

# RESEARCH REPORT ON INTERCULTURAL MEDIATION FOR IMMIGRANTS IN SPAIN

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# National Report on Intercultural Mediation for Immigrants in Spain

## ***Historical context of IMfI in Spain***

### *Migration flows*

In the late 1970s and 1980s, i.e. after General Francisco Franco's death and the restoration of monarchy with the appointment of King Juan Carlos, Spain underwent democratic reforms which led to political stability and socioeconomic development. Spain became thus popular, not only for its own population, but for migrants as well. Consequently, for the first time in its history, Spain was transformed from being a country of predominant emigration (which started as early as the 15<sup>th</sup> century) to a country of immigration (Agrela, 2002). Indeed, the percentage of Spanish emigrants during the 1980s reaches only 0.5% of the Spanish population whereas in the 1960s it was around 2.5% (ibid); the percentage of immigrants living in Spain in the same time was 0.5% in the 1960s (ACCEM, 2008) and around 2% in the 1980s (Agrela, 2002). Most of the immigrants of this period came either from EU countries (mainly pensioners looking to spend their time in Spain's warm climate and beautiful coastline) or from Latin America (mainly political exiles from Argentina, Uruguay or Chile) (ACCEM, 2008).

The political situation, the accession into the European Economic Community (1986), the continuous growth of the Spanish economy, the development of the country's migration policy (Vicente, 2010), the development of the Welfare State (*Estado de Bienestar*), the rise of the educational level of the population, the rise of the purchasing power of Spanish citizens as well as the need for auxiliary services (ACCEM, 2008) made Spain throughout the 1980s, 1990s and 2000s even more attractive to immigration. Indeed, in the 2000s, immigration continues to gain ground as opposed to emigration. According to Spanish National Statistics Institute, in 2009, 13.8% of the total population in Spain was of foreign origin whereas in 1999 immigrants made up only 3.1% of the total population (Vicente, 2010).

Traditionally, countries where a dominant language is being spoken (like Spain), attract more immigrants than countries where this is not the case (Vicente, 2010). This is the reason why many people from former colonies (Latin America and the Philippines) preferred to migrate to Spain in comparison to other European countries. The percentage of immigrants arriving from Latin America to Spain has increased in the 1990s substantially (annual trend about +1.58%) (Hooghe, Trappers, Meuleman, & Reeskens, 2008).

Additionally, in the 1980s a lot of migrants left Africa (Maghreb) and especially Morocco, and chose to move to Spain whereas in the 1990s many East-Europeans and Asians followed the same path. (ACCEM, 2008) As a result, at the end of the 20<sup>th</sup> century, the 21% of immigrants in Spain were Africans, 18% Latin Americans, 8% Asians and 3% East-Europeans (Colectivo Ióé, 1999). At the same time, people still fled from Latin America to Spain due to the economic crisis in their native countries as well as the tightening of immigration controls and visa regimes in the United States after September 11, 2001 (Hooghe et al, 2008). Additionally, in Spain, the Chinese comprise the largest Asian community, followed by Filipinos and Indians (OECD, 2001).

However, in the last decade and especially after 2007, when Romania joined the EU (along with Bulgaria), the majority of people migrating to Spain are not Spanish-speakers or Africans, they are Romanians. Romanians are currently the largest minority in Spain with almost 900,000 living in the country (Buck, 2014.) Moreover, the migrants from South and Central America now living in Spain are the third largest minority after Europeans and Africans (Vicente, 2010).

Finally, between 2000 and 2009 the average annual net inflow of foreign-born individuals was close to 500,000 people making Spain the second-largest recipient of immigrants in absolute terms among Organization for Economic Cooperation and Development (OECD) countries, following the United States (Arango, 2013).

### *Spanish society and immigration*

In general, most Spaniards view immigration through the lens of the labour market: immigrants provide needed labour to sustain economic growth and offer valuable services to families (Arango, 2013). In particular, however, the relations between the Spanish population and immigrants are not the same for all migrant communities currently living in the country. Spaniards have shown in surveys<sup>1</sup> better acceptance regarding the immigrants coming from Latin America as contrast to other immigrant groups such as Arabs, who are granted less integration capabilities (Vicente, 2010). This can be easily explained by the given historical bonds and greater cultural, linguistic and religious similarities that exist among Spain and its former colonies. On the other hand, the difference among the religions and customs as well as the rapid islamisation and rise of islamophobia and xenophobia can cause misunderstandings or problems to the integration of immigrants and their social cohesion, as it is common in many other European countries as well (IHRC, 2011) especially since September 11, 2001.

As a consequence of the immigration flows towards Spain, and almost simultaneously (Richarte Vidal, & Díe Olmos, 2008), intercultural mediation for immigrants (IMfi) appeared in the late 1980s and 1990s (Sanchez-Perez, 2009).

### *Immigration and integration policies*

Ever since Spain started receiving immigrants in a mass form, governments have been orientated in order to smoothly integrate immigrants to the Spanish society by adopting laws and regulations in accordance to EU standards and directives (Agrela, 2002). For the sake of brevity and clarity, the table below (adjusted from Agrela, 2002) shows the Spanish immigration policy in the last decades.

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<sup>1</sup> In a Report on the Evolution of Racism and Xenophobia in Spain published by the Ministry for Employment and Immigration in 2010, 22% said that they were more sympathetic towards Latin Americans as opposed to 1.4% who mentioned North Africans & Muslims. On the other hand, 22.4% stated that they were less sympathetic towards North Africans & Muslims as opposed to 3.9% that mentioned Latin Americans (Arango, Brey, Maldonado, & Moualhi, 2011). However, polls conducted in the aftermath of the Madrid terrorist bombings in March 2004, which were carried out by mostly Moroccan Islamist militants, showed that the majority of Spaniards did not blame immigrants for the terrorist act. Additionally, less than one in four expressed "little sympathy" for Moroccan immigrants while a similar figure expressed the same towards Romanians who had nothing to do with the attack (Arango, 2013).

Year	Key Moments	Effects on Immigrant Policy
1985-1986	Ley de Extranjería Entry to the EEC	Institutional visualisation of immigrant population. Immigration approached as temporary phenomenon. Immigrants were broadly perceived, first and foremost, as workers who required regulation by the Ministry of Labour (Ortega Pérez, 2003). Many immigrants ended up in an illegal status (ibid).
1991	First National Immigration Plan	General frame for the social integration with immigrants: too general and stereotyped regarding the cultural differences - parallel public system for immigrants according to their differences.
1992	Treaty of Maastricht	Bases for the European citizenship: distinction between Communitarian Europeans and non-Europeans (non-EU immigrants).
1995	Application agreement of Schengen	Development of the Schengen area: Free movement of European persons. Immigration linked to a security issue and common interest (e.g. drugs, terrorism etc) Immigration seen from a negative view, as a threat. Nothing about integration.
1994	Policy of quotas	Limitation of entries, allocation of the jobs that Spaniards do not want to do, link between labour niches and immigrants (symbolically by nationality and gender).
1996	Amendment to the 1985 law	Immigration as a structural phenomenon. Acknowledgement that foreigners had a set of subjective rights.
1998	Treaty of Amsterdam	Bases for a social common policy and the guiding principles of equality and pluralism. European external borders: Immigration as a common issue regarding the common policy.
1999	European Council of Tampere	A common policy of refugee and asylum and important insistence of border control against illegal immigration: strong links between illegality, crime, insecurity and immigrants.

2000	Change of government New Immigration Law New National Immigration Plan	New approach on immigration issue (political discourse and mass-media) as a threat and a problem. Strong 'electoralisation' of immigration issue. Significant cut on immigrant rights. Mainly addresses border control rather than social integration. Explicit public discourse regarding the cultural differences of the immigrants (considered as a huge problem of integration): Islamisation or cultural fundamentalism. Some of the constitutional rights were granted first to all foreigners (Ley Orgánica 4/2000) but then only to legal residents (Ley 8/2000).
2000	Plan GRECO (Global Programme for Regulation and Coordination of Foreigners and Immigration – <i>Programa Global de Regulación y Coordinación de la Extranjería e Inmigración</i> )	Designed to address four key areas (ILO, n.d.): 1) Global, coordinated design of immigration as a desirable phenomenon for Spain, as a member of the European Union; 2) Integration of foreign residents and their families as active contributors to the growth of Spain; 3) Admission regulation to ensure peaceful coexistence within Spanish society; 4) Management of the shelter scheme for refugees and displaced persons. Acknowledges the development and implementation of integration policies at local level for greatest impact on integration. Although limited in duration (2001-2004), it helped to set up the basis for more comprehensive national integration plans.
2002	Spain: EU presidency European Council in Spain Announcement of a new Immigration Law after EU-Council	Reinforce the border control to fight against international terrorism and illegal immigration. Proposals: Control immigration and deportation of illegal immigrants with war airplanes and ships (immigration became a 'matter of war').
2004 2005	Change of government Immigration policy reform	Efforts to fix irregularities and apply more favourable conditions for employment of immigrants. Emphasis on integration.
2007	Triennial Plan for Citizenship and Integration (PECI)	Through a national fund, the plan supported municipal integration efforts and fostered coordination across all levels of government (Arango, 2013).
2012	New Law of Mediation	Describes the mediation in civil and commercial matters and its implications for the exercise of intercultural mediation

## ***What is IMfl in Spain***

### *Definitions and terminology*

#### **Interculturalism**

“A commitment for dialogue between various cultural options to promote mutual enrichment of each and the development of a common space. Interculturalism refers to two aspects that are always present in every possible relation between people of different cultures: better explicates of the reality of cultural exchange and expresses the recognition of the cultural diversity” (Delgado Rodríguez & Expósito Barbuzano, 2011).

#### **Mediation**

“The origin of mediation is the interaction between two or more parties that may be disputants, negotiators, or interacting parts whose relationship could be improved with the intervention of a mediator” (García Castaño & Barragán Ruiz-Matas, 2004).

“Mediation is defined as a means of dispute resolution, whatever their denomination, in which two or more parties attempt willingly to reach for themselves agreement with the intervention of a mediator” (LOMACM 5/2012, de 6 de julio - Art.1)

#### **Intercultural mediation**

Although there is no single definition of IMfl (Sanchez-Perez, 2009), however, the one most frequently found in Spanish literature (Sanchez-Perez, 2009; Agrela, 2002; Urruela Arnal & Bolaños, 2012, etc.) is the one given by Gimenez (1997), one of the first to address the issue of IMfl:

“Intercultural mediation – or social mediation in multiethnic or multicultural contexts – is understood as a mode of intervention of third parties, in and about social situations with multicultural significance, oriented towards the achievement of the recognition of the Other and the approach of the parts, the communication and mutual understanding, the learning and development of coexistence, the regulation of conflicts and the institutional adequacy, between the social actors or institutions with ethno-cultural differences”.

The Department of Solidarity and Citizenship of Community of Valencia in the Order 8/2011(Art. 3.1) describes IMfl as “a modality of third party intervention in social situations of significant cultural diversity, oriented towards the approach of the parties, communication and mutual understanding, learning and development of coexistence and institutional adaptation” (Rabasa Sanchis & Martín García, 2012).

In other words, IMfl is “a process that helps to improve communication, relationship and intercultural integration between people or groups in a territory belonging to several cultures and with different cultural codes” (Urruela & Bolaños, 2012).

Additionally, it can be said that the IMfl is the intervention of a third professional party with the necessary training to identify and publicise the keys, cultural and social representations of at least two actors belonging to different cultures ( Sanchez-Perez, 2009).

Thus, IMfl becomes the bridge that conveys the communication between two parties – it cannot take place without the intervention of a third party. At first, the mediator intervenes, builds a common language between the parties, and then performs an active and delicate role for which training is fundamental (ibid).

### *Differentiation from interpreting*

Spain is the country that has the most universities in EU (more than 40 institutions) offering bachelor's degrees in Interpreting and Translation, while, according to the Index Translationum of UNESCO, Spain is the second country in the world after Germany that produces the most translations by professionals and freelancers (Valero Garcés, 2014). This long tradition, recognition and practice of translation and interpretation in the country, is the main reason why there is a distinct separation between the institutions of translation and intercultural mediation. IMfl comes to fill a void that translation and interpretation leave – namely to reconcile the parties and restore or construct communication, mutual understanding and tolerance in society – and not to substitute them.

### *The objective of intercultural mediation*

The general objective pursued from the mediating action in dealing with cases is to respond to a series of demands or needs, explicit or otherwise, arising in the context of significant multiculturalism, as follows (SEMSI, 2002):

- Supporting professionals of social services in the performance of their work
- Serving as a bridge among those who seek the assistance of the mediator
- Providing tools to the population of foreign origin to function in the host society

The main action of mediation is to facilitate communication between professionals from different fields (social services, education, healthcare etc.) and those who use and/or claim their services, given the difficulties that may arise from the lack of linguistic understanding due to the existence of cultural keys impeding it or mutual ignorance between the parties (ibid). Additionally, the access to resources is facilitated in situations in which foreigners are at a disadvantage, either for lack of information, the circumstances or communication problems (ibid).

Gimenez also states that the necessity, convenience and opportunity of intercultural mediation derive from a variety of reasons or motives: to promote the recognition of the other as interlocutor, to promote better understanding of the other and effective communication with the other, to overcome barriers to relations (such as overcoming prejudices and stereotypes, overcoming fears and misgivings), to promote coexistence, to realise the potential for mutual enrichment underlying non-hierarchical multicultural situations, to avoid, prevent or regulate situations of conflict, to adapt the organisation and functioning of institutions (such as schools or hospitals) to beneficiaries and gain efficient access of users to the institution and the management of it and finally, to facilitate cooperation, often required, among ethnically differentiated subjects (Gimenez, 1997).

### *Intercultural Mediation and other third party mechanisms*

Intercultural mediation has the typical mediation characteristics: acceptance and inclusion of a "third party" in agreement with all parties involved (legitimacy); voluntariness of the parties; the intervention of the mediator is happening only in order to help the disputing parties and in an informal, everyday manner; participants are not obliged to comply with or accept the mediator's interventions; the parties trust in the mediator and in the process; flexibility, equidistance, technical fairness (Soriano Gimenez, 2010) and neutrality of the mediator (given the asymmetry of relations that usually exist in such situations); relocation of the conflict must be achieved in a way that those involved are partners of the solution (ibid) while there are no losers and winners (Gimenez, 1997). In addition, in IMfl there exist:

the ethno-cultural differences of the involved parties, the impact those differences have in the relations between the parties, the relevance of the mediator's own cultural background as well as the objective of intercultural mediation (ibid).

#### *History of IMfl practice in Spain*

The practice of IMfl in Spain has been through the following different phases. The division of IMfl history in Spain was first done by Gimenez (as cited in Sanchez-Perez, 2009).

##### a) The genesis (1994-1997)

At this time, IMfl is related mainly to the migrant population in the country but also at a smaller percentage to the Roma population and to alien and indigenous minorities (Richarte Vidal & Díe Olmos, 2007). However, intercultural mediation is not perceived as a need for the whole population and society, whether there are or not immigrants, and in most experiences the practice and actions of mediation were far away from the conceptual basis and even the necessary training (ibid). There is also a plurality of promoting entities, as stated before (Sanchez-Perez, 2009; García Castaño & Barragán Ruiz-Matas, 2004; Richarte Vidal & Díe Olmos, 2007).

##### b) The blossoming (1998-2002)

This is the period when IMfl is disseminated and known to the public and regional administrations through a series of projects, courses, books even postgraduate courses in universities (Richarte Vidal & Díe Olmos, 2007).

##### c) The incubation of the discipline (2003 - 2007)

Finally, this is the time that IMfl in Spain is being "hatched" or "incubated". Experts observed a "boom" and a strong and rapid expansion, extension, growth and intensity of clubs and entities involved in IMfl (ibid). A proliferation of municipal programmes for intercultural mediation occurred, plans on social integration were designed regarding immigration and the agent of intercultural mediation in almost all regions arose. It seemed that the deployment of this discipline is unstoppable and insisted to be recognized as a profession (Llevot Calvet & Garreta Bochaca, 2013).

##### d) The regression (2008 and onwards) (ibid)

Despite the time elapsed since the first mediation programmes, IMfl continues in a precarious situation of great diversity in organisations or institutions engaged in this field and as to the ways of understanding the professional practice on behalf of all those involved. This results in the absence of a consensual and recognised professional qualification, to which inadequate training of mediators can be added. Moreover, due to the general economic crisis, are shortened and, even, closed programmes and grants devoted to mediation and to the participation of mediators in European transnational projects.

#### *The Registry of Mediators and Institutions of Mediation (Ministerio de Justicia, n.d.)*

With the Organic Law 5/2012 the Registry of Mediators and Institutions of Mediation was created (Registro de Mediadores e Instituciones de Mediación). The Registry has public and informative nature and constitutes a computerised data base accessible, free of charge, through the website of the Ministry of Justice, and its purpose is to facilitate the access of citizens to this mode of dispute resolution, by presenting the professional mediators and institutions of mediation. The applications for registration by the mediators, insolvency mediators and mediation institutions have started on April 1, 2014.

The Register of Mediators and Mediation Institutions is divided into three sections:

Section One: Registration of mediators, natural persons.

Section Two: Registration of bankruptcy mediators, who in turn may be natural persons or legal entities.

Section Three: Registration of institutions of mediation. Only legal entities.

Additionally, on the website there is a search field for mediators and institutions by criteria: Denomination (Name/ Title), Specialty (General / Civil / Commercial / Family Mediation) and Geographic Region. Informative material is also available.

The registration in the Registry is voluntary for mediators and mediation institutions with the exception of the bankruptcy mediators (Articles 11, 19 and 20).

### ***Forms and contexts of IMfl***

IMfl is applied in a range of contexts and sectors of life with small variations, whereas translation can merely act as a communication bridge (Sánchez Pérez, 2009). The division of IMfl application in seven sectors proposed and described by SEMSI (a programme that followed this division in its work in real life) describes thoroughly the different forms of IMfl without overlays. That being said, the contexts of IMfl, like the different sectors of life, although separate, are in relation to each other (all information in this section is from SEMSI, 2002, unless differently stated).

#### *In the socio-legal sector*

One of the first moves immigrants have to do in a new country is dealing with the public services, arranging their “papers” (residence and work permits, visa etc.) and other “paperwork” required. In many cases migrants have little or no knowledge of the host country laws, regulations and bureaucratic procedures, while even civil servants may not know fully the regulations or laws and how they are applied to immigrants. This is an area where most frequently problems and difficulties arise for immigrants, but also one of the most important, as it is these transactions that their access to employment, housing, official aid etc. depends on.

The term “socio-legal sector” is used to describe the legal and regulatory context framing both immigration and social implications for foreigners and other social and institutional actors. As it will be apparent hereinafter, the socio-legal sector is interconnected with most other aspects of life.

Intercultural mediators working in this sector have to be kept ahead of developments in legislation, regulations and legal proceedings and also have to know how each institution works in order to provide the best assistance possible to immigrants and to facilitate the work of civil servants. Finally, mediators should maintain at all times their impartiality as their work is to ensure the communication and understanding of all parties and provide assistance which will result in solving the problem.

#### *In employment*

An equally critical sector and in direct relation to the socio-legal sector, the employment sector is also characterised by the existence of “paperwork” and bureaucracy, which in some

cases may be extensive. Immigrants need at least a work permit in order to legally work in a country.

The term “employment sector” describes “the context in which fit all matters relating to employment, from the situation of the labour market, the existing legislation enabling immigrants to work, all working conditions, all hiring conditions, the access to employment, occupational training, relations between employers and employees etc.” (SEMSI, 2002)

The work of intercultural mediators in this sector is divided into three areas:

- a) Assisting social services and other agencies (whether public or non-governmental) specialised in helping unemployed people to find work.
- b) Assisting immigrants who need to find a job (but have problems in doing so) and the employment context in which they move.
- c) Assisting employed immigrants and their relations with their employers and co-workers.

In all the above situations, mediators need to gather all the necessary information regarding the work legislation, the agencies offering the aforementioned services etc. in order to make correct referrals based on the circumstances of each case they undertake. Additionally, mediators may also need to offer assistance on a psychosocial level, as some immigrants find themselves in situations they had not foreseen or may be frustrated by their unemployment or the difficulties they may be facing.

#### *In institutions*

Apart from the judicial system, immigrants (like the indigenous population) have to deal with institutions on all sectors either public, private or non-governmental. In this context, the intercultural mediator intervenes in the issues raised by the administrative and bureaucratic aspects of the institutions, mediating between immigrants and institutions, or even between two or more institutions.

#### *In education*

Education is fundamental for the construction of society as it offers, apart from knowledge and skills, values, attitudes and ethical rules. Similarly to the local population, immigrants need to have access to all forms of education, from the first stages of school to higher education, adult education and life-long learning.

However, this is a sector where the phenomenon of immigration is most visible due to, foremost, the knowledge and fluency of the official language. Most frequently there appears mutual ignorance between teachers and immigrant parents, gaps between the students' level, mid-year additions of new students, conflicts among the students and maladjustments. Moreover, there is a risk of “ghettoization” where there is a high concentration of foreign students.

Intercultural mediation in the sector of education is, therefore, fundamental mainly in terms of conflict prevention and development of values that foster intercultural coexistence and integration, such as tolerance, respect for others, appreciation of the cultural diversity etc.

Intercultural Mediators in this sector usually propose ideas and tools to promote education with intercultural content, they encourage the participation and involvement of parents of foreign origin in the education of their children, they facilitate the communication and

understanding between teachers and parents, while in some cases they may have to offer more specific mediation sessions.

#### *In healthcare*

Another important part of everyday life is that of healthcare (physical, mental, emotional or other), preventing and treating illnesses, dealing with the national/municipal healthcare system and institutions, and how they respond to immigrants.

It is not unusual for immigrants in situations where they, or a person close to them, need medical assistance to feel that they are not being understood or that they are not receiving enough attention, while physicians and other healthcare professionals often feel helpless. This is usually caused by a communication problem where the parts involved do not share the same ideas, experiences and practices, including fundamental concepts of health, disease, healing or the body (García Castaño & Barragán Ruiz-Matas, 2004)

IMfl in this sector is based on the doctor-patient relationship, and this necessarily implies that the intercultural mediator needs a wide range of skills and knowledge (ibid) in addition to typical IMfl standards, as it will be demonstrated further down in the text.

Intercultural Mediators usually assist primarily by informing immigrants where and how to access health resources and even by accompanying them to hospitals and physician appointments and monitoring the course of their health issues.

Additionally they offer support to health care practitioners in the form of informative and training sessions on cultural cues, re-adaptation of the educational material for prevention through translation and adaptation of brochures etc.

#### *In family*

As the old saying goes “everything starts from home”; values, habits, culture, education, love, trust, the way we see ourselves and the world, the way we form relationships, the way we act in society and many others. So, when the relations among this microcosm are not ideal, the rest aspects of a person’s life are affected. In order to solve, or prevent, therefore societal problems we must begin from solving problems within the family that will, in turn, permeate and interpenetrate the larger society through the process of socialisation and interaction (Ugal & Orim, 2009).

The family is one of the classic aspects where IMfl is performed, in the form of preventing or resolving conflicts between members of the same family, restore damaged relations, solve communication problems, helping them deal with issues such as separation and divorce by eliminating the possibilities that atypical circumstances may trigger new conflicts or aggravate existing ones.

In many cases, people can be separated from their spouses, children or parents for several years and when their family is reunited, they find that the relationships between them have been eroded or changed. In cases when children are separated from their parents for a long period of time, it is common that they do not recognize the role of their parents to their biological parents, as, in their absence while they were growing up, another person had assumed this role. In cases where spouses had suffered from long-term separation caused by migration, reunification is difficult, not only due to the possible existence of other relationships, but also because both may have become accustomed to living alone with everything that entails.

Another area which may cause problems is that of the education that the children receive in Spain (not only in terms of school but general) and those that the parents had in their country of origin. As stated before, education provides a set of values and ethical rules (see *Educational Sector* above) which may collide with those that the parents had received from their educational system, causing conflicts at home. IMfl in this sector is more interpersonal and can assist professionals from other fields (such as educators).

### *In neighbourhoods*

When migrants leave their country of origin, it is common for them, when going to a new country, to stay in an area where other people of their culture live, at least for the beginning, or where housing is cheaper. Thus, an area displays a certain amount of migrants' concentration at the expense of the indigenous population, which subsequently can cause frictions among them. Additionally, the customs and traditions of immigrants can disturb natives' rhythm of life and cause aggravations.

The term "neighbourhood" can be described as the context of coexistence in the same space and time resulting in social relations either convivial or conflicting; this "space" can be as small as an apartment building to as big as a few city blocks. However, intercultural coexistence and cohabitation does not imply a total absence of conflicts, but the ability to regulate them should they arise.

Moreover, it is important to realise that if "family" is a microcosm of the larger society (as described above) "neighbourhood" is the place where all these microcosms co-exist and, therefore, intercultural cohabitation at neighbourhood level is of key importance for societal integration, coexistence and peace.

What is more, in a certain area could be present not only families but also businesses (run either by natives or immigrants) as well as educational, health or religious centres where many people gather. It is, therefore, important for all people living in, working in or visiting a certain area to realise that they have to co-exist and share the common space with mutual respect and tolerance.

IMfl is essential at this level in order to help people from different cultural backgrounds not only in relation to their associations with the indigenous population but also with immigrants of different culture.

The term "neighbourhood conflict" can describe not only the disputes, lawsuits, internal tensions within a building or a neighbourhood, but also conflicts with the external environment. Conflicts do not always have the same intensity and thus can be identified into two areas or levels (according to one classic distinction of conflict theory): a) latent neighbourhood conflicts, which can occur at any time, and b) manifested neighbourhood conflicts. Moreover, while the causes and circumstances of conflicts can vary, they all have in common the fact that people will continue to live in the same neighbourhood, in the same buildings and share a series of spaces.

The methodology that IMfl usually follows in this field is as follows:

- 1) Detection of conflict: intercultural mediators know the everyday life of the neighbourhood where they work thus being a privileged observer of the interethnic relations that occur in it. They know the ways, the time or place latent conflicts may emerge and offer tools for preventing them.

- 2) Defusing of conflict: If there are latent conflicts, the mediator tries to anticipate its emergence. In general, he/she observes reality, identifies the parties (what are their characteristics and interests), talks to them and facilitates the communication between them.
- 3) Negotiation: the work of the mediator is to get the parties to interact face to face in order to seek a solution to the conflict, i.e., an agreement satisfactory for all.
- 4) Regulation: At this stage what was agreed by the parties is converted to rule. The key issue is to adapt the old rules, or lack of rules, that do not take into account foreigners in order to avoid arbitrariness and have defined areas of action where the parties know their rights and duties.

## ***Main issues addressed in the academic literature***

### *Intercultural mediation in theory*

As it was earlier stated, IMfl in Spain appeared in the last decades mainly as a necessity in the relations among the indigenous population and those coming from technologically underdeveloped countries. It started from social actors (NGOs, universities, professional organizations, local and municipal authorities) (Sanchez-Perez, 2009) and subsequently moved to the administrative and academic field (García Castaño & Barragán Ruiz-Matas, 2004). As opposed to other countries with longer history of immigration where IMfl came many decades after the first arrival of immigrants, in Spain IMfl appeared almost at the same time as immigration became more systematic (Richarte Vidal & Díe Olmos, 2007).

Some of the prevailing opinions in IMfl theory are as following.

Gimenez (1997) proposed the division of IMfl into two types:

- a) The facilitation of communication and resolution of conflict between foreign users and professionals of public services, and
- b) Assistance to the resolution of conflicts between groups (including the field of coexistence in neighbourhoods), and promotion of citizen participation in organizations and coordination between them (communitarian mediation)

However, perhaps the most acknowledged and supported opinion is that of Cohen-Emerique (Sanchez-Perez, 2009; Urruela Arnal & Bolaños, 2012; Soriano Gimenez, 2010) who proposed IMfl to be divided into three groups:

- a) Preventive mediation: it focuses on facilitating communication and understanding between people of different cultures.
- b) Rehabilitating mediation: assistance in the resolution of conflicts, especially cultural, arising between foreigners and professionals of public services.
- c) Transforming mediation: it refers to the model of social mediation, known as mediation-transformation, which aims at changing the rules or creating others by taking into consideration the new intercultural relations.

On the other hand, Sanchez (Sanchez-Perez, 2009) emphasises not so much on the classification of IMfl (although highly desirable for the facilitation of the development of literature and official curriculum) but on the existence of professionals with the necessary training in order to be able to identify the cultural and social needs and identifications of different cultures in order to help overcome situations of ignorance and lack of communication, conflicts of values or interests, or the existence of differences or inequalities that may arise among the population. Finally, Sanchez emphasises on the role of

IMfl in society through its work as facilitators of communication between ethnoculturally different parts of the population and its promotion of the long-term understanding and rapprochement of positions in order to build a new common framework for coexistence.

*The process of mediation*

According to mediation theory, there are four stages of intervention (Gimenez, 2009): “Entry” → “Tell me” → “Situating ourselves” → “Fix”.

In the “Entry” stage, the intercultural mediator needs to explain to the parties the principles of IMfl and the method the intercultural mediator is going to use. In this phase the intercultural mediator needs to gain their commitment, confidence in the intercultural mediator and consent to the process, in order to accept being part and follow the rules.

In the phase “tell me” the aim is to hear the parties, seeking to understand their perspective on the situation that brings them to mediation. The intercultural mediator explores the “story” of each party and tries to detect what are the interests behind positions demonstrated by the parties. The intercultural mediator tries to establish what the personal, situational and cultural factors of the parties are, in order to create a common definition of the “problem” and establish an agenda on how to proceed.

In the “Situating ourselves” phase, the intercultural mediator works on proposals or solutions in order to deconstruct the “I” and “You” and build the “us” by working on relaxing the narrative and creating an alternative story and reevaluating objectives through empowerment.

In the last phase, the intercultural mediator helps the parties seek options and putting together solutions. The relationship between the parties have to be considered as well as the content they present in order to reach a solution or not. Even in the cases where an agreement is not reached, there can be a change at the relational level.

The process of mediation can be displayed in the table below (Gimenez, 2009):

PHASE	TECHNIQUE PROCEDURE	OR	STAGES	CONTENT
“Entry”	Opening remarks		Framing	Pre-mediation
“Tell me”	Exploratory questions Active listening Defining the problem Agenda		Explorative sequence	Detecting positions and interests Finding information for re- evaluation
“Situating ourselves”	Destructuring / reformulating questions		Transforming sequence	Identifying personal, situational and cultural factors Alternative history Legitimizing Recognition
Fix	Listening Questions Reformulation		Generative sequence	Search of options, proposals or solutions
	Summaries		Closure	Agreement No agreement

### *Criteria for selecting a case*

There are certain criteria intercultural mediator need to follow when approached to take a case, in order to be sure that they can do their job the best way possible (Gimenez, 2009).

- 1) Area: the sector or field where IMfl is needed (see “context of IMfl” above)
- 2) Actors involved
- 3) Location (economic and social activities vary from one area to another)
- 4) Type of mediation

Classical mediation: the intercultural mediator participates in order to facilitate or adapt the communication between the parties, to prevent and / or resolve a conflict

Mediation of “position three”: the intercultural mediator is a third party acting as a guide in the process that the parties voluntarily allowed and in which they have all the attention and they decide what is to be done.

### ***The political and legal framing of IMfl***

In the Royal Decree 638/2000 the Ministry of Interior recognised the “intercultural mediator” as a profession. Some consider this as an important step for the development of IMfl in Spain, although for practical purposes, it had no immediate effect, with no formal qualifications or an agreed and recognised training and professional accreditation system. (Roberto Baelo, n.d.)

The Royal Decree 1368/2007 launched the National Catalogue of Professional Qualifications by which six professional qualifications within the family of community and socio-cultural services are established, including community mediation, indicating that IMfl is a similar occupation (ibid). According to the Catalogue, the general competence for Community Mediation (SSC324\_3 -MEDIACIÓN COMUNITARIA) is described as “Managing alternatives for resolving conflicts between people at community level, applying strategies and mediation procedures, facilitating and generating actions that facilitate the prevention of them.” (CNCP, n.d.) Concerning the “Professional Environment” it is stated that “it operates in the planning and organisation, and implementation of prevention and attention for collectives, groups and individuals for Alternative Conflict Management, preventing its occurrence and, once they exist, agreeing satisfactory arrangements for the parties involved through a mediation process” (ibid).

The Information System of the Public Employment Service (Sistema Informático del Servicio Público de Empleo - SISPE) has also recognised the professional profile of intercultural mediator in February 2008. One can inscribe oneself in the public employment services as an intercultural mediator, although for such a registration it is not required to be in possession of a university degree, but only of a training accreditation in mediation (Roberto Baelo, n.d.).

The Organic Law 5/2012 for the Mediation in civil and commercial matters and the Royal Decree 980/2013 are the latest legislative steps taken. The Organic Law 5/2012 devotes several provisions to regulate the general characteristics, basic principles and minimum standards of the mediation process. Although the procedure is characterised by flexibility and lack of formality, once these legal minimums are respected, each mediator can design their own procedural rules, adapting their own actions and achieving behaviours with a cooperative nature (Alba Isasi, 2013). As it will be displayed below in the text, these

legislative acts introduced a series of “new elements” (although in other countries they might not be considered as such) such as term definitions, presentation of the training content, IMfl profile etc.

### ***Stakeholders – Target groups involved***

Some of the stakeholders involved in IMfl are:

*NGOs*

#### **Grupo Triángulo**

This is a space for IMfl formed by entities of Andalusia, Catalonia and Madrid which are working for issues of immigrants and Roma people: Sevilla Acoge, Fundación Secretariado General Gitano (FSGG), Desenvolupament Comunitari, Andalucía Acoge, Etnic, Programa Migración y Multiculturalidad of Autonomous University of Madrid, Association for International Cooperation and International Solidarity (Asociación para la Cooperación Internacional y la Solidaridad Internacional - ACISI). In 2008 it incorporated the Foundation CEPAIM (social coexistence and cohesion) and la Fundación CeiMigra (Community of Valencia) (Richarte Vidal & Díe Olmos, 2008).

#### **Spanish Red Cross (Cruz Roja Española)**

Through its Programme for the Attention to Immigrants (Programa de Atención a Inmigrantes) it has created centres/offices in many cities and offers a series of services to immigrants from teaching the Spanish language to psychological and legal support, and intercultural mediation.

Website: <http://www.cruzroja.es/>

#### **Asociación Comisión Católica Española De Migración**

A nongovernmental, non-profit organization that provides care and shelter to refugees and immigrants, promoting their social and professional integration and equal rights and duties of all people regardless of their origin, sex, race, religion, views or social group.

Website: <http://www.accem.es/>

#### **Foundation CEPAIM for the social coexistence and cohesion**

According to their website, CEPAIM is an independent, cohesive and sustainable organisation that provides answers to social dynamics related to the migratory phenomenon and the processes of social exclusion. Referring to the consistent practical and theoretical application of policies towards interculturalism, diversity management, gender equality, social cohesion, local development and co-development.

Website: <http://cepaim.org/>

#### **Fundación Sevilla Acoge**

Acoge was created in order “to provide a more effective and comprehensive response to the emerging phenomenon of immigration and has outlined the fundamental objective of building a plural and inclusive society that guarantees equal rights and opportunities for all persons residing in Spain.” It is currently composed of 9 associations that develop their work in 21 centres throughout the regions of Andalusia and the city of Melilla (Federación Andalucía Acoge, n.d.).

Acoge was among the first social institutions in Spain to promote the professionalisation of the figure of the Intercultural Mediator and its need in society, and has implemented

training courses across the country. The Fundación Sevilla Acoge works with Intercultural Mediators in various sectors such as in family, in education, in healthcare, in employment and in community (neighbourhood). Mediators act as facilitators between immigrants and the native population with the main objective to improve communication and relations between the parties and to promote their integration.

Website: <http://sevillaacoge.org/>

#### *Local authorities*

In most major cities there are **Municipal Offices** designated to work for the integration of immigrants. Indicatively:

- **Madrid**, Autonomous Community of Madrid: The Municipal Office of Information and Guidance for the Integration of the Immigrant Population (**Oficina Municipal de Información y Orientación para la Integración de Población Inmigrante**) created by the General Directorate for Equal Opportunities of the City of Madrid (Dirección general de Igualdad de Oportunidades del Ayuntamiento de Madrid). The Municipal Office offers, among others, classes of Spanish to immigrants, basic ICT information and First Aid Courses. (Municipal Office, n.d.) Its programme “Service for the Intercultural Coexistence in Neighbourhoods” (*Servicio de Convivencia Intercultural en Barrios*), in collaboration with the Association La Rueca, aims to promote citizen relationships, through the creation of meeting spaces with intergenerational, intercultural and gender perspective (Service for the Intercultural Coexistence, n.d.).
- **Gijón**, Autonomous Community of Asturias: Municipal Office for the Information to Immigrants (**Oficina Municipal de Información al Inmigrante - OMII**). It offers guidance and information services aimed at immigrants and people interested in the topic of immigration. It also performs tasks of advice and information in different areas (administrative, health, housing, employment, training, etc.) and different groups (employers and employees, volunteers, social organisations, etc.) (OMII, n.d.).
- **Córdoba**, Autonomous Community of Andalucía: through the **Municipal Immigration Office** (Oficina Municipal de Inmigración- OMI), the Intercultural Mediation Project has been developed since 2006. Its four main lines of action are: Direct attention to foreigners, awareness raising for intercultural coexistence, support to the community social services’ centres, the promotion of associations of immigrants, and coordination between associations (OMI, n.d.).

The **City of Barcelona** (Autonomous Community of Catalonia) offers a variety of means in order to inform not only immigrants but also professionals of various fields related to immigration for the integration of immigrants (Ajuntament de Barcelona, n.d.).

In June 20, 2014 the “Mayoral Forum on Migration, Mobility and Development” (*Foro sobre Migración, Movilidad y Desarrollo*) was held in Barcelona with the participation of mayors and other local authorities from cities around the world and representatives of International Organizations. The forum ended with the adoption of the “**Call of Barcelona**” (*Declaración de Barcelona*) in which it is stated that “*The Forum of Mayors’ starting point is the shared conviction that migration is primarily positive, urban phenomenon, and that cities are the main attraction pole and driving force.*” They also voice their demands on “a dignified treatment and respect for all people, regardless of their origin”, on a municipal “voice and role in deciding on migration policies”, on “a more realistic approach on legislations”, on the “adoption of legal frameworks that facilitate processes of integration of all residents”, on

“strong actions against discrimination and the increase of a xenophobic and racist discourse” as well as more “funding sources for local policies of integration and to accommodate diversity” (Call of Barcelona, 2014). The “**Reception and Support Guide of Barcelona**” launched by the Barcelona City Council Immigration Department in 2006, and updated in 2013, is aimed at promoting intercultural relations through the systematic and gradual development of common areas and initiatives that can enable positive interaction (Ajuntament de Barcelona, n.d.).

**The Social Inclusion Plan Barcelona 2012-2015** is “the road map of the city that aims to combat social exclusion factors and make Barcelona a more socially cohesive city. The Plan is structured around 4 strategic lines to be implemented as aims and initiatives. The aims pave the way for the municipal initiatives (sectoral plans, specific plans and programmes) in order to make progress as an inclusive city” (Barcelona City Council, 2013).

Strategic line I: Barcelona City Council, an inclusive local authority

Strategic line II: Barcelona, an inclusive and cohesive city

Strategic line III: People and their neighbourhoods, central to policies on quality of life and equality

Strategic line IV: A joint strategy with civil society and the citizenship

**SAIER - Servicio de Atención A Inmigrantes, Extranjeros y Refugiados** (Service Centre for Immigrants, Emigrants And Refugees) “is a local government service specialised in international mobility that offers information and advice on immigration, asylum, emigration and voluntary return to anyone who lives in Barcelona City. SAIER provides services since 1989 and has been adapting to the migratory changes to give answers to the citizens' needs” (Ajuntament de Barcelona, n.d.). Further information can be found in the link <http://www.bcn.cat/novaciutadania/arees/en/saier/saier.html> .

### *General mediation*

#### **Spanish Club of Arbitration (Club Español del Arbitraje - CEA)**

The CEA is a Spanish non-profit association dedicated to promoting the use of arbitration as a method of conflict resolution and to developing arbitration in the Spanish and Portuguese languages or with a Latin American component. It was established in 2005 by a group of specialists in international arbitration. The CEA brings together more than 800 members from 37 countries, all arbitration experts who have contributed to the consolidation of an international arbitration community in the Spanish and Portuguese languages. (Club Español del Arbitraje, n.d.) The CEA created the Mediation Committee (Comisión de Mediación) in 2010 which works for the dissemination of mediation among economic and legal agents and set from the beginning the objective of promoting for the successful development of mediation (Comision De Mediacion, n.d.). In 2013 the CEA published a **Code of Good Practice in Mediation** (Código de Buenas Prácticas en Mediación) which aims to provide recommendations for the exercise of mediation aimed at several audiences: mediators, mediation institutions, lawyers in particular. It is a compilation of 24 articles divided into three sections (mediators, mediation institutions and attorneys for each side), which draw the appropriate lines of action to resolve conflicts response to ethical principles to ensure an impartial mediator activity and quality (Código de Buenas Prácticas en Mediación, 2013).

## ***Projects implemented***

Spain is divided into 17 Autonomous Communities, each with its own government, laws and regulations, judicial, educational and financial systems etc. Therefore, there is no unanimous form of IMfl training and employment. However, it is worth presenting the initiatives undertaken in the Autonomous Communities of Madrid, Andalucía and Catalonia.

### *Autonomous community of Madrid*

**SEMSI – Servicio de Mediación Social Intercultural** (Service of Intercultural Social Mediation)

In 1997 the collaboration between the City of Madrid and the Autonomous University of Madrid produced SEMSI, which remained integrated during its course (it ended in 2010) in close collaboration with the technical teams of several municipal services. It implemented the programme “Migration and Multiculturalism” under the direction of Carlos Giménez Romero. The programme had as objectives both the study the phenomenon of migration and the training of specialists in the contexts of immigration and multiculturalism through the management of SEMSI (Urruela Arnal & Bolaños, 2012).

The International Congress on Intercultural Mediation (I Congreso Internacional sobre Mediación Intercultural) which was held in Madrid in October 2002 and was promoted by the Programme “Migration and Multiculturalism” created a place of encounter and reflection, concentrating expertise in different areas, such as aspects of the process, the training of professionals and the role of mediators.

### *Autonomous community of Catalonia*

**Alcantara Programme.** In the years 1995-1998, AEP – Desenvolupament Comunitari collaborated with the Centre Bruxellois d'Action Interculturelle (CBAI) in order to design intercultural mediation training programmes, under the European project Leonardo Da Vinci (Valero-Garcés, 2014).

**Servei de Mediació Comunitària de la Província de Barcelona (SMCPB)** (Community Mediation Service of the Province of Barcelona, Fundació Desenvolupament Comunitari, 2008). The project started in 2004 by AEP – Desenvolupament Comunitari and the Social Welfare Department of the Barcelona Provincial Council (Àrea de Benestar Social de la Diputació de Barcelona). In 2008 they published the Guide “El Servei de Mediació Comunitària a la província de Barcelona” (The Community Mediation Service in the province of Barcelona) where they provide general information on IMfl as well as the methodology and techniques they used. It is available (in Catalan) on their website [http://www.fdc.cat/web/publicacions/servei\\_mediacio.pdf](http://www.fdc.cat/web/publicacions/servei_mediacio.pdf).

### *Autonomous community of Andalucía*

**Programa de Mediación Intercultural 2014** (OMI, n.d.)

The City of Cordoba has been implementing this Intercultural Mediation Programme through the Municipal Immigration Office, since 2006, with the aim to "promote the full social integration, labour and personal, for immigrants in conditions of equality, as subjects of rights and responsibilities within the Cordovan society". On their website, among other things, there are available:

- "Brief Guide on Regulations for Aliens" ([Breve guía sobre normativa de Extranjería](#)) providing useful information e.g. legislation on residence permits;
- "Resource Guide for immigrant population" ([Guía de recursos para población inmigrante](#)) where all stakeholders involved in immigration of the area are listed as well as the services they provide.

**Mediación Intercultural y Gestión de la Diversidad** (Intercultural Mediation and Diversity Management). As described above, Fundación Sevilla Acoge is a foundation with long history in social services, among which is IMfl. They employ intercultural mediators working on their own and in coordination with other professionals in various fields (education, healthcare etc.) (Fundación Sevilla Acoge, 2014).

### ***Trainings planned and provided***

As many intercultural mediators criticize themselves, in general, there is a lack of a formal and approved training, as well as a social prestige and recognition of them being professionals (Llevot Calvet, 2006).

Although until the Organic Law 5/2012 and the Royal Decree 980/2013 there was not a unanimous training methodology, some (Martínez Usarralde, Sahuquillo Mateo & García Raga, 2012) include three phases of the training methodology: a) descriptive study ("analytical phase"), in which three models are described and a formal and material analysis is undertaken; b) comparative study ("synthetic phase"), in which data is selected and tables are juxtaposed in order to facilitate comparison, and, c) the "comparison of conclusions phase", which reflects on the results found.

#### *Content of mediator training (Royal Decree 980/2013)*

According to the Royal Decree 980/2013, by which certain aspects of Law 5/2012 are developed for the Mediation in civil and commercial matters (RDL 980/2013, de 13 de diciembre), the mandatory content of the training courses is described:

- 1) The course specialised in mediation must provide what is appropriate to mediators according to their degree.
- 2) The specialised training course in mediation must provide sufficient knowledge for the professional practice of mediation, understanding, in relation to the environment in which they offer their services, their legal & psychological aspects, the ethics of mediation, the process and communication techniques, negotiation and conflict resolution.
- 3) The specialised training course in mediation will be developed both in theoretical and practical level; the latter corresponding to at least 30% of the total course.
- 4) Should a specialised training course be developed in the form of distance learning through electronic means, at least 40% of it shall occur with the physical presence of the trainees (when the total duration is less than 80 hours) or at least 20% (when the duration exceeds the indicated hours).
- 5) The duration of the training of the mediator will be related to their qualifications and professional experience.
- 6) The minimum duration of the specialised training of the mediator will be 50 hours.
- 7) Mediators should conduct continuous training activities, eminently practical, at least once every five years, with a minimum duration of 20 hours.

### *Examples of Training Centres for IMfl*

**EMSI – Escuela de Mediadores Sociales para la Inmigración** (School of Social Mediators for Immigration). It was a training programme sponsored by three public institutions of the Community of Madrid: the Directorate-General of Health and Social Services, the Institute of Madrid for Training (Instituto Madrileño para la Formación – IMAF) and the Autonomous University of Madrid. Its aim was precisely to contribute to the full integration into Spanish society of individuals and groups of foreign origin by forming immigrant and native as socio-cultural mediators (Giménez, 1999). Proposed even in 1992, it officially started its work in April 1995, funded by IMAF, through the European programme HORIZON. It has implemented four learning courses of “Integration and Interculturalism” in which participated 155 people, 70% of whom were of foreign origin.

Each course lasted between 4 and 5 months and in they used a very participatory, inductive and socio-affective methodology, in order to achieve not only knowledge but also, and especially, skills, attitudes and values (ibid).

**CAIM – Centro de Acción Intercultural de Madrid** (Centre for Intercultural Action of Madrid) CAIM implemented courses and activities with themes and subjects related to intercultural mediation, especially oriented at the formation of "agents of development in multicultural environment". Those courses were also funded by the IMAF through the HORIZON programme.

**Federación Andalucía Acoge**, created in 1991, has been conducting courses for the training of intercultural mediators, with the help of the Centre Bruxellois d'Action Interculturelle (CBAI) under the European programme HORIZON (Federación Andalucía Acoge, n.d.).

### *Masters and technical professional courses*

There is a number of Master Programmes and Technical Professional Courses currently offered in the field of IMfl by Universities, institutions and private entities, some free of charge. Indicatively:

- 1) Master's Degree in “Translation and intercultural mediation”.  
Department of Translation and Interpreting of the Faculty of Translation and Documentation, University of Salamanca.  
Website: <http://diarium.usal.es/mastertrad>
- 2) European University Master’s Degree in “Intercultural Communication, Public Service Interpreting and Translation”.  
Department of Modern Philology, Universidad de Alcalá, Madrid  
Website:  
[https://portal.uah.es/portal/page/portal/posgrado/masteres\\_universitarios/preinscripcion\\_admision](https://portal.uah.es/portal/page/portal/posgrado/masteres_universitarios/preinscripcion_admision)
- 3) University Master's Degree in Migrations and Social Mediation  
Universitat Rovira I Virgili (URV), Tarragona  
Website: [http://www.urv.cat/masters\\_oficials/en\\_migracions\\_mediacio.html](http://www.urv.cat/masters_oficials/en_migracions_mediacio.html)
- 4) “Expert Master in Social Education and Intercultural Mediation” – 800 hours  
Divulgación Dinámica  
Website: <http://divulgaciondinamica.es/educacion-social/master-experto-en-educacion-social-y-mediacion-intercultural/espana>

5) Superior Master in Social and Intercultural Mediation – 900 h (online/ Distance learning)  
Divulgación Dinámica  
Website: <http://divulgaciondinamica.es/mediacion-social/master-superior-en-mediacion-social-e-intercultural/espana>

6) Master in Social Mediation – 400 hours & 2 months of practice  
Divulgación Dinámica  
Website: <http://www.divulgaciondinamica.info/promo/mastermediacionintercultural2/>

7) Master in Intercultural Mediation & Migrations – 59 +16 ECTS  
Fundacion CYES  
Website: <http://www.cyes.org/index.php/master/item/10-master-en-mediacion-intercultural-y-migraciones>

8) On-line Course on Intercultural Mediation – 40 hours  
School of Intercultural Mediation - Red Cross in Navarra  
Website:  
[http://www.cruzroja.es/portal/page?\\_pageid=658,28802492&\\_dad=portal30&\\_schema=PORTAL30](http://www.cruzroja.es/portal/page?_pageid=658,28802492&_dad=portal30&_schema=PORTAL30)

## **Description of the IMfl profile**

### *Desired features and conditions*

The intercultural mediators are, by definition, experts in more than one culture who can intervene in order to achieve mutual understanding, facilitate the communication and exchange and prevent a conflict (Llevot Calvet, 2006).

However, for someone to undertake the task of an intercultural mediator professionally, one has to have the following *features* (Urruela Arnal & Bolaños, 2012):

- Training in mediation, interculturalism and immigration (knowledge, skills and attitudes specific in immigration and interculturalism, intercultural communication, linguistic and sociocultural interpretation, negotiation and mediation for the prevention and resolution of cultural conflicts, areas of intervention etc.) (Soriano Gimenez, 2010).
- Being able to operate as a bridge between immigrants and institutions, foreign and native population.
- Being a member of a diverse and intercultural team.
- Preferably, but not exclusively, being member of the same cultural group that participates in the conflict.

The Organic Law 5/2012, Art. 11, (LOMACM 5/2012, de 6 de julio) states that for the exercise of cultural mediation, the following *conditions* must be met (Rabasa Sanchis & Martín García, 2012):

- Mediators may be natural persons who are in full exercise of their civil rights, unless they are otherwise prevented by existing legislation in the fields where IMfl is being exercised.
- Legal entities engaged in mediation, whether they are professional societies or any other form envisaged by the legal system, shall appoint the exercise of IMfl to a person who meets the requirements applied to individuals.

- The mediator must be in possession of an official university degree or advanced vocational training and have specific training in order to practice mediation, which will be acquired through one or more specific courses taught by appropriately accredited institutions, which will be valid for the performance of the mediating activity anywhere in the country.
- The mediators shall sign a guarantee or equivalent insurance covering civil liability derived from their actions in the conflicts in which they intervene.

### *Qualifications*

The personal competences considered essential for an intercultural mediator are the following (Rabasa Sanchis & Martín García, 2012; Fundación “la Caixa”, 2009; Llevot Calvet, 2006):

- Voluntary nature and free disposition
- Equality of parts and impartiality of mediators
- Neutrality
- Confidentiality
- Loyalty, good faith and mutual respect of parties
- Responsibility
- Cooperation
- Social commitment
- Clarity of role
- Versatility
- Flexibility
- Emotional balance
- Humour
- Interactional skills in order not to get emotionally involved

Additionally, some add that an intercultural mediator should be at least 25 and at most 50 years of age and that although the sex of the mediator should not be of importance, in practice the intervention of women is better as they are doubly marginalised: as women and also as immigrants from poor countries (Llevot Calvet, 2006). Intercultural mediators should be proficient both in the official language and the language(s) of the parties involved.

According to the sector where IMfI is performed, additional features may be needed. For example, in the field of healthcare, due to a growing need to improve care (diagnosis, treatment and follow-up) of patients from minority ethnic groups, the IMfI facilitates the communication between staff, users of health and social services, who may not only speak different language(s) but also may have different ways of understanding the world or have a different way of perceiving the reality that surrounds them and the situations they are living (García Castaño & Barragán Ruiz-Matas, 2004).

### ***Employment opportunities***

As a general rule, and from what intercultural mediators state themselves, there is instability regarding the way intercultural mediators are hired, the hours they work and the salary they receive, regardless of whether they have a diploma or certificate (Llevot Calvet & Garreta Bochaca, 2013).

They usually have temporary contracts of work (contratos de obra) or service contracts (contratos de servicio). Before the economic crisis, some municipalities had begun to call for

permanent recruitment competitions. Additionally, many associations involved with IMfl, usually take advantage of municipal and governmental programmes and funds in order to hire intercultural mediators, thus hiring them only for as long as they are being funded. Additionally, there is no homogeneous trait among the intercultural mediators working in the country (ibid).

Most mediators receive very low fees for their services and as such they cannot cover their travel expenses or even their mobile phone bills. Thus, most intercultural mediators are forced to do other jobs, more or less related to IMfl, in order to make a living (ibid). This situation, obviously, impacts IMfl in general, as the unavailability of intercultural mediators at all times and their inevitable loss of interest, has negative effects on the continuity of IMfl and its long-term results.

### ***Recognition procedures***

The figure of the intercultural mediator has been recognised by the Department of Interior, in accordance with the Royal Decree 638/2000. As described in the section *Trainings planned and provided*, there are several post-graduate degrees on intercultural mediation, which receive the same recognition as any other post-graduate certificates in Spain. According to the Organic Law 5/2012, there is an association with the possession of a diploma of higher education in order to become a professional intercultural mediator. However, there exists no official certification (i.e. from the State of Spain) for the courses or trainings implemented by other institutions. In the level of Autonomous Communities, some have designed an IMfl accreditation system, as is the case of the Community of Valencia.

The Order 8/2011 (O.CSC/8/2011, de 19 de mayo) of the Department of Solidarity and Citizenship of the Community of Valencia regulates the accreditation of intercultural mediators as well as the Registry of Intercultural Mediators of Community of Valencia (Art. 1.2). This order is applied to all natural persons performing functions of intercultural mediation in public or private entities within the territory of Valencia (Rabasa Sanchis & Martín García, 2012).

In order to receive accreditation as an intercultural mediator from the Directorate General of the Community of Valencia, the Order 8/2011 on the social integration of immigrants (Art. 2), describes two ways:

- 1) Accreditation of minimal 250 hours of training in IMfl material provided by an educational centre with experience on immigrational material.
- 2) Accreditation of minimal 150 hours of training in IMfl material provided by an educational centre with experience on immigrational material as well as one year of professional experience in the field of IMfl (minimum of 900 hours).

## ***Issues to consider***

The Spanish society is familiar to migration, having been for many centuries an area of emigration, but is still learning to adapt to the new customs and norms that are introduced by the immigrants.

Given that the State of Spain is divided into Autonomous Communities, each with its own government, legislation and practices, an approach on national level regarding the promotion of IMfl is essential which will inspire and then propel the Communities in taking actions in favour of IMfl.

The latest Organic Law 5/2012 offers some positive aspects towards the homogeneity of practices both from training centres (either public, municipal, non-governmental or private) and from intercultural mediators. However, it is still only gradually and in some extent enforced. All Autonomous Communities would have to adopt it to their legislations and implement projects and campaigns in order to have the best possible results. Some have already done this, such as the Autonomous Community of Valencia, but not all. Nevertheless, the Organic Law or even the Royal Decree 980/2013 is vague in many aspects (e.g. "the training material must be appropriate") and further specialisation is needed.

Until now, and in some extent due to the economic crisis, IMfl is met with job insecurity, as intercultural mediators are forced to work sporadically or with no permanent contracts, and in difficult environments, while many have to have another job in order to make a living, thus having limited time to dedicate to IMfl. Although IMfl is recognised as a profession, its importance is still not effectively recognised, either due to ignorance or a sense of threat (Llevot Calvet, 2006), and there are limited employment opportunities.

NGOs have played a great role in dissemination and implementation of IMfl in Spain; however, they largely depend on government or municipal programmes for their funding, and therefore their sustainability and the ability employ intercultural mediators is limited.

Finally, intercultural mediation is regarded in legislation along with the other forms of mediation: general/ in conflicts/ in family / commercial / civil / contentious etc. and is being developed in accordance with them. The approach to IMfl is strongly adapted to the special structures and conditions prevailing in the country. There seems to be a great potential for the exchange of good practices with other European countries, for the mutual benefit.

## ***Conclusions***

Immigration in Spain is a phenomenon of the last decades; however, almost immediately IMfl made an appearance in the country. IMfl is growing and developing along with the Spanish society.

In contrast to other European countries with a longer history of immigration, Spain shows a considerable amount of acceptance and tolerance towards immigrants. Immigration never caused in Spain the public or political backlash (Arango, 2013) or even rise in far-right parties and voices as is the case in other countries (e.g. France, the Netherlands, and Sweden). The contemporary political culture of Spain was refashioned with the restoration of monarchy in the late 1970s when values associated with democracy were idealised and as a result democratic, egalitarian and universalistic values became the paradigm of social desirability (ibid). Moreover, no far-right party has gained significant support nationwide in the recent

years; at local level only the xenophobic Platform for Catalonia (PXC) has obtained a few positions of responsibility (Gómez, 2014). In general, social attitudes towards immigration were not altered by the economic crisis either, as both immigrants and natives were affected by it.

However, everyday conflicts and misunderstanding arise not only in the relations between the native population and the immigrants but among the different immigrant communities living in an area. Additionally, the rise of islamophobia and xenophobia that is observed at European level, mainly caused by phenomena of Islamisation and radical voices, can potentially cause problems, if transferred to Spain.

The Organic Ley 5/2012 and the Royal Decree 980/2013 tried to regularise and promote IMfl; however, gaps and vagueness still remain. It is promising that Spanish governments throughout the years have shown a strong commitment towards immigrant integration (Arango, 2013). The Autonomous Communities have shown steps in implementation of IMfl and especially those of Madrid and Catalonia (where the two largest cities of the country are: Madrid and Barcelona) and Andalucía (the southernmost border not only of Spain but of Europe as well).

Intercultural mediators, through their knowledge and experience, are in position to propose innovative ideas that can modify the institutions (third type of mediation – Transforming Mediation) they cannot, however, implement on their own these ideas (Llevot Calvet, 2006); institutions thus have to be more involved in evaluating and deciding on those innovations and can ask the assistance and active participation of intercultural mediators.

To sum up, Spain has made some big steps in IMfl; however, IMfl standards can be further developed in order to have nationwide diffusion and implementation. Judging by the experience so far, IMfl will continue and even increase its role in Spanish society – there is no evidence for the contrary. The setbacks that have appeared in the last few years can be explained by the current economic crisis and high unemployment that have been tormenting the country. As the Spanish economy is expected to overcome its hindrances, IMfl is expected to overcome its own.

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