

2015 Report: Situation of refugees in Spain and Europe. Executive Summary



CEA(R)

Comisión Española
de Ayuda al Refugiado

REFUGIADOS





A Syrian refugee stares at the Aegean Sea from Izmir (Turkey), one of the main departure points on the route to Greece. © UNHCR. © ACNUR.

Executive Summary

2015 Report

Situation of refugees
in Spain and Europe.



1. Introduction.



Syrian asylum seekers about to be transferred to Peninsular Spain from the port of Melilla. © Juan Medina



This thirteenth edition of CEAR's (Spanish Commission for Refugees) Annual Report analyses the reality of refugees worldwide, in the European Union and especially in Spain. By the end of 2013, 51.2 million people –the highest number since the end of World War II– were living far from their homes due to persecution, war and violations of human rights. Caught up in a bloody civil war for four years now, in 2014 Syria became the world's top source country of refugees and internally displaced persons. Neither Spain nor the European Union are offering a supportive response to the tragedy that is living this and other countries in conflict.

Sealing the borders in Southeastern Europe is forcing refugees to risk their lives through dangerous clandestine journeys that have turned the Mediterranean Sea into a mass grave: in 2014 only, 3,419 migrants and refugees drowned when trying to reach Europe. Last year Spain barely processed 0.95% of the 625,000 asylum applications received in the European Union as a whole, and even though this meant 1,585 persons were granted some form of international protection, Spain's contribution was definitely not enough. The Asylum and Refuge Office (OAR, abbreviated in Spanish) applies the grossly misnamed "principle of prudence" to applications from Ukrainian or Malian nationals, whose processing is postponed for long periods of time.

Serious flaws persist in the asylum procedure, such as the accelerated refusal of applications made at border crossing points or Detention Centres for Foreigners (abbreviated as CIE in Spanish), or the execution of removals regardless of ongoing judicial appeals against decisions of inadmissibility or refusal of applications •



2. Refugees in the world.



Kurdish refugees going from Syria to Turkey. © ACNUR / I. Prickett.

By the end of 2013, over 51 million people worldwide had been forced to flee their home due to war, violence and violation of human rights. This is the highest figure since the end of World War II. Out of the 51.2 million people recorded by the UNHCR, 16.7 million were refugees, 33.3 million were internally displaced persons and nearly 1.2 million were awaiting a decision on their application for international protection.

In 2014, the number of asylum seekers in the 44 most industrialized countries set a two-decade record, reaching a total of 866,000 applicants –45% more than in 2013. 60% of applications were lodged in only five countries: Germany, United States, Turkey, Sweden and Italy.

UNHCR latest data at the moment of closing this report placed Syria as the world's top source

country of refugees (3.5 million) and internally displaced persons (6.5 million). After four years of civil war, more than half of Syrian population has left their home. Current situation in Palestine and Iraq also contributes to make the Middle East the most troubling region in the planet. The international community response so far has been completely inadequate.

Civil war in Ukraine has resulted in the first large human exodus in Europe since the end of the last Yugoslavian wars, mainly towards Russia. In February 2015, the conflict had forced the displacement of more than one and a half million people in need of urgent humanitarian assistance •



Refugee from South Sudan. © ACNUR / C. Tijerina.

The largest exodus since the end of World War II

Out of the 51.2 million people living far from their homes by the end of 2013:

- 16.7 million were refugees. Out of those, 11.7 were under the mandate of UNHCR and 5 million were Palestinian refugees
- 33.3 million were internally displaced persons
- 1.2 million were awaiting a decision on their asylum application

During the first quarter of 2014, Syria became the world's top source country of refugees, with 3.5 million.

Source: ACNUR.

3. Europe and refugees.

Much still remains to be done to attain a Common European Asylum System that is fair and effective both legislatively and in practice. During 2014, differences persisted among EU member States in the processing of asylum applications, the amount of applications processed and admitted, and the reception systems. The transposition process for the relevant EU Directives is not even complete in many States.

At the same time, the Common European Asylum System is becoming a mirage as people in need of international protection cannot reach the European Union and benefit from this system as a result of the border shielding cast-iron policy.

In 2014, 625,000 people applied for asylum in the European Union. One third –202,645 people– applied in Germany; 81,180 in Sweden; 64,625 in Italy; 62,735 in France and 42,775 in Hungary. In Spain,

only 5,947 people applied for asylum. Bulgaria, Sweden, Cyprus, Malta and Denmark were the countries granting some kind of international protection to a highest proportion of applicants.

The Mediterranean Sea was again a cemetery for thousands of persons fleeing conflicts and persecution and wishing to find a place to live safely and be protected. Faced with this almost daily tragedy, the European Union chose once more to shield its borders in an attempt to avoid arrivals. An example of this cast-iron policy is the fortressing of borders in Bulgaria, Greece and Hungary through fences, police operations and violence in the context of border control, illegal returns and poor access to the asylum procedure.

So as highlighted in our previous annual reports, the same spirit remains after a decade: the EU focuses on funding complex border surveillance and control



Two women, mother and daughter, forcibly displaced within Ukraine due to civil war.
© ACNUR / A. McConnell.



A Syrian asylum seeker under arrest in Hungary after crossing the border clandestinely.
© ACNUR / Kitty McKinsey.

systems, financially supporting Member states to reinforce their borders, and entering into cooperation agreements with neighbouring countries (Morocco, Turkey or Ukraine) –turning them into *gendarmes* for Europe– and readmission agreements with origin and transit countries with the aim of forcing those who reach the EU to go back.

However, as the causes of human displacements persist and the EU migration policy keeps focusing on sealing borders, the number of persons arriving through these perilous routes and losing their lives in the attempt will not stop increasing. It is thus urgent to drastically change EU policies to prioritize refugees and migrants' rights, tackling causes and consequences of forced displacements in a solidary and shared way, and guarantee access to international protection for refugees through safe and legal channels, including legal counsel and a decent reception system respecting the standards agreed at a European level •

Asylum applicants in the European Union in 2014

- Total in the 28 member States: 625.000.
- Germany: 202.645.
- Sweden: 81.180.
- Italy: 64.625.
- France: 62.735.
- Hungary: 42.775.
- United Kingdom: 31.745.
- Spain: 5.947.*

*Spain ranks 14th among the 28 EU member States

Sources: Eurostat and, for Spain, Subdirectorato General for Asylum, Ministry of the Interior.

4. Refugees in Spain.

1. Spain received only 0.95% of the asylum applicants in the EU.

Once again, the number of people that were able to request asylum in Spain this year was very low: only 5,947 people, 0.95% of the total in the 28 EU countries. Since the first Asylum Act was passed in 1984, as few as 180,586 people have accessed this procedure, far from the 202,645 that entered it in Germany only in 2014.

Syria and Ukraine were the two countries of origin with the greatest number of asylum seekers: 1,679 and 946 respectively. In the case of Syria, this figure more than doubled the one from 2013 (725). Last year's civil war in Ukraine explains that for the first time, a significant amount of individuals from this country requested international protection in Spain. For applications by Ivorian and Malian nationals, the Asylum and Refuge Office applied, as in previous years, the so-called "prudence principle", adjourning its decisions until verifying the conflict's evolution, which perverts the nature of the procedure.

By province, Madrid was again the province receiving the highest number of applicants (1,861), followed by Barcelona, Melilla, Valencia and Ceuta. The remarkable increase of applications in Melilla (from 41 in 2013 to 539) results mainly from the asylum office at Beni-Enzar border crossing point, which was opened in November 2014. The new

possibility to lodge an asylum application at a border crossing point explains why such applications tripled (from 381 in 2013 to 1,033). 587 people requested asylum at a CIE; 3,961 in national territory and, finally, 314 people requested family extension of the refugee status in a Spanish embassy.

During 2014, a legal cause was opened to investigate the death of fifteen persons when they were trying to reach El Tarajal beach in Ceuta, on February 6. When closing this report, the cause was still open. On February 10, 2015, sixteen Guardia Civil (Spanish Civil Guard) officers were called upon to testify before the Local Court No. 6 of the enclave.

At the same time, the Popular Party group in the Parliament brought forward an amendment to the Public Security Act –that was finally passed at the Congress of Deputies on March 26, 2015–, aiming to legalize unlawful push backs to Morocco of migrants irregularly entering the cities of Ceuta and Melilla, a practice that has been condemned by nongovernmental organizations and especially by the Council of Europe Commissioner for Human Rights. Summary returns at the border, with no procedure or guarantee whatsoever, are a serious threat for the right of asylum.



Several refugees point to Ceuta and the Strait of Gibraltar from Morocco. © CEAR.

2014: Spain and refugees in figures

- In 2014 5,947 people requested international protection in Spain, only 0.95% of all those who applied in the EU.
- The seven countries of origin with the greatest number of applicants in Spain were Syria (1,679), Ukraine (946), Mali (620), Algeria (309), Palestine (130), Nigeria (161) and Pakistan (144).
- Out of the 5,947 persons who requested international protection, 3,961 lodged their application on Spanish national territory; 1,033 at a border crossing point, and 587 at a detention facility (CIE). 314 were what the Asylum and Refuge Office (OAR) records as “requests at embassy”, which are not new applications, but requests for family extension of the refugee status or subsidiary protection already granted to an applicant’s relative in Spain.
- Madrid was, once again, the leading province with 1,861 applicants, followed by Barcelona (690), Melilla (539), Valencia (473) and Ceuta (392).
- 37.4% of the asylum applications submitted through the border procedure (which applies also in detention facilities) were rejected directly.
- In 2014, the OAR granted a refugee status to 384 people (122 from Syria), subsidiary protection to 1,199 (1,040 from Syria) and only two residence permits on humanitarian grounds (to one man and one woman from Algeria). 2,029 international protection applications were refused.
- 89,815 people were granted a refugee status in the 28 EU countries. Only 384 were granted this status in Spain. 33,310 in Germany. 12,020 in France. 10,245 in Sweden. 8,990 in the United Kingdom.

Sources: Spain Subdirectorato General for Asylum and Eurostat.



African musicians during the opening event of the CEAR reception centre in Getafe (Madrid), and some of the residents that live there at the moment. © CEAR.



In 2014, again a small proportion of people detained at a Detention Centre for Foreigners (CIE) applied for international protection (8%), even though most of them came from countries where human rights are violated systematically. In some of the seven existing CIEs, practices persist hindering access to the right of asylum. The same happened to stowaways who reached Spanish ports: only five of them could, with great difficulty, request international protection.

2. Obstacles in border procedures.

Since the new Asylum Act entered into force in 2009, an international protection application that is lodged under the border procedure –at a border crossing point or a detention centre– is much more likely to be refused for processing or rejected than an application submitted in national territory. Applications accepted for processing under the border procedure were mainly those by nationals from specific countries (Syria, Palestine, Iraq or Central African Republic), nearly reaching 100%. However, for most other nationalities, hardly 10% of the applications were accepted.

Additionally, short time limits for accepting applications in the border procedure, and celerity in executing returns to the country of origin in case of a rejected application make it very difficult for international protection applicants to seek an effective remedy. Appealing a refused for processing or rejected application at the border does not suspend the return. If the concerned person wants his/her

return to be suspended, he/she must also seek protective measures due to extreme urgency, which are usually denied.

3. Granting of international protection increases due to Syrian applications.

In 2014, Spain granted international protection to 1,585 people, the highest figure recorded so far. 384 were granted a refugee status, 1,199 obtained subsidiary protection and two Algerian nationals were provided with a residence permit on humanitarian grounds. Spain's Inter-Ministerial Commission for Asylum and Refugee Status (CIAR, abbreviated in Spanish) rejected 2,029 applications for international protection, i.e. 56.1%. These figures are obviously determined by decisions taken over cases from Syrian applicants: 122 out of the 384 persons that were granted a refugee status came from Syria, as well as 1,040 out of the 1,199 that were given subsidiary protection. By contrast, only 35 refugee status were granted to persons coming from Africa. Likewise, 377 persons were recognized as stateless, mainly from West Sahara.

Meanwhile, despite progress in the European case law analysed in previous CEAR annual reports, in 2014 Spanish courts maintained their traditional consent to the Ministry of the Interior's decisions on asylum applications: only one judgement rectified a decision rejecting an international protection application.



The European Court of Human Rights, however, showed a particular awareness towards refugees. On April 22, 2014, the Court gave a judgement condemning Spain for violating Article 13 of the European Convention for the Protection of Human Rights and Fundamental Freedoms. This decision followed CEAR's thirty appeals against the removal of several Sahrawi persons that had had their applications for international protection rejected in spite of a positive recommendation from UNHCR. CEAR requested the suspension of returns for the duration of the proceedings of such appeals before the Audiencia Nacional (National High Court). The suspension not being accepted, CEAR took the case to the ECtHR. The ECtHR's judgement accepted, at the highest European judicial level, CEAR's recurring criticism to the border procedure and the extremely restrictive court decisions when assessing the risks of the return, as appeals do not have a suspensive effect.

Lastly, in 2014 there was some progress in the processing of asylum applications by victims of human trafficking, such as the automatic activation of the Framework Protocol for Protection of Victims of Human Trafficking. Some flaws persisted, however, that had already been spotted in previous years: e.g., different criteria being used in border crossing points and detention centres compared to those used for processing and resolving on applications lodged in national territory. Nevertheless, Spain has not yet recognized human trafficking as a reason to grant international protection.

Andreyi, from Ukraine to Spain

Andreyi was born in the eastern Ukrainian town of Donetsk, where he studied and got married. When he reached the age of military service, he was exempted from being drafted due to some back problems. His doctor issued a document discharging him from this military obligation... as long as there was no war. Today, in the middle of the Ukrainian conflict, both sides try to draft all men in the area, from as young as 20 and up to 60. Andreyi refused to participate in the conflict, risk his life or shooting other people.

Combats began on May 2014. Ever since, he could no longer work, so he hid at home with his wife and children. They could see how fighting was coming closer, and heard shootings at night. Andreyi and his family would see dead people laying on the streets and houses burnt down by both the army and the militia; they would suffer power and water cut-offs, as well as tremendous trouble in their daily subsistence. All this made them decide to leave Donetsk. They first moved to the capital, Kiev, but the situation there was extremely difficult and dangerous, since they were considered as enemies by the Ukrainian population due to the fact that they came from Donetsk and spoke Russian. They requested the visa that they could get the quickest, which was for Poland. However, having direct relatives in Spain, they decided to use their visa to travel to this country and apply for asylum. Their application has been accepted for processing.

Nelson's journey

Nelson is a Christian and lived with his family in Maiduguri, a Muslim-majority city in northern Nigeria. Two years ago he started being threaten and pressured by Islamic radicals to either convert to Islam or leave the city. Pressure increased and he and his family suffered several assaults by Boko Haram members, who even cut off his father's hand. Even though they reported these events multiple times, Nigerian police took no action, as they are unable to protect civil population against Boko Haram increasing violence. After receiving several threatening letters urging him to either convert to Islam or leave the city, a bomb exploded at his home, killing his parents, wife and son. Nelson was out at the time of the explosion. It was his neighbours who told him what had happened.

Fearing that Boko Haram will persist in carrying out their threats against him, he decided to go into exile. He contacted a smuggler who, in exchange for a hundred thousand Nairas (around five hundred Euros), gave him some false documents and a plane ticket to Madrid, where he aimed to apply for asylum.

Afraid and still in shock by his family's death, at Madrid-Barajas airport he handed over the passport that he had gotten from the smuggler. The police officer examined his passport and asked him to go to a room where, assisted by a counsel and an interpreter, he was informed that his entrance to the country was refused due to his carrying a false passport. In that moment, Nelson expressed his wish to request international protection, by fear of being persecuted for religious reasons by Boko Haram, and by the inability of the Nigerian State to protect him.

Nelson's case, assisted by CEAR in 2014, was rejected twice by the Ministry of the Interior after the initial application and the second examination, on the grounds that Nigeria's inability to protect him was not such, and that Nelson's statement did not fit the reasons for seeking international protection. The UNHCR, however, recommended that his application be accepted for processing. Nevertheless, Nelson was returned to his country only one hour after learning the last decision rejecting his application for international protection, leaving him no time to even appeal such decision.

4. The economic crisis strikes refugees.

In 2014 the number of people seeking international protection, and the number of people benefitting from this protection significantly rose in Spain. But it was not the case for public funding. Budget cuts in public policies held back once again the social and labour integration process for asylum seekers and refugees in Spain, already a particularly vulnerable group per se. Language and cultural differences, lack of work experience or education compliant with Spain's labour market needs, absence of social or family networks and obstacles in accessing the social protection system due to their particularities require an amount of public funding that has been reduced to the minimum since 2008.

Reception facilities for international protection seekers are overloaded. Unemployment and extreme job insecurity and poverty have especially hit these persons. Trouble having their diplomas or professional skills recognized also make their labour integration process harder. Job placement is essential for them to achieve a personal autonomy and start overcome trauma from persecution.

On a different note, Spain's Government delivered, on May 2015, on its agreement to resettle 260 refugees from Syria. The Government also reacted to the sudden arrival of more than 1,200 migrants to the Cadiz coast between August 11 and August 13, 2014 and, through an effective coordination effort by social organisations managing the Humanitarian Assistance to Migrants Programme, it applied the necessary measures to make their assistance possible •



Sahrawi womens in Tindouf camps (Algeria).

The European Court of Human Rights' landmark decision

On its judgment of April 22, 2014, the European Court of Human Rights (ECtHR) reaffirmed the principles contained in Article 13 of the European Convention on Human Rights, establishing that, based in the rights and freedoms set forth in the Convention, a remedy shall be available and effective, both in practice and in Law. This means that the exercise of the remedy may not be unreasonably hampered by act or omission by the authorities of the respondent State.

The ECtHR ruled that an appeal lacking an automatic suspensive effect does not comply with the effectiveness requirements in Article 13 of the Convention, all the more so when, in this case, the removal exposed the applicants to a real risk of violation of their right to life under Article 2 of the Convention. The Court also held that, as the applicants' appeal was pending a decision on the merits before the domestic courts, the role of these was to confirm the existence of effective remedies protecting the applicants from being returned to their country of origin. It was highlighted that fears expressed by the applicants were not irrational or demonstrably groundless, based both in the general situation in occupied Western Sahara after the dismantling of the Gdaim Izik camp and in the particular conditions of each applicant. Additionally, the

Court confirmed that there were enough elements to adjourn the decisions made by the Administration until the national courts had comprehensively and fully examined the application grounds.

In its judgment, the ECtHR also assessed the accelerated asylum procedure followed for applications lodged at border crossing points and detention facilities, and established that, even though this mechanism makes easier to process manifestly abusive of groundless applications, it should not lessen the effectiveness of the essential procedural safeguards protecting applicants from their removal, in this case to Western Sahara, a territory illegally occupied by Morocco. The urgency of the procedure made it impossible for applicants to provide proofs of their situation in order to suspend their return, which would have been executed had the ECtHR not interceded. The judgment ended by reproving the excessive length of the legal proceedings after verifying the applicants' temporary situation of legal uncertainty and precarious material conditions while waiting for a final decision on their appeals, and claimed for prompter proceedings, failing which may result in losing the efficacy of the remedy •

5. Proposals to enhance protection for refugees in Spain.

The following proposals are aimed to promote regulation and institutional changes improving access to international protection in Spain, as well as easing the integration process for refugees, asylum seekers, stateless persons and persons in need of international protection.

A) PROPOSALS TO IMPROVE GOVERNMENT AUTHORITIES' ACTION

1. **Implement the appropriate measures to ensure human rights are respected and avoid the loss of human lives at the borders**, in particular preventing the use violence and withdrawing the measures and mechanisms putting migrants and refugees' lives at risk, such as the concertina wire installed at the border in Ceuta and Melilla.
2. **Guarantee the end of illegal pushbacks of persons who reach Spanish borders and ensure that the non-refoulement principle is respected**, making sure these persons are not rendered to countries where their life is at risk or where they could suffer punishment or inhumane or degrading treatment, and facilitating access to the international protection procedure in accordance to the Spanish Constitution and international treaties and agreements signed by Spain.
3. **Guarantee access to the international protection procedure at all border premises** and appropriate professional training for all stakeholders involved, in order to ensure the quality of the procedure and access to legal assistance in all cases.
4. **Approve the necessary measures to regulate access of NGO staff to border premises, detention centres (CIEs) and vessels in the case of stowaways.**
5. **Amend the instructions regarding stowaways in force since 2007**, as to include legal assistance for these persons since the moment they reach a Spanish port.
6. **Ensure that border facilities meet the standard living and health conditions** (natural light and ventilation, accommodation and specific-use areas, etc.) and can offer essential services necessary to detained people.
7. **Guarantee an impartial assessment of international protection applications based on the Country of Origin Information (COI)**, making sure that decisions refer to the information and sources used, and include the detailed and individual reasons and criteria for the specific decision.
8. **Create an expert panel with sufficient budget allocation allowing the operation of a permanent office in charge of writing regular reports on countries** in accordance with the COI guidelines, and issuing opinions on specific subjects or cases submitted to the panel by the parties involved. The composition of this panel should observe gender parity and include a representative from each relevant Ministry and from civil society organisations working to defend the right of asylum.
9. **Ensure that the nationality test, where used, is in line with the concerned person's particular circumstances.**
10. **Increase the number of interviews made to international protection seekers at the screening stage.**
11. **Guarantee access to Peninsular Spain to asylum seekers in Ceuta and Melilla whose application is**



A young African man at the Melilla Centre for Temporary Stay of Migrants. © Juan Medina.

accepted for processing. Restriction to the freedom of movement of asylum seekers in Ceuta y Melilla –except for Syrian nationals– is a discriminatory measure resulting in a lot of persons in need of international protection not lodging an application, and others withdrawing their request and risking their lives trying to reach Peninsular Spain through unsafe routes.

12. Complete the investigation of cases that are repeatedly and unreasonably adjourned, as seen for Ukrainian, Malian and other nationalities. Some cases –sometimes from 2008 or 2009– are not resolved upon in expectation of the situation in their country of origin to improve. Statelessness cases must also be investigated, such as the Sahrawi cases, which have been adjourned since 2008.

13. Enforce the Supreme Court of Spain's jurisprudence in terms of international protection applications at border crossing points and CIEs. This case law urges the Asylum and Refuge Office to be “prudent and restrictive” when rejecting an application, considering the serious impact of such a rejection for the interested person. Despite the existing case law relating this matter, asylum applications at the border are still being rejected at a high proportion.

14. Acknowledge sex trafficking in human beings for sexual exploitation as a cause for gender-related persecution and a reason for granting asylum.

Trafficking for sexual exploitation is a modern form of slavery and the most serious representation of the commodification of bodies. Yet only four victims of sex trafficking have been recognized as refugees at the administrative stage.

15. Stop returns of nationals of unsafe countries or countries where persecution risk persists, such as Mali or Nigeria.

16. Ensure that not one person is returned, under the Dublin Regulation, to a country that does not guarantee a fair and effective protection and reception system. The existence of family ties must be especially taken into account in these procedures.

B) LEGISLATION PROPOSALS

17. Reform the Asylum Act as to include the requirements to access the procedure for those who wish to apply for international protection at a Spanish diplomatic mission (embassies and consulates). We are concerned about Article 38 of the Asylum Act,

suppressing direct access to international protection through embassies and consulates and thus resulting in a regression compared to previous regulation. This Article means that persons in need of international protection can only seek asylum if they are granted a visa, which is subject to the consular officials' discretion. A definition of the requirements to access protection is therefore needed in the Asylum Act. It is also key to preserve the possibility –established by the Regulation currently in force– of emergency transfers to Spain, at the suggestion of UNHCR, when individual refugees recognized under its mandate are in a situation of high risk or particularly unprotected in a third country.

18. Approve the Regulation of Asylum taking into consideration the contributions already made by specialised nongovernmental organisations. The delay –of five years now– in the approval of the Regulation is making some key issues extremely difficult to solve, such as family reunification, already-mentioned applications at diplomatic missions, time limits in procedures at border crossing points and detention centres, and criteria for humanitarian grounds. It is also necessary to rectify the poor elaboration of Article 46 of the Asylum Act regarding people in particularly vulnerable situations and their need of a differentiated treatment, which is currently nonexistent.

19. Transpose and consistently enforce the new EU regulations on asylum that were passed on June 2013, especially the Directives on reception and common procedures. In order to do so, it is crucial to reinforce cooperation with other member States, UNHCR and the European Asylum Support Office (EASO) in order to avoid inequalities towards asylum seekers and refugees and guarantee them an appropriate protection.

20. Guarantee the right to be granted international protection in Spain for EU nationals when they meet the requirements established in the Geneva Convention.

21. Promote the passing of a comprehensive act against trafficking that is based on a human rights approach, making Spain comply with its duty of protecting victims.

22. Pass an act regulating statelessness in order to build a **global framework for this form of international protection in Spain, which to date is limited to a regulatory status. For the Regulation currently**

in force, we believe amendments should be implemented as to:

- Grant a work permit and access to social benefits to persons seeking a stateless status.
- Introduce a family reunification procedure for stateless persons considering their particular status.
- Provide a more favourable treatment regarding laws on aliens through the issuance of a travel document and a residence visa by the Spanish diplomatic authorities in the country of origin.

23. Withdraw the Tenth Additional Provision to the Aliens Act that gravely threatens the right of asylum as it does not include any due procedure or guarantee in the execution of the new mechanism of “rejection at the border”. According to this provision, many persons who should benefit from international protection will continue to be unlawfully expelled to Morocco, where their lives are at risk, with no chance to access the asylum process. This is in fact a serious violation of the EU and international laws.

24. Remove the requirement regarding the circumstances in the country of origin contained in the Asylum Act for cases of gender-based persecution. Unlike for other causes of persecution (ethnic identity, religion, nationality, ideology, membership in a given social group and political views), the Asylum Act specifically states that gender or sexual orientation alone cannot result in persecution, but that this persecution is subject to the above-mentioned circumstances, which is an act of discrimination.

25. Create a mechanism allowing the hearing of specialised nongovernmental organisations in the investigation of cases assessed by the Interministerial Commission for Asylum and Refuge (CIAR).

26. Include in the future Regulation of Asylum a channel facilitating regularisation of those who are finally not granted international protection and taking into account their time of regular stay in Spain as applicants, the time they have worked and paid social security contributions and the likelihood of them maintaining their job or finding a new one.

C) RECEPTION AND SOCIAL AND LABOUR INTEGRATION

27. Ensure the operation of reception systems ensuring that all asylum seekers have a decent life, and adapting to the changing social and labour

needs in Spain; make the relevant resources available to serve people in particularly vulnerable situations or with special needs.

28. Amend and broaden the existing social protection system for international protection seekers and refugees, ensuring the coverage of a minimum guaranteed income, reinforcing active education, labour and social services policies, as well as participation by different actors involved, and enhancing territorial cohesion and coordination between central Government, regional and local authorities at all levels.

29. Develop social protection policies for international protection seekers and refugees based on three objective indicators: unemployment rate for this population group, proportion of persons at risk of poverty and social exclusion (focusing on child poverty within this group) and assessment of existing resources, considering the need of increasing current budget allocated to the social protection system in order to ensure an appropriate and effective protection.

30. Secure the development and implementation of integration, coexistence, equality and non-discrimination plans. To this purpose, the Government should provide all necessary resources to avoid the suspension of integration plans at the local or regional level.

31. Foster and strengthen, at the Government level, the participation of third-sector social organisations in the development, implementation, monitoring and evaluation of integration, coexistence and social cohesion policies.

32. Facilitate the recognition of academic diplomas taking into account the particular difficulty for asylum seekers and refugees to comply with current requirements. In addition to the usual difficulties in the procedure (legalisation of certificates, translation, etc.), which may delay the procedure several years, these persons face the obstacle of getting their official documents from their countries of origin when they have fled persecution.

33. Develop new measures relating job placement that do not result in the privatisation of these services. It is imperative to increase the budget allocation to public employment services in order to provide job placement functions at a public level.

34. The Government should promote statistical analyses on labour integration of international pro-

tection seekers and refugees based on reliable indicators, as an essential tool to develop and assess specific measures towards this population.

35. Construct discourses and spread messages favouring coexistence in order to eradicate xenophobe and racist prejudices and to promote values of hospitality, solidarity and respect for human rights.

36. Stimulate a global debate on asylum, migration and forced displacement, supporting development of information and awareness-raising campaigns on refugees and their particularities.

37. Implement specific measures aimed to prevent discrimination in the workplace of refugees and asylum seekers.

D) URGENT ACTION PROPOSALS IN CASES OF HUMANITARIAN CRISES RESULTING IN LARGE FORCED DISPLACEMENTS OF PERSONS

38. Activate the necessary protection instruments in case of humanitarian crises and launch the immediate assistance mechanism in the case of mass influx of displaced persons provided for in the Temporary Protection Directive and in the Royal Decree 1325/2003.

39. Suppress the transit visa requirement for people from countries in conflict, such as Syria, or whose population suffers grave violations of human rights. Airports are the only safe way to access international protection in Spain for people fleeing Syria. Alternative routes, whether by sea or land, are extremely perilous. Since 2011, the Government requires an airport transit visa to Syrians, blocking this way of arrival and consequently their possibility of seeking asylum in Spain.

40. Increase annual resettlement places for refugees, providing them with a sufficient budget allocation, and take a much increased responsibility regarding humanitarian crises such as the one that is currently hitting Syria. We also believe that it is necessary to identify persons that are in particularly vulnerable situations (due to health or mental conditions, age, family composition, etc.) and work towards the creation of a European resettlement programme •



Ivorian young men make gestures to the Guardia Civil officers who intercepted them in their attempt to pass through the Melilla border.
© Sergi Cámara.

We introduce our thirteenth Annual Report deeply distressed by the ongoing Mediterranean tragedy. Driven by its pointless fixation about closing the borders to refugees, the European Union has condemned the “wretched of the Earth” to increasingly perilous journeys in their attempt to escape from war, humanitarian crises and violation of human rights. Fleeing, in other words, the complex conflicts that are turning the 19th century into the century of refugees. On April 18, 2015, more than eight hundred women, men and children drowned in the Strait of Sicily. They were sailing on an overloaded boat off the Libyan coast and heading to Italy. They came mainly from Eritrea, but also Syria, Somalia, Sierra Leone, Mali, Senegal, Gambia, Ivory Coast and Ethiopia. Only 28 persons survived. This is not an isolated event. It is a tragedy that goes on almost every day and that, in the last fifteen years, has claimed the lives of over

22,500 people. According to UNHCR, in 2014 alone, 218,000 refugees and migrants crossed the Mediterranean Sea and at least 3,419 died. (...)

Over the recent weeks, CEAR has highlighted once again the need to develop a new European asylum and migration policy based on the essential priority of protecting human rights. This policy must ensure access to the right of asylum for refugees through legal and safe channels, and address the root causes of forced displacements of people. With our latest campaign motto, “Don’t let the Europe of values sink in the Mediterranean”, we have encouraged civil society to sign a call for the European Union. This call includes strong and very specific proposals leaving behind the usual rhetoric around recurrent tragedies and providing with solutions that should prevent these from happening again...

*From the preface by Carlos Berzosa,
CEAR President*

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