migration lead to at least initial and temporary differential class positions in Sweden for refugees in comparison with labour migrants. It takes many years for adult refugees to obtain employment. For many, a steady job remains an illusion and they easily find themselves entangled in a lifelong circle of welfare programmes and language courses. From previous sociological studies, and as confirmed in Grönqvist and Niknami's study, it is evident that parents' socioeconomic background (education and employment) to a large extent affects students' achievement. When accounting for parents' backgrounds, the gap between students born in Sweden and those born abroad diminishes by 35 per cent (Grönqvist & Niknami, 2017, p.65). Additionally, the socioeconomic background also determines a family's choice of where to resettle. Thus, many newly arrived families end up in socially marginalised neighbourhoods with overwhelmingly immigrant-origin populations. Segregation accounts for almost half

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<sup>6</sup> See additional information on International Organization for Migration website: [www.iom.int](http://www.iom.int)

of the achievement gap between students born in Sweden and those born abroad (ibid. p.66; see also Brunello & De Paola, 2017).

- (iii) The average age for refugee children from different regions varies considerably. According to Grönqvist and Niknami (2017, p.60): “It is in this context relevant to underline that students born in Africa on average are much older at the time they arrive in Sweden compared to other regions. Our data show that the average age at the time of arrival is 10.2 years for students born in Africa, 8.8 years for Asia, 8.6 years for EU28, 7.9 for Europe, 6.8 for Nordic countries and 7.6 for South America.”

To summarise, the number of newly arrived children in Swedish elementary schools has increased significantly during the last three to four years, accounting today for 5.1 per cent of all students. Students who immigrate after the age at which students begin school (age seven) run a considerably higher risk of not becoming eligible for national programmes at upper-secondary level. Those who are most vulnerable are children born in Africa (Somalia and Eritrea) and Asia (Iraq, Syria and Afghanistan), so called late arrivals (age nine and older), with unemployed parents and living in socially deprived neighbourhoods. Some of these factors represent a set of constant variables (age at arrival, socioeconomic background and traumatic experiences) and some could be mitigated by progressive social policy (parents’ employment status and housing desegregation). It is therefore important to recognise that school achievement for newly arrived refugee children is not just a matter of well-prepared teachers and individual motivation. It is a part of the comprehensive social or integration policy for the inclusion of entire families in local communities and connecting them to a structure of opportunity with regard to employment, education and civic engagement.

When it comes to education, it is important to recognise newly arrived students as individuals with various backgrounds, challenges and strengths, who should never be treated as a collective, homogenous group. However, there are weaknesses in the way elementary schools organisationally and pedagogically treat newly arrived youth, which have been identified in several National School Inspection audit reports (Skolinspektionen 2009, 2013, 2014, 2015, 2017c). These range from poorly conducted initial mapping and lack of communication when a child moves to another municipality to absent principals and insufficiently tracked academic progress of the students (Bunar, 2017a, p.10). Particularly troublesome is that more than a half of 28 audited municipalities and free school<sup>7</sup> providers “solve a large amount of pedagogical challenges by deploying

<sup>7</sup> Free schools (in Swedish *friskolor*) are labelled as independent or semi-private. They are completely financed through universal student vouchers and obliged to follow national school curriculum and other requirements, in the same manner as public schools (in Swedish *kommunala skolor*). The only difference is that free schools could be run by private businesses, non-profit companies, religious organisations, private corporations etc. (see Bunar & Ambrose, 2016).

general organisational models, hoping they will fit all newly arrived children” (Skolinspektionen, 2017c, p.5). Thus, segregation and over-generalisation are among the most salient barriers to inclusion of newly arrived students in schools and society. They can and must be addressed.

## Unaccompanied minors in upper-secondary schools

Unaccompanied minors are defined (Prop.2005/06:46) as children under the age of 18 and, at the time of arrival in Sweden, are separated from both parents or from another adult considered to be a legal guardian. In 2015, Sweden received the highest number of unaccompanied minors in the EU. The year after, the number plummeted to 2,200. According to statistical figures from Eurostat (2017, p.2):

In 2016, the highest number of asylum applicants considered to be unaccompanied minors was registered in Germany (with almost 36 000 unaccompanied minors, or 57% of all those registered in the EU Member States), followed by Italy (6 000, or 10%), Austria (3 900, or 6%), the United Kingdom (3 200, or 5%), Bulgaria (2 750, or 4%), Greece (2 350, or 4%) and Sweden (2 200, or 3%). Among Member States with more than 1 000 asylum seekers considered to be unaccompanied minors in 2016, numbers rose most compared with the previous year in Greece (over 1 900 more unaccompanied minors in 2016 than in 2015, or +46%), Germany (13 700 more, or +61%), Bulgaria (935 more, or +51%) and Italy (1 950 more, or +48%). In contrast, the largest decreases were recorded in Sweden (with over 33 000 fewer unaccompanied minors in 2016 than in 2015, or -94%), Hungary (7 600 fewer, or -86%), Belgium (1 800 fewer, or -64%), the Netherlands (2 150 fewer, or -56%) and Austria (4 400 fewer, or -53%).

To reiterate, the number of unaccompanied minors seeking asylum in Sweden decreased from 2015 to 2016 by 94 per cent. The primary reasons for this are changes in migration policy indicating tougher assessment on asylum applications, stricter deployment of the Dublin Convention (stipulating that an asylum-seeker should apply for refugee status in the first safe country of arrival), re-imposed border controls, more frequently issued temporary protection status (instead of permanent residence) and further restricted rules for family reunion. After the terrorist attack in Stockholm in April 2017, perpetrated by a former asylum-seeker from Uzbekistan whose application had been rejected in several judicial instances, but who continued to live and work in Sweden, public voices advocating a more effective deportation policy grew stronger. The Swedish government has intensified negotiations with the government in Afghanistan around repatriation of unaccompanied minors who were denied asylum. The



summer of 2017 was also marked by several weeks long protests in Stockholm and elsewhere by unaccompanied minors who were denied asylum.

The majority of unaccompanied minors are from Afghanistan (around 23,000 in 2015), Syria, Iraq, and Somalia (Jahanmahan & Bunar, 2017) and their welfare falls under the remit of local social service agencies. When a child has contact with the National Migration Board (NMB) and applies for asylum, local social services in that municipality are alerted and children are given into their care. Although there is no detention or custody assigned, the police should be notified if a child absconds. Social services provide an unaccompanied child with housing, mainly in so-called HVB homes (Home for care and residence), or in foster homes. The NMB can decide, after a brief initial period, to send a child to another municipality (to avoid having too many in one place), where he/she will await the final outcome of their asylum application. The NMB appoints a legal representative to advocate for a child's migration case and starts actively looking for the child's parents or other relatives. Even in the new municipality, social services have overall responsibility for the child. Apart from providing housing, they also appoint a legal guardian, contact the local school, and confirm that social welfare is paid (Lundberg & Dahlquist, 2012). Consequently, it could be argued that unaccompanied minors in Sweden are surrounded by a broad network of national and local welfare and legal institutions catering to their needs (Stretmo & Melander, 2013; Jahanmahan & Bunar, 2017).

Support is terminated when a child turns 18. The support is also withdrawn if unaccompanied minors are still underage and one or both parents arrive in Sweden. If a child is granted asylum while still under the age of 18, then they will continuously have the support of local social services. However, that age criterion has attracted comment in Swedish media lately, primarily the question of whether unaccompanied children, often without any legal document upon arrival, really are under the age of 18. Medical tests can be conducted to determine the age of young asylum-seekers, despite protests from many stakeholders, non-government organisations (NGOs) and medical experts.<sup>8</sup>

With regard to education, unaccompanied minors are admitted to either elementary or upper-secondary school (or to special schools for disabled children, if relevant) according to their age. Since the majority are aged between 15 and 17, they will end up in the previously mentioned language introduction programme. The programme's remit is to prepare newly arrived students to progress to other introduction, vocational or university preparation programmes (granting degrees and, for some, eligibility for higher education) but this process

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8 See for example:  
<http://www.arbetarbladet.se/gavleborg/ockelbo/kritik-mot-aldersbedomning-av-ensamkommande-flyktingbarn-det-har-skapat-en-enorm-oro-pa-boendena>;  
<https://www.svt.se/nyheter/vetenskap/aldersbedomningar-ar-ovetenskapliga>;  
<http://www.sydsvenskan.se/2015-11-24/lakarkritik-mot-aldersbestamning>;  
<http://www.dn.se/nyheter/sverige/lakare-domer-ut-aldersbestamning/>

takes time. According to the Swedish National Agency for Education (Skolverket, 2016b, p.6), only about nine per cent of students who enrolled in the language introduction programme in 2011 successfully graduated from a national programme four years later. In 2016, five years later, the number increased to 20 per cent (Skolverket, 2017b, p.28). Among them, eight per cent graduated from vocational and seven per cent from university preparation programmes. Additionally, five per cent were awarded a student certificate (ibid.).

The language introduction programme is obviously in need of improvement. After conducting its latest audit of the programme in 42 upper-secondary schools across the country, the National School Inspection (Skolinspektionen, 2017a) issued a news release with the heading: “The language introduction program at upper-secondary schools needs to be improved” (Skolinspektionen, 2017b). It continues:

**Many upper-secondary schools with language introduction do not meet students’ educational needs. Students often study a few subjects according to the same schedule, irrespective of their previous knowledge. (Skolinspektionen, 2017b. p.1)**

It is also evident from previous Swedish and international studies that the physical separation of unaccompanied minors into their own programme is unnecessary and an obstacle to learning the language, making friends, and earning passing grades (Jahanmahan & Bunar, 2017; Pastoor, 2015). These findings also apply to newly arrived students in elementary schools, regardless of whether they have arrived alone or with families (Nilsson Folke, 2017). In addition, this viewpoint is supported by a EU Commission study (2013) that argues:

**Analysis revealed that the effectiveness of targeted educational support measures is undermined by less inclusive education environments. The best results can be expected when the inclusion of NAMS [newly arrived migrant students] is addressed through an integrated approach: a combination of regulatory and managerial reforms aimed to make the education system more inclusive accompanied with well-financed targeted measures to provide NAMS with comprehensive support to eliminate their educational disadvantage. It is essential to avoid school segregation as it impedes successful integration of NAMS into formal education. (p.8)**

Even if a language introduction programme is located in a school with other programmes, social exclusion among the newly arrived is perceived as insurmountable. As Tarik, an unaccompanied minor from Afghanistan, interviewed by Farhad Jahanmahan within the framework of his PhD thesis

project at the Department of Child and Youth Studies at Stockholm University in September 2014<sup>9</sup>, put it:

It's difficult for someone to get integrated, really difficult. We eat together, sitting next to each other in the cafeteria, but I couldn't get any contact with Swedes, I couldn't even say hello to them. Sometimes I wanted to say hello. I say hello but get no answer. They were afraid and didn't want to talk to me, I don't know why. I got no friends. Currently, I study in grade 9 at Language introduction. We are about 18-19 children in my class, but all these kids are immigrants from Syria, Iraq, Lebanon, and Afghanistan. I have no Swedish friends and no Swedish classmates. But next year, if I enter the ordinary program, maybe I'll get some Swedish friends, since they have more Swedes there.

Asylum-seeking and undocumented children are eligible to enter the programme before they turn 18 (the age is 20 for Swedish citizens and those granted a residence permit). Thereafter, there are no legal educational alternatives for asylum-seekers as adult education is closed for this student category. Furthermore, they are not automatically granted the right to switch from language introduction to another national or introduction programme if they have turned 18 (Skolverket, 2017b). The consequence is that, once they meet the Swedish language proficiency standards, they could be forced to leave the educational system altogether. However, even if they do not have the legal right to further education in another programme, there is no legislation that explicitly prevents municipalities and schools from admitting them. It has been left to the discretion of schools and municipalities – but how many principals, school administrators, and study counsellors are aware of that?<sup>10</sup>

To summarise, unaccompanied minors represent a large group of refugee children. As such, they have faced numerous challenges during their upbringing in their native country, most notably Afghanistan and Somalia, due to decades-long conflicts and collapsed state apparatuses (Ayotte, 2000; Thomas et al., 2003; Brendler Lindqvist, 2004; Goodman, 2005; Hessle, 2009; Lay & Papadopoulus, 2009; Lundberg & Dahlqvist, 2012; Pastoor 2015). Many refugee youth experience exploitation by employers and human traffickers, uncertainty, poverty and physical and mental exhaustion during the transmigration process (see Jahanmahan & Bunar, 2017, for detailed accounts of young refugees' experiences). The Swedish welfare state has well-organised structures, institutions and procedures for how to accommodate unaccompanied minors. However, there is increased evidence that the language introduction programme does not function well and, consequently, it should be closely scrutinised and reformed (Skolinspektionen, 2017a). As in the case with elementary schools,

9 As a supervisor to Jahanmahan's doctoral thesis and co-author for several articles I am grateful for the permission to refer to his empirical material in this and other contexts.

10 Quoted after Bunar (2017a, p.10).

social isolation and segregation emerge as one of the greatest obstacles for inclusion and school achievement. As Axelsson (2015) put it, language and knowledge need interactions in order to develop. Treating students in language introduction programmes as a homogenous group is another issue as well as tendencies to provide them with a limited time in school, 13 hours in some schools audited by National School Inspection (Skolinspektionen, 2017a). Finally, legal obstacles for asylum-seeking students to continue in/switch from the language introduction programme when they turn 18 are difficult to comprehend. While the municipalities are not required to provide this group with further education, they have the full freedom to do so.

### **Circumstances and factors that provide opportunities**

This section explores some of the circumstances and factors that could be characterised as providing opportunities in this area:

- (i) Recent governmental initiatives (for more detailed descriptions, see Bunar, 2017a).
- (ii) Two crucial components of learning (and life) resources possessed by newly arrived refugee children.

Following the increase in refugee numbers, the national government invested in the implementation of reforms that promote the integration and achievement of migrant students in school. The common denominator for these investments is that relatively considerable resources have been made available to municipalities to apply for and invest in language learning, employing and professionally developing bilingual classroom assistants, developing teachers' didactical skills, and setting up and maintaining proper organisation for the reception of newly arrived students. The latest such investment package, announced in January 2017, allocated approximately €220 million for 2017-2025 (Utbildningsdepartementet, 2017). In 2015, the Swedish National Agency for Education allocated €21 million to 46 municipalities where newly arrived students comprised at least 10 per cent of all students in the municipality (Skolverket, 2016c). Previously, in 2013 the Agency disseminated a special grant from the government to municipalities to provide students with additional hours of Swedish as a Second Language instruction (Förordningen, 2013:69).

There are other examples where the Agency has cooperated with municipalities with relatively large numbers of refugee children in order to support professional development of staff, allocating resources to enable municipalities to employ a coordinator for newly arrived children, among other initiatives. The Agency has also issued new guidelines for the implementation of national policy regulations

and the previously mentioned mapping material is available on its website ([www.skolverket.se](http://www.skolverket.se)). Another important political initiative is an agreement between the government and The Association of Free Schools to allow an admission quota of newly arrived students to free schools without queuing, equivalent to at most five per cent of all students at the school. However, participation by the free schools in this programme is voluntary.<sup>11</sup>

Noteworthy across each of these measures is the increasing attention being paid to the professional development of school staff. A number of conferences on the newly arrived and learning have been organised over the last three to four years, but there has been little evaluation of how they work in practice. In a project for the European Commission (carried out by ICF International) entitled, *Study on governance and management practices in school systems*, I conducted interviews with the local coordinator for school development in the municipality of Hultsfred, a school principal, and a teacher about a recently concluded project on professional development of all teachers conducted by the National Centre for Swedish as a second language (Bunar, 2017b). Teachers' experiences with the training sessions were very positive as is evident from following excerpts:

We have gotten teaching development, our teachers have more focus on teaching, they put more effort on planning and reflecting on their teaching. Collaboration has changed in a positive way, now we are doing that more as a working team around teaching. Previously, it was more oriented to organisation. We have got more concrete tools to use in teaching, something that pervades the entire organisation. School leaders are speaking more about using language-developing ways of working. The language goal is a natural part of all planning and teachers have got the same language and have become more professional... Thanks to this initiative, we have developed teaching for all students. That was a clear intention from our side, to thoroughly change school culture and school structure. (Coordinator)

Generally, I notice an increased self-confidence among teachers. They dare to try out new ways of working. It's of course very much about doing things together and sharing, discussing and talking about teaching. It's my opinion, and here I'm a bit subjective, that equity in teaching has increased. Today, the students work together much better in the classroom. They have the same planning, but it's carried out from the perspective of their individual needs. I've noticed among my teachers that they speak differently about teaching. I believe something has happened with the language, and now I'll be very general, but those teachers who do not express interest in these questions, it's actually easier for me as a school leader to identify and further support

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<sup>11</sup> <http://www.friskola.se/opinion/nyheter/ny-forordning-om-kvot-for-nyanlanda-i-friskolor>. Retrieved on 28 April 2017.

them, since there are not many anymore. And something else that is really fantastic; for many years, we worked to increase our achievement, without success. This year, 2016, with all newly arrived students, we increased our results by five per cent. It's great! (Principal)

We set a goal to increase achievement last year; one student per class would increase achievement in Swedish/Swedish as a Second Language. But many more did it and we are so happy and proud of that. In my class, I see that my multilingual students developed more. I have no evidence, that's an estimate. But those whom I anticipated would not perform well on the national test, did. Both the feeling and the results prove we are moving forward. Changes in teaching have occurred in the entire school, but I have no evidence since I have not attended all classes and many teachers look upon language development in another way. Language-developing way of working has given results. Everyone has been through the course, we speak the same language, have the same ground to stand on. I work in a more clear way today so, yes, it has affected me. (Teacher)

Thus, it is evident that municipalities and schools should review their strategies on teachers' professional development, moving away from invited short lectures to more structured and sustainable peer-learning, supported by external experts.

The second set of circumstances and factors that could be characterised as providing opportunities focuses on crucial components of learning (and life) resources possessed by newly arrived refugee children. Two of the most salient are discussed here: ambitions and first language.

There is ample evidence in Swedish and international research (Jahanmahan & Bunar, 2017; Nilsson & Axelsson, 2013; Stretmo & Melander, 2013; Svensson & Eastmond, 2013; Fridlund, 2013; Zembylas, 2011; Pinson, Arnot & Candappa, 2010) that newly arrived refugee students show a high level of ambition and motivation to succeed in school. In an article by Nilsson and Axelsson (2013), the interviewed students conveyed high ambitions and their dream professions were doctor, lawyer, pilot, and engineer. In other words, they saw clear and palpable opportunities in the Swedish education system but the students also expressed a strong need for help and support, pedagogical (learning) as well as social (inclusion), as evident from the following excerpt:

For example, during the lessons, the teacher talks about, what is it called, the lesson; the others know Swedish, because they are Swedish or because they were born here, they know Swedish well. But the person who has moved new, maybe he doesn't understand some words, and if the teacher, what is it called, takes care of her or him, it's better. When I sit in, for example,

the Swedish lesson or English, I feel bad. Because I don't get much. I don't understand much. It's really difficult. My brain is quickly tired. What is it called? Tired. Quickly. I fall asleep quickly. They [in mainstream class] have read so many words and I can't understand. It's just like to go there and sit, just listening, but not understanding. And it's boring. (Nilsson & Axelsson, 2013, p.147-150)

The importance of learning Swedish as quickly as possible was also highlighted in research (Nilsson & Axelsson, 2013; Nilsson Folke, 2017, Svensson, 2017). Without Swedish, it is not possible to achieve other important goals, i.e. to be "just like everybody else" and to attain their desired profession.

One of the most persistent critiques of Swedish schools with regard to the reception of newly arrived students is the failure to recognise students' previous knowledge and life experiences and their inability to use students' first languages as vehicles for effective learning (Bunar, 2010, 2015a). In that context, bilingual classroom assistance has emerged as the most important pedagogical intervention. A forthcoming study by Davila and Bunar (2017) explores how a number of bilingual classroom assistants experience the basic conditions for their work. The study shows that considerable opacity surrounds their assignment and that cooperation with subject teachers is scarce. These are two major issues: in the absence of a clear job description, the bilingual classroom assistants were assigned to perform various roles; and they were perceived by other staff members as being everything from first language teachers to interpreters and cultural links between home and school, as well as classroom assistants.

Bilingual classroom assistance is a form of additional support regulated in educational legislation for both elementary and upper-secondary schools. Nevertheless, there is considerable confusion around how it can be optimally administered, how many hours students are eligible for support, and the formal qualifications required of assistants, among other things. In 2013, the Swedish National Agency for Education issued a set of guidelines (Skolverket, 2013b) advising schools to deploy bilingual classroom assistance either before, after, or in conjunction with regular classroom instruction. At first glance, this is not very clear advice, but this is exactly the kind of approach that ought to be taken. The most appropriate way of shaping the form and content of bilingual classroom assistance is to meet every student's individual circumstances, needs, strengths and challenges. Bilingual classroom assistants are expected to help throughout the various phases of mapping or screening of students' previous knowledge and experiences (initially on numeracy and literacy and, later on, in different subjects) and to assist students with acquiring knowledge in their first language or any other language the student speaks. Thus, the role of these assistants is also to support further development of newly arrived students' first language

by gradually introducing new concepts and deeper meanings of already known concepts. The point is that bilingual classroom assistants are not a passive instrument (pure translators) for conveying the content of lectures and books, but active developers of students' languages (first and Swedish) and knowledge.

Based on a study by Davila & Bunar (2017), it could be argued that schools should focus on the following principles while providing bilingual classroom assistance to newly arrived students:

- In the first place, bilingual classroom assistance is provided to all newly arrived students according to their needs. They have the legal right to support and this is the most important pedagogical intervention.
- Other staff members are informed that this assistance is being provided and there is a clear understanding of the parameters of the bilingual classroom assistance and the assistants' roles.
- There is a clear structure for cooperation between bilingual classroom assistants and teachers in Swedish as a Second Language.
- Bilingual classroom assistants are "tutored" by teachers in various subjects, which means that teachers offer assistance with understanding and conveying the content of lectures and books to students in their first language.
- Bilingual classroom assistants need time, resources and recognition in order to perform their tasks to the highest possible quality. It is important that they are included in professional development opportunities and peer-learning activities.
- Bilingual classroom assistants often conduct their own initial mapping of students' prior knowledge. Improved internal communication and cooperation would facilitate the sharing of this knowledge with other teachers.
- Bilingual classroom assistants often have good relations with newly arrived parents. Schools should find ways to use this communication channel as an opportunity to improve relations between teachers and newly arrived parents (Bunar, 2015b).
- Municipalities have uneven access to qualified bilingual assistants. Therefore, it is imperative that municipalities find new ways to cooperate, not least using various digital platforms, where municipalities lacking assistants in certain languages can get help from other municipalities.<sup>12</sup>

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<sup>12</sup> See Bunar (2016d) for evaluation of a project about cooperation on bilingual classroom assistants using digital platforms between municipalities in Stockholm County.



# Unions and refugee teachers

This final section addresses two principal topics: <sup>13</sup> 1) the role of education unions and their initiatives to increase the education opportunities for newly arrived students and teachers, and, 2) the opportunities for newly arrived teachers to transfer their certificates, receive professional development, and ultimately obtain employment in Swedish schools.

The majority of Swedish teachers are organised in two unions, Lärarförbundet and Lärarnas Riksförbund (LR). Based on secondary material and an interview with an officer from Lärarförbundet<sup>14</sup>, it could be argued that the role of unions with regard to newly arrived students and teachers is to:

- Organise courses, round tables and conferences for teachers about multilingualism, cultural diversity, and working with newly arrived students. Professional development of teachers is the overall responsibility of school owners (municipalities in the case of public schools, private interests for free schools) and these more structured activities do not seem to be conducted in any comprehensive form by the unions. One plausible explanation is that the members (teachers) are already involved in professional development through other channels.
- Provide information for newly arrived teachers about various paths to teacher certification. One such example is the material, called Restart (in Swedish *Omstart*), <sup>15</sup> containing basic information about the teaching profession in Sweden and links to government agencies. According to LR, "*Omstart* is a guide for newly arrived teachers who want to enter the teaching profession in Sweden. In *Omstart*, you will find information about how to validate and/or complete your degree or certification. You will also find links to government agencies, organisations and universities that can provide you with more information and help you with any further enquiries you might have."<sup>16</sup>
- Disseminate information about the latest research on the newly arrived, not least through their newspapers and other media outlets; as well as information about opportunities for professional development and conferences, networking between municipalities and with

<sup>13</sup> Some parts of this section are quoted after Bunar (2017a).

<sup>14</sup> I am grateful to Anna Tornberg, from Lärarförbundet for information.

<sup>15</sup> <http://www.saco.se/en/omstart/swedish-educational-system/choose-your-education/teacher/>. Retrieved on 8 April 2017.

<sup>16</sup> <https://www.lr.se/utvecklasyrket/omstartfornewlyarrivedteachers.106.1b53dbb8150997befcf8f9fd.html>. Retrieved on 8 April 2017.

other countries, information about government investments in and measures to improve conditions for the teacher profession, etc.

- Influence public opinion and national and local politicians in order to provide better educational opportunities for newly arrived children and teachers. One particular aspect highlighted internally (see e.g. Lärarförbundet, 2016) is the importance of first language teachers for inclusion and learning among the newly arrived and for forging stronger ties between teachers and parents. Furthermore, Lärarförbundet has demanded reallocation of resources between schools in order to support schools that receive a larger share of newly arrived children, and that the newly arrived children should be equally dispersed among all schools in a municipality (ibid.). Today, a small number of elementary schools receive the majority of newly arrived children, which leads to segregation and a poor reputation for some schools (Bunar & Ambrose, 2016).

An important aspect of the unions' activities is about supporting newly arrived teachers. There are currently two major initiatives at the national level. The first one, "Continuing education for migrant teachers" (in Swedish *Utländska lärares vidareutbildning, ULV*), has been in place since 2007 with Stockholm University as a national coordinator. This scheme means that newly arrived migrants who worked as certified teachers in their home countries can apply to a unique two-year university programme which includes in-service practical training. The aim is to prepare them to work as teachers in the Swedish pedagogical and social context. Another admissions requirement is advanced knowledge in the Swedish language as proven by a degree in the Swedish 3 or Swedish as a Second Language 3 course (corresponding to a degree from a national upper-secondary programme) or by taking a Swedish language proficiency exam called Tisus. The Swedish Council for Higher Education (in Swedish *Universitets- och högskolerådet, UHR*) has also received resources in order to more effectively assess university degrees from other countries.

According to the Lärarförbundet officer<sup>17</sup>, the ULV is "a great initiative", but there are three obvious problems. Firstly, it is a short-term project, and education unions would prefer that it becomes a permanent programme. Secondly, it usually takes at least four to five years, from the day of migration/resettlement in Sweden, for migrant teachers to enter the programme. This depends partly on language skills (no degrees in Swedish 3) and, worryingly, partly on the lack of information about the ULV's existence. Thirdly, it is a challenge to get all the participants through the programme on time. Once again, the Swedish language is perceived as a major obstacle, with more support needed in order to reduce the drop-out rate of ULV students. A new initiative is to start all new ULV courses

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17 Anna Tornberg, Lärarförbundet.

with a mandatory semester solely focused on scaffolding the participants' language skills.

The second initiative is called Fast-track (in Swedish *Snabbspår*). This was introduced in 2016 as:

- A response to the general shortage of teachers in Swedish schools
- The answer to the search for first language teachers and bilingual classroom assistants, especially in the Arabic language
- An attempt to expedite the teacher certification process
- A labour market measure aimed at employing at least some refugees who were granted asylum during the last few years

The Fast-track courses are 26 weeks long, including in-service training in schools and preschools, and are organised at six universities.<sup>18</sup> According to the interviewee from Lärarförbundet, Fast-track accelerates the process of resuming a teacher profession in Sweden. The language requirement that regulates admission to ULV has been dropped here and education is organised in Arabic solely or in Arabic and Swedish simultaneously.

The idea behind this project is to direct a newly arrived migrant with teacher education and experiences towards the path that will eventually lead them back to the teaching profession, and to do so as quickly as possible. After the course, each student receives an individualised action plan based on the course results, identified strengths and weaknesses, validation by the Swedish Council for Higher Education of their university diploma from their home country, and the Swedish National Agency for Education's response to their request for a teacher certificate.

According to the Lärarförbundet interviewee, it is imperative that the Fast-track leads to a teacher certificate. In practice, this means that most of these students must, on completion of Fast-track, also complete the ULV course in order to earn a teacher certificate. There are short-term benefits if students drop out and work in schools as bilingual classroom assistants or support teachers or work at bridging the gap between parents and teachers. However, this means that they miss out on the greater potential achievement: completing their education, earning a certificate, and becoming full-time teachers. It is particularly important that they are certified as multilingual teachers with a culturally diverse background, since almost a quarter of all students in Swedish schools are of immigrant origin.

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<sup>18</sup> <http://www.su.se/lararutbildningar/larare/snabbsparet-for-nyanlanda-larare>. Retrieved on 12 April 2017.

## Conclusions and recommendations

This article has aimed to describe and analyse major patterns of response from Swedish authorities and institutions towards newly arrived, asylum-seeking and refugee children during the last decade. It has outlined and commented on recent policy changes, regulations concerning newly arrived students' educational rights in elementary and upper-secondary schools focusing on the situation of unaccompanied minors, statistics, some recent government measures and allocation of new resources, favourable circumstances and factors, the role of education unions, opportunities for newly arrived teachers, and much more. As well as highlighting Swedish policy as one of the most comprehensive in the world, this article has also outlined challenges and obstacles. Some of the most serious challenges and obstacles emerging in the process of policy implementation are (Bunar, 2015; Lahdenperä & Sundgren, 2017, Nilsson Folke, 2017; Sharif, 2017; Svensson, 2017):

- Schools are inclined to emphasise social constructions such as newly arrived, unaccompanied, refugee, Somali, Afghan, Iraqi, rather than acknowledging students' multifaceted identities. Children's social and cultural competences should not be neglected, rather they should be seen as one of many defining aspects of an individual.
- Schools are not inclined to recognise and address children's difficulties in classrooms as a consequence of their shortcomings in certain academic skills. Children's entire life-world could be reduced by putting them in their own schools and preparatory classes for several years, as defined by these shortcomings.
- Schools are not inclined to address the emotional wellbeing and exclusion of these children. Instead, they are satisfied with the physical integration of all pupils in the same building.
- Schools are not inclined to recognise shortcomings in their own daily pedagogical and social activities as an issue, but refer to more and more "hard-to-work-with" groups arriving as migrants.
- Schools are not inclined to invite parents to participate in their children's schooling, instead keeping them at a distance due to their insufficient language skills.

The role of the education unions has, despite all the goodwill, lacked visibility. The strongest impact has been made for refugee teachers. However, it is difficult to assess the impact of the dissemination of information and attempts to influence politicians which is where the unions seem particularly engaged.

However, I believe that more could be done, given the education unions' size and resources, to affect those circumstances and conditions that matter most for the educational success of newly arrived children.

Refugee teachers need more support in the Swedish language to enable them to progress through the ULV programme and secure a teaching certificate. For many, English training is also needed, along with an academic mentor to guide them through their university education. This is particularly important for migrant teachers who attend the Fast-track programme.

What more can be done? In additions to the previously mentioned recommendations and elsewhere (Bunar, 2017a), this report proposes four areas that can have the greatest effects on educational equity and quality for newly arrived children, in both the short and long term.

- 1.** An individualised approach to every child, his/her circumstances, background and life-history is absolutely essential. The ability to recognise a child as a refugee, with all the experiences this may entail, and to see a child beyond that experience is the foremost quality of a good teacher. Children are active actors with their own resources (ambition, resilience, previous knowledge, first language etc.) and these ought to be acknowledged and harnessed in the interests of learning to attain grades and learning for citizenship.
- 2.** The newly arrived are not just second language learners, a view which has dominated pedagogical discourse for many years. They are first and foremost learners, students at school, just like all other children. Two consequences of this argument are: a) newly arrived students ought to be provided with access to all subjects as soon as possible after a shorter introduction period with a focus on Swedish as a Second Language; b) in order to accommodate the newly arrived in ordinary classes, all teachers need to acquire skills to work with language-developing pedagogy in their subjects.
- 3.** Segregation, and its ramifications (exclusion and isolation), is the most pernicious social condition with regard to opportunities in schools and society for newly arrived students. Concentration of migrant students in certain schools should be avoided using all possible means, including ceilings to the share of immigrants, bussing, creation of new catchment-area boundaries etc. (see Brunello & De Paola, 2017). There is ample evidence that those most negatively affected by segregation are students whose parents have received little education, and foreign-born students who arrived after the age of seven. "Overall, the message seems clear: desegregation policies are not only equitable – they provide better opportunities

to individuals with relatively low parental background – but also efficient” (Brunello & De Paola, 2017, p.46). Furthermore, educators must pay attention to how newly arrived students face isolation and exclusion in ordinary classes (Skowronski, 2013; Nilsson Folke, 2017).

4. The roles that local community, civic society and leisure activities play in providing opportunities merits investigation. Welcoming attitudes towards refugees as well as activities that facilitate language acquisition, that lead to employment and educational opportunities, and that promote a sense of social cohesion in local communities are important for the integration and wellbeing of refugees. Cultural and sports activities can provide for fun, recreational, interactive spaces for those refugees students who have recently arrived to practice their Swedish language skills. These spaces, in turn, can also provide for the majority of the national population, both native and non-native Swedes, to learn from, and interact, cooperate, and build trust with recent refugee arrivals to their country. These new-found bonds of solidarity, recognition, and respect will serve to strengthen the solidarity among the Swedish population. This is one example of how to create more sustainable attitudes of solidarity within a multi-cultural nation, which should serve to replace cooperation-building directives originating from official government policies or initiatives.

To conclude, it is my hope that this article has provided an insight into Swedish policy and practice, the lessons learned from successes and failures, on reception and inclusion of the newly arrived children in the educational system. Migration is a human destiny. It will never cease to exist. New migrant groups will eventually arrive with new circumstances and in need of different pedagogical practices. It means that the policy ought to be constantly revised. However, I firmly believe that the four areas proposed above – individualised approaches, regarding the newly arrived as learners, desegregation efforts, and harnessing the rich social and cultural resources present in local communities – are cornerstones of all approaches.

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# Newcomers

## Hope in a Cold Climate

Nihad Bunar  
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Internacional de la Educación  
Bildungsinternationale

### Head office

5 bd du Roi Albert II  
1210 Brussels, Belgium  
Tel +32-2 224 0611  
[headoffice@ei-ie.org](mailto:headoffice@ei-ie.org)

[www.ei-ie.org](http://www.ei-ie.org)  
[#unite4ed](https://twitter.com/unite4ed)

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# Education: Hope for Newcomers in Europe

Nihad Bunar, editor



Education International  
Internationale de l'Éducation  
Internacional de la Educación  
Bildungsinternationale

## Head office

5 bd du Roi Albert II  
1210 Brussels, Belgium  
Tel +32-2 224 0611  
[headoffice@ei-ie.org](mailto:headoffice@ei-ie.org)

[www.ei-ie.org](http://www.ei-ie.org)  
[#unite4ed](https://twitter.com/unite4ed)

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