

# 2018 REPORT: Refugees in Spain and Europe EXECUTIVE REPORT



**CEA(R)**

Comisión Española  
de Ayuda al Refugiado



A Sub-Saharan passes out after six hours on the fence at Ceuta. This person was eventually returned together with 12 others attempting to reach Spain. © CEAR / Antonio Sempere.

Cover photograph: Some of the more than 200 people travelling on board a punctured dinghy off the coast of Libya in September 2017, who were rescued by the MayDayTerraneo mission. © CEAR / Gabriel Tizón.

# Executive summary

## 2018 report

Refugees in Spain and Europe



# 1. Introduction



Hundreds of Rohingya refugees queue for food in the Balukhali camp in southern Bangladesh. © CEAR / Olmo Calvo.




The sixteenth annual report from the Spanish Refugee Aid Commission (CEAR in Spanish) analyses the situation of refugees in the world, in the European Union and in Spain over the past year. On 30th June 2017, according to data from UNHCR there were 70 million people who had been forcibly displaced as a result of war, violence and persecution. This is the biggest exodus ever recorded and it is mainly coming from the Middle East, Sub-Saharan Africa and Asian countries such as Afghanistan and Myanmar. It affects one in every hundred people.

Some of them seek refuge in EU countries, but at the European borders they find that visible and invisible walls have been raised, restricting access to international protection. These are the backdrop to serious violations of human rights. Last year over three thousand people lost their lives on crossing the Mediterranean, the most dangerous migratory route on the planet.

In 2017, Spain recorded the greatest number of international protection applicants since the first Law of Asylum was approved in 1984, rising to 31,120. However, the percentage of people who finally got a positive reply almost halved compared to 2016. The system of international protection as regards processing applications and programmes for accommodation and inclusion are saturated. At the end of February 2018, there were 42,025 people waiting for a decision on their case and the reply that would determine their present and future.

Once again this year, CEAR expresses its concern about the rise in forced displacements around the world, the back-peddalling on the right to asylum in the European Union and the insufficient commitment from Spain and Europe in general towards refugees •



Betty, a refugee from South Sudan who is a school teacher by profession, lives in the Kakuma settlement in Kenya.  
© ACNUR / Georgina Goodwin.

## 2. Refugees around the world

The worsening conflicts in Syria, South Sudan, the Central African Republic, Afghanistan and the Democratic Republic of the Congo; the repression against the Rohingya minority in Myanmar; the never-ending exodus of the Palestinian people, aggravated by the growing spiral of violence; and the situation in Colombia all explain the constantly growing diaspora. According to data from UNHCR, by 30th June there were 70 million forcibly displaced people in the world. This means an increase of 9% (1.9 million refugees and 4.6 million internally displaced people) in the first half of 2017 compared to the previous year. By the end of 2016, UNHCR estimates that 65.6 million people had left their homes as a result of persecution, conflicts, violence and human rights violations. Out of these, 22.5 million people were refugees, 40.3 million were people displaced within their countries' borders, and 2.8 million were international protection applicants.

Furthermore, there were at least 3.2 million stateless people in 75 countries, though the High Commissioner estimates that there may be 10 million deprived of a nationality. Together, these figures reveal the magnitude of the biggest exodus ever recorded, which now affects 1% of the world's population.

A significant share of the refugees see Europe as a place where they may find protection and safety so they may attempt to rebuild their lives. However, the progressive impregnability of the borders and the commitment to increasingly tougher measures to externalise migration control have made the voyage over the Mediterranean the most dangerous route on the planet. In 2017, over three thousand people lost their lives in its waters while voyaging towards European shores •

## 3. Europe and refugees

The year 2017 was yet another year wasted by European institutions and governments in defining a common migration and asylum policy truly committed to refugees and which would observe the international commitments made. European leaders sidelined these matters and postponed relevant decisions in the successive summits with heads of state and governments. This goal was not helped by the rise in xenophobic political forces and their influence on the decisions of more than a few governments (mainly in Eastern Europe), as well as the conviction held in the EU's centres of power that

the worst times of the poorly named “refugee crisis” are over.

In 2017, the resettlement and relocation programmes came to an end with a clear failure to reach the goals which the governments had set themselves in 2015

The number of people who applied for international protection in the EU (704,625) halved in 2017 compared to 2016 (1,259,265) and 2015 (1,321,600) due to the policy of closing borders. In the wake of the controversial EU-Turkey Agreement of March



Due to the saturation of the Vathy reception centre on the Greek island of Samos, some families have settled in a nearby olive grove. © ACNUR / Yorgos Kyvernitis.



A couple celebrate having been saved in the Mediterranean aboard the Golfo Azzurro, a rescue boat from the Catalan NGO Proactiva Open Arms. © CEAR / Anna Surinyach.

2016, in February 2017 the European Union signed an agreement with Afghanistan to promote the “voluntary” return of refugees, whose Operational Plan remains a protected secret. One month later, the *EU Action Plan on Return* was announced, which suggested measures for the Member States to speed up the procedures for returns and improve collaboration with the countries of origin for the same purpose.

As a result, the level of danger on the migratory routes to Europe continues to rise while European borders have become the scene of serious human rights violations. In this scenario, it is particularly worrying to see that people and organisations that defend the human rights of migrants and refugees are being increasingly treated as criminals. An example of this was the approval by the Italian Government of the Code of Conduct for Operations in the Mediterranean in August 2017, which particularly questions the role of the NGOs working there.

As for the situation in Greece, there is still a lack of protection for thousands of refugees, which is especially serious on the islands. Under the umbrella of the agreement signed with Turkey, five Greek islands have become places for confining those who have applied for international protection, who must wait there for a ruling on their case.

Lastly, the spread of false news and a xenophobic, racist discourse over the Internet put the seal on the reversal of the right to asylum in the EU. The starting point was the incident in Cologne on the night of 31st December 2015 and the lies about the involvement of refugees. Since then, after every terrorist attack the false news being spread proliferated, turning migrants and refugees into suspects because of their religious beliefs and places of origin, mainly from Muslim majority countries, coupled with the criminalisation of the solidarity work by NGOs •



A couple celebrate having been saved in the Mediterranean aboard the Golfo Azzurro, a rescue boat from the Catalan NGO Proactiva Open Arms. © Salvamento Marítimo.

## ASYLUM APPLICANTS IN THE EUROPEAN UNION



## 4. Refugees in Spain

### 4.1 GLOOMY HISTORICAL NUMBERS

In 2017, Spain recorded a greater number of international protection applicants than any other year since the first Law of Asylum was approved in 1984, reaching 31,120. For the first time, it was the sixth EU country in the number of applications received, ahead of countries with a great tradition of asylum such as Sweden, but still far from the top countries, Germany (222,560), Italy (128,850) and France (98,635).

Venezuela was again the country of origin with the most applicants (10,355), although out of the 1,545 people from that country whose application was decided by the OAR (Spanish Office for Asylum and Refuge), only 15 were granted the status of refugee. The rest were denied this.

In the case of Syria, the second country of origin, the number of applicants rose from 2,975 in 2016 to 4,225. For another year, there were very few people who achieved the status (only 20), despite the proportions of the war that has devastated the country, though it is also true that 3,470 attained subsidiary protection and 150 got a negative reply, which is incomprehensible given the situation in that country.

Whereas in 2017 Spain granted the status of refugee to 595 people (the highest number since 1994), the percentage that received some kind of international protection fell to almost half that of 2016, dropping from 67% to 35% and thus remaining clearly below the European Union's average.

### ASYLUM APPLICANTS BY NATIONALITY IN SPAIN



Another particularly worrying aspect, which has also drawn the attention of the Spanish State Ombudsman, was the accumulation of international protection applications still pending a decision. By the end of February 2018 there were no fewer than 42,025 people affected; another historic record. They mainly came from Venezue-

la (14,995), Ukraine (4,645), Colombia (3,345) and Syria (2,680). Lastly, it is also necessary to sound the alarm about the length of wait to formalise international protection applications in Spanish territory, which last year reached an average of five months, and which has had dire consequences for people •

### FAVOURABLE AND UNFAVOURABLE RULINGS IN SPAIN



## The tragedy of El Tarajal continues...

In 2017, CEAR continued its activity as a party to the case opened following the tragedy on the beach of El Tarajal in February 2014, in which at least fifteen migrants drowned. On 26th January, the Civil Trial Court no. 6 of Ceuta signed the court order closing the case and notified the parties three days later. On 1st February 2018, CEAR lodged an appeal against the order from Civil Trial Court no. 6 of Ceutavia the Provincial Court of Cádiz.

The same day, one of the survivors of the tragedy, Hervé, broke his silence. This young Cameroonian was 22 years of age when he attempted to reach EU territory on 6th February 2014 across the beach of El Tarajal. Even though he did not know how to swim, he was one of the first in a group of about two hundred people who threw themselves into the water to get over the breakwater separating Moroccan territory from Spain. "When we dived in, the police below began to fire tear gas, which started to create foam and drowned many of my companions."

A year later, in April 2015, he managed to reach Tarifa in a small craft. "I knew all of those who died. They were my friends because we spent a lot of time together, nearly three years in Morocco. In that time, some times we tried across the water, others over the fence to enter Spanish territory. [...] For now, I feel a little better to testify, because it's like a tribute to them, and I think that maybe justice will give solace to their parents. Because their parents expect something; I don't know, maybe a letter of commiseration, a letter of apology from Spain for what they did to their children. [...] That's what I believe. What I want is for justice to be done." Hervé has the backing of CEAR, which helped him in submitting his international protection application. His case is pending a decision •



Rescue for eleven people (two possible minors among them) who were taken to Cartagena after their boat was located by an aeroplane from *Salvamento Marítimo* (Sea Rescue & Recovery). © *Salvamento Marítimo*.

## 4.2 FROM THE SOUTHERN BORDER TO THE AIRPORT AT BARAJAS: THE CIEs AND THE STOWAWAYS

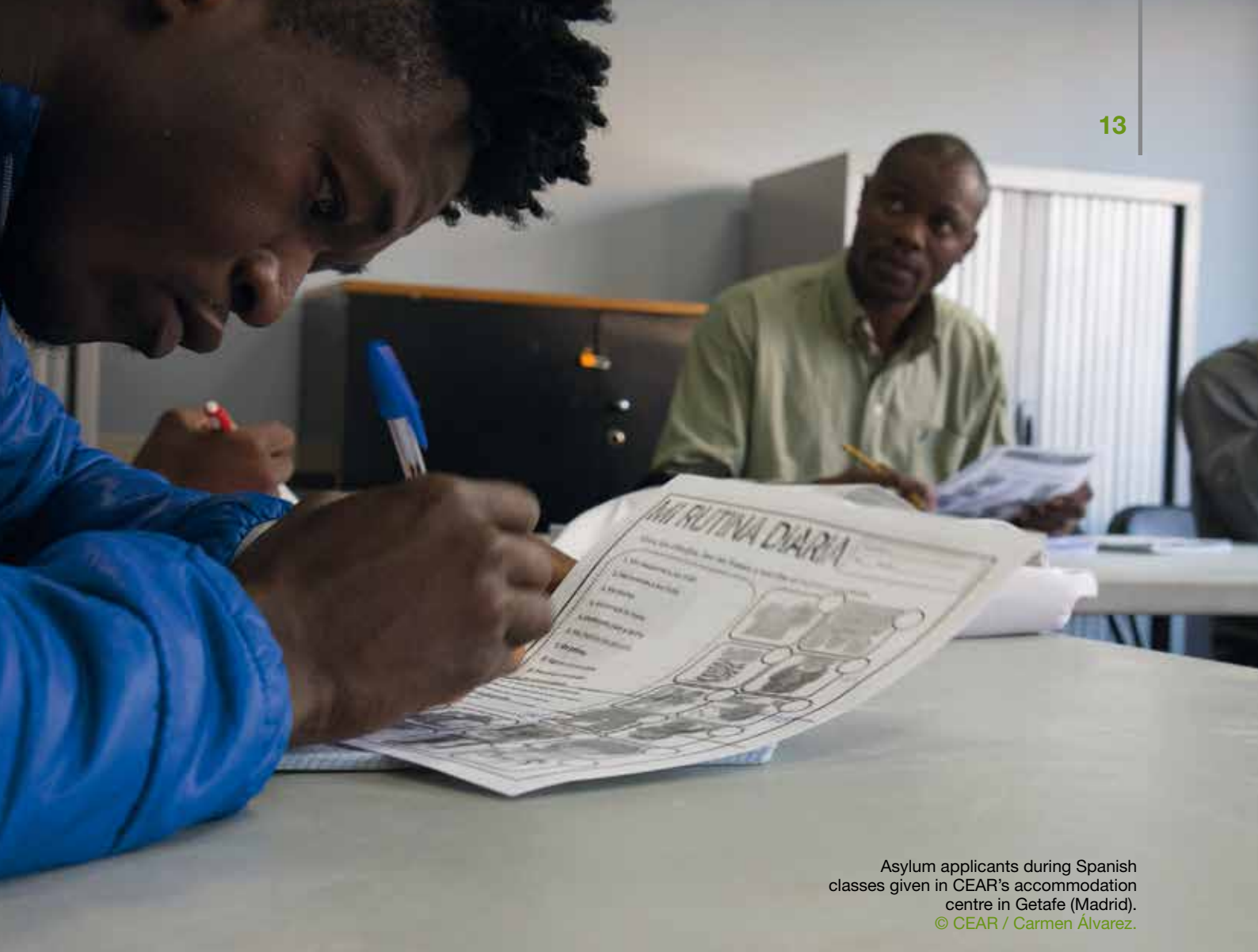
After Italy and Greece, Spain was the third country in the European Union with the highest number of migrant arrivals on its shores in 2017, mainly in the provinces of Cádiz and Almería. As CEAR has explained in its report *Refugees and migrants in Spain: The invisible walls beyond the southern border* (published in January 2018 after a comprehensive study on the ground), the response to the arrival of these people was notable for its improvisation and lack of coordination, as well as some serious shortcomings such as a lack of information on the right to apply for international protection, failure to identify victims of human trafficking and the detention of minors.

As for Ceuta and Melilla, for another year the CETIs (Immigrant Temporary Stay Centres) had to take in many more people than their capacity can hold and the so-called “push-backs” continued with people intercepted at the border perimeter within Spanish territory. This practice is absolutely illegal, as indicated by the European Court of Human Rights in its sentences of 3rd October 2017 in the case *ND and NT versus Spain*. Furthermore, in spite of the jurisprudence from recent years, international protection applicants continued to be forbidden from going to the Iberian Peninsula after their application had been accepted for processing. It is important to point out that the work carried out by CEAR and the

existing jurisprudence in this matter has served to back up the claims for freedom of movement in the Greek islands, where thousands of asylum applicants are trapped.

As for the airport at Barajas, Madrid, there was a considerable rise in the number of applicants and the saturation of the asylum system again became clear, with 14.2% of the cases addressed by CEAR’s legal service being accepted for processing because the OAR did not communicate its decision within the legally stipulated deadline. Furthermore, as the Spanish State Ombudsman also noted, the facilities in Terminal 1 at the airport for accommodating the international protection applicants are insufficient, as are the staff available, especially in the case of children, pregnant women and ill people.

The situation in the Immigration Detention Centres and for stowaways arriving at Spanish ports continued to be particularly worrying for organisations that defend human rights. Although civil society has rallied and despite the support from public institutions at municipal and regional levels, the Government announced the opening of three new Immigration Detention Centres (CIEs) and made a commitment to strengthening a model that deprives human beings of their freedom who have merely committed an infringement of an administrative kind •



Asylum applicants during Spanish classes given in CEAR's accommodation centre in Getafe (Madrid).  
© CEAR / Carmen Álvarez.

### 4.3 RECEPTION AND INCLUSION: CHALLENGES TO BE FACED

The failure to comply with the deadlines laid down by the law to decide on cases and the delay in appointments to formalise the application have led to the saturation of the asylum system in Spain, with the corresponding difficulties for many international protection applicants to enter the Accommodation and Integration System (SAI in Spanish), even though it doubled the number of places from 4,000 in December 2016 to 8,000 twelve months later. The insufficient availability of places also caused tension in matching the applicants' needs to the place granted, with places being allocated without taking into account the existence of support networks for people who may need them.

The experience of persecution and exile, as well as the uncertainty while they wait for a decision on their application, have a very harsh impact on refugees' mental health. Detentions, torture, violence, abuse and violations of human rights in their countries of origin as well as during their journey, lead these

people to show symptoms of stress, mourning, anxiety, depression or post-traumatic stress. Although the SAI bolstered the entities' psychosocial teams, the requirements for addressing applicants and refugees' mental health and psycho-social well-being grew considerably. This makes it very difficult for these people to build a project for their lives within the deadlines set by the SAI.

The general socio-economic context and the characteristics of the asylum procedure certainly do not help to meet this goal, either. The rising price of rented accommodation and the demands made on signing the contract; the difficulties in getting a job in dignified conditions; the uncertainty that goes with the long, winding application process in a country that denied international protection for two out of three people in 2017; and the obstacles to accessing social aid at the regional level after their stay in the SAI ends, all create very complicated prospects for their inclusion in Spain •

## TWENTY PROPOSALS TO STRENGTHEN THE COMMITMENT TO REFUGEES

The following proposals are aimed at encouraging institutional and regulatory changes to improve international protection in Spain and observance and guarantees for the rights of asylum applicants, refugees, stateless people and those in need of international protection.

### PROPOSALS TO IMPROVE THE WORK OF GOVERNMENT AUTHORITIES

1. Establish the necessary means to ensure human rights are observed at border controls and prevent the loss of human life around them, paying special attention to the rise in numbers of people dying over the last year on attempting to reach Spanish shores.

2. A state-level plan of action should be adopted to give a suitable response to the increase in arrivals of migrants and refugees on Spanish coasts, including a unified protocol for action to help improve management of the arrivals by sea, ensuring identification of the needs for protection and referring people to the relevant protection channels. This plan must also include a budget allocation to allow for an increase in the existing material and human means.

3. Ensure suitable and individualised access to information and the international protection procedure at sea and land border points. At the same time, access to legal aid must also be ensured as of arrival, as well as adequate, early identification of people with special needs before they face the State's security personnel, in order to ensure they are properly treated.

4. Adopt effective means of identifying and protecting trafficking victims with participation and assistance from multi-disciplinary teams using an approach based on protecting the victims.

5. Suitable protection for minors should be guaranteed at border and territorial posts so that they are not detained under any circumstances, while ensuring appropriate identification of unaccompanied children and carrying out suitable tests to determine people's age.

6. Recognise persecution by mafias and gangs in Central America in order to grant international protection in line with sentences by the Spanish National Court (Audiencia Nacional).

7. Guarantee adequate standards of quality in the procedure, among other matters avoiding excessive delays in formalising the application and in deciding upon it. In this vein, there are over 42,025 cases that have been delayed without justification and which urgently need to be processed.

8. Set up and start operating safe legal means of accessing the asylum procedure: organising the possibility of applying for asylum in Spanish embassies and consulates, facilitating the issuance of humanitarian visas, complying with the commitments made as regards resettlement and the approval of an ambitious permanent programme of resettlement.

9. Remove the demand for a transit visa for people coming from countries in conflict such as Syria or whose population is suffering from serious human rights violations.

10. Restrictions to asylum applicants' freedom of movement in Ceuta and Melilla should be removed, as well as discretionary and discriminatory criteria for transporting people to the peninsula. A halt to illegal returns or "push-backs" at Spanish borders should be guaranteed.

11. Safe and secure physical access must be guaranteed to Spanish embassies for family members to whom international protection is extended, with proper treatment by all the staff in diplomatic missions.

12. The content of the protected person's international protection application should be taken into account when investigating the case for extending the protection to family members. The person granted international protection and the acting lawyer must be notified in writing of the receipt of the documents submitted in the embassies and of the number assigned for the case for its extension to the family.



Picture of the Iraqi city of Mosul, destroyed by the war that broke out in 2011. © CEAR / Tommy Trenchard. Panos Pictures.

13. To assess the extension of protection to the family, uniform criteria need to be established to accredit that they are relatives and if applicable their situation of dependence or prior cohabitation. These criteria must be adapted to the socio-cultural reality in the families' countries of origin and residence, as well as to their conditions in terms of security and safety. It is also necessary to establish criteria a priori about cases that will require DNA tests (for nationality, lack of identification documents, lack of documents showing family relationships, etc.) in order to streamline their processing from the beginning.

14. Remove the restrictions to family extensions not provided for in the law and which have led to extension applications submitted years ago not being investigated, and streamline the processing for cases for family extensions that are currently being delayed for over a year, both in the OAR and the embassies. This is incompatible with the principle of family regrouping, the right to family life and the humanitarian principle of helping refugees rebuild their lives in the destination country.

15. Defend the stance giving guarantees in the negotiations to reform the Common European Asylum System (CEAS) so that it does not lead to a step back in asylum applicants and refugees' rights.

16. Guarantee there is a flexible, sustainable reception system arranged that ensures all asylum applicants have an effective inclusion process, adapting to our country's changing social and work needs, as well as the relevant means to attend to people with needs.

17. Draw up social protection policies for international protection applicants and refugees, taking into account the rate of unemployment in this population, the level of people at risk of poverty and exclusion, and an evaluation of existing resources, necessarily considering an increase in the current

budget earmarked for the social protection system, in order to ensure suitable, effective social protection.

It is also essential to ensure that plans for integration, social coexistence, equality and tackling discrimination are drawn up and implemented.

18. Political uncertainty should not be allowed to affect the agenda for asylum or refugees, while avoiding criminalising them in political discourse in the upcoming European, regional and local elections

## LEGISLATIVE PROPOSALS

19. The Asylum Regulations, which have been delayed for almost nine years, should be approved, taking into account the contributions made by specialised non-governmental organisations. This delay is creating great difficulties for aspects that are very important in applying them, such as family regrouping, applications made in diplomatic missions, applying the deadlines in border procedures and in the CIEs, and the criteria as regards humanitarian reasons. It is also necessary to correct the lack of mechanisms and implementation of Article 46 of the Law on Asylum as regards people in special situations of vulnerability and the need to treat them differently; which today is still inexistent.

20. Withdraw Additional Provision Ten from the Aliens Act, which places the right to asylum at serious risk as it does not take into account the due procedures and guarantees by which the new concept of "rejection at the border" will be implemented. Many people who warrant international protection under this law are still being illegally expelled to Morocco, where their lives are in danger, without access to the asylum procedure. This is a serious breach of international and European regulations.



Rohingya refugees crossing the border between Myanmar and Bangladesh on 9th October 2017. © ACNUR / Roger Arnold.

***We present our sixteenth Annual Report at a crucial time for the right to asylum and refugees, given that by 30 June 2017 there were over seventy million forcibly displaced people around the world. We are facing the biggest exodus ever known in the history of humanity.***

***The upsurge in the conflicts in Syria, South Sudan, the Central African Republic, Afghanistan and the Democratic Republic of the Congo, in addition to the repression against the Rohingya minority in Myanmar which continues to increase, together with the long exile of the Palestinian people aggravated by the recent spiral of violence, present a world scenario that demands a greater, more resolute commitment to defending the right to asylum and the protection of refugees. [...]***

***In 2017, there were 31,120 people who applied for international protection in Spain. This is by far the highest number reached in one year. For the first time, we were among the six European Union countries that addressed the most applications.***

***Although the Government granted the status of refugee to 595 people (the highest amount since 1994 at the height of the war in former Yugoslavia), we are very concerned about the noticeable fall in the percentage of positive decisions: whereas in 2016 the people whose cases were given a positive decision resulting in the status or else subsidiary protection came to 67%, last year the share dropped to almost half that at 35%. [...]***

***The challenge that gave rise to this organisation nearly forty years ago is more pertinent than ever. The world has changed in ways we could not even conceive, but millions of people on the five continents continue to flee from wars, from persecution, from violence, from human rights violations, from the effects of climate change... They almost always end up trapped in borderland regions due to the absence of legal, safe means to access international protection in a reception country that may offer them greater assurances to rebuild their lives...***

*From the prologue by Carlos Berzosa, the president of CEAR*