

2019 REPORT: Refugees in Spain and Europe EXECUTIVE SUMMARY



CEA(R)

Comisión Española
de Ayuda al Refugiado

Handwritten graffiti on a wall, including names like "Antonio", "Robis", "SANCHEZ", "PACIELA", "SANCHEZ", "JOHN ANTONIO", "JOHN CRISTIAN", "GABRIEL", "YANIS", "SANCHEZ", and "SANCHEZ".



A Venezuelan refugee walks down a passageway in the house of a displaced Colombian woman accommodating her as well as another five Venezuelan families in the Las Delicias community in Cúcuta. © UNHCR/Fabio Cuttica.

Front page image: Poster for the CEAR exhibition *40 years of refuge. Asylum in Spain*, painted by Ricardo Cavolo, which was displayed in Caixa Forum Madrid from 20 March to 21 April 2019. © CEAR.

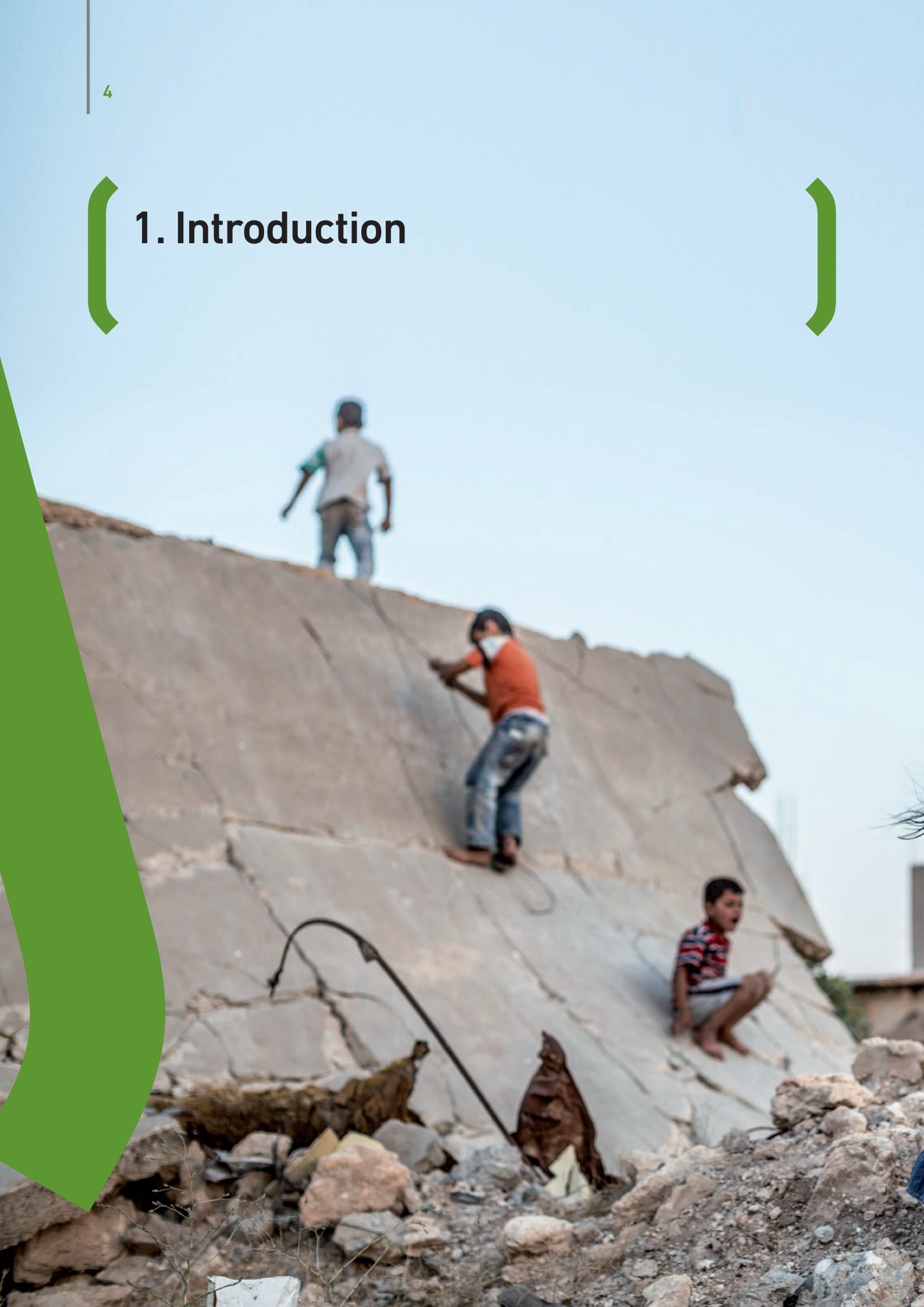
Executive summary

2019 Report

Refugees in Spain and Europe



1. Introduction



Children play in the ruins of their home in Kobani (Syria), a city that was occupied by Islamic State in 2015, forcing thousands of people into exile in Turkey. After the city was recovered by the Kurdish YPG, the inhabitants found 80% was in ruins. © Pablo Tosco.



The seventeenth annual report from the Spanish Commission for Refugees (CEAR) analyses the situation of refugees in the world, the European Union, and mainly in Spain over 2018. On 30th June 2018, according to data from UNHCR there were 70 million people who had been forcibly displaced as a result of conflicts, violence and violations of human rights. Syria, Afghanistan and South Sudan are the main countries from where refugees are fleeing. The crisis in Venezuela also exacerbated the global exodus, with tens of thousands of asylum applications officially made in the United States, Spain, Peru and Brazil.

In 2018, the Mediterranean was again the most perilous migration route on the planet. However, the response from most EU countries was to criminalise the solidarity-driven rescue work carried out by NGO boats. Once again, Europe closed its borders to refugees, with the long, complex process of building a common asylum system still gridlocked.

Spain again broke its historic record of 54,065 asylum applications to become the fourth country in the entire EU for the first time. Moreover, it was the main country for seaborne arrivals at 58,569, accounting for 51% of all of them. Even so, only 575 people obtained refugee status and 2,320 got subsidiary protection. There is a serious situation facing the asylum system, with long waits to formalize applications and nearly 80,000 cases pending a decision by the end of 2018. By February 2019, the number had risen to 93,140. Although the resources have been bolstered for humanitarian aid for people arriving by sea and for accommodation and integration, the amount of arrivals has overwhelmed expectations, leading to insufficient means to attend to the migrants and asylum applicants.

On its 40th anniversary, CEAR would like to express its concern for the situation of refugees around the world, Europe and Spain, and calls on society as a whole to make an unreserved commitment to the right to asylum. The current situation requires a Pact of State to be agreed in Spain, and to achieve a Common European Asylum System that guarantees asylum seekers' rights and is coherent with international commitments in the matter •



Demonstration by the so-called Central American "Migrant Caravan" on the border between the United States and Mexico, on the beach at Tijuana. 10 December 2018. © Edu Ponces / RUIDO Photo.

2. Refugees around the world

The forced displacement of population is still growing around the world. According to UNHCR's most recent data at the time of writing this report, by June 2018 there were more than 70 million refugees, asylum seekers and displaced people. Syria is the country with the most exiled people, with nearly 6.5 million by mid-2018. Moreover, with 6.2 million displaced people within its national borders, it is second only to Colombia (7.7 million) in this situation. The war in South Sudan and the conflicts in Afghanistan and Venezuela have also aggravated the global exodus. For yet another year, the poorest countries have shouldered a disproportionate responsibility as regards welcoming refugees: 85% of the total, which is an increase on 2016 (84%).

Syria remains locked in conflict since 2011, and although in 2018 the level of violence and the number of recorded victims fell, over a million children are still being particularly affected by the conflict. Syrian exiles have fled to over a hundred countries and more than a million children have been born far from their country as refugees. Conditions are still not right for them to return with some guarantee of security in a devastated country in which humanitarian aid cannot remedy the catastrophic situation most of the population is suffering from.

The situation in South Sudan, one of the youngest nations on the planet, is equally worrying. It has been ravaged by civil war since 2013, with 1.8 million people displaced internally and 2.2 million refugees by mid-

2018, fleeing mainly to neighbouring countries, above all Uganda.

Elsewhere, although the war in Afghanistan ended in 2014, there is still great political instability. The almost chronic violence continues to force the population to move from their places of residence. The rise in narcotics crops and their links to armed groups operating in the country portends an increase in insecurity and violence for the coming years, with the corresponding rise in population displacements this entails within and beyond its borders.

Meanwhile, the political and social crisis in Venezuela meant that in the first quarter of 2018 it became the

country of origin with the most asylum applications around the world, with over 150,000 (four times more than between January and June 2017). They were formalised mostly in the United States, Peru, Brazil and Spain.

Significantly, in December 2018 the United Nations approved the *Global Compact for Safe, Orderly and Regular Migration and the Global Compact on Refugees*. Although they are non-binding and some nations have not adhered to them, these international agreements are an opportunity for a paradigm shift to tackle the challenges created by today's context of population displacements globally, and to do so based on the principle of shared responsibility •

A family returns to the Yarmouk district in the Syrian capital, Damascus, in search of belongings among what were once their homes. © Guillem Trius.





People rescued on 21 December 2018 by Proactiva Open Arms in the Mediterranean watch a half-sunken rubber boat in the Alboran Sea, a day after disembarking in the port of Crinavis, Cádiz. Some of them asked, "Where is everybody?". © Olmo Calvo.

3. Europe and refugees

The lengthy, complex process of creating the Common European Asylum System is gridlocked. Applying for international protection in European Union countries is still a "lottery", since depending on the nation investigating the application, the person affected will be subject to certain rules, deadlines, accommodation and interrogation conditions that vary notoriously, and they will have greater or fewer options to finally achieve international protection. Nor is the rising anti-immigration discourse and its influence

on the political agenda helping to achieve a positive outcome in bringing into line Community policies successfully.

In 2018, according to data from Eurostat, there were 637,895 asylum applications made, which is fewer than in 2017 (704,630) and almost half those formalised in 2016 (1,259,265). The most pronounced drop was seen in Germany, from 754,265 applications in 2016 to 222,560 in 2017, and 185,853 in 2018, though

the country is still in first place. After Germany comes France (122,743), Greece (66,970) and Spain (54,065).

The falling trend in the number of asylum applications is inextricably linked to the policy of tightening and externalising borders carried out by the European Union and its Member States. In addition to the agreements with countries of origin and transit signed by the EU and Turkey in 2016 and between Italy and Libya in 2017, border control policy has been tightened up and the rescue work carried out by various humanitarian organisations in the Mediterranean has become criminalised. Added to this, there is a lack of firm, solid commitment to bolster safe legal channels to obtain protection.

In 2018, at least 2,299 people lost their lives in the Mediterranean, which again became the most dangerous migration route on the planet. Although this number is fewer than in past years, it reveals an unacceptable tragedy that has yet to end. Indeed, the number of deaths per arrival has risen from 1 in 72 in 2016 to 1 in every 55 in 2017 and 1 in every 52 in 2018. One particularly disturbing development in the continued process of externalising borders is the growing trend for development aid programmes to be conditional upon the commitment from the countries of origin and transit to "migration control". Since it approved the "Africa Plan" in 2006, and with its close relationship with the regime in Morocco, Spain has been a pioneer in this process •

Women and children were taken to the detention centre in Khoms after being intercepted at sea by the Libyan coast guard.
© Sara Creta / Médicins Sans Frontières.





National Police watch over a group of migrants in the port of Algeciras in 2018. © Ignacio Marín.

4. Refugees in Spain

4.1. HISTORIC RECORD IN APPLICATIONS BUT FALLING INTERNATIONAL PROTECTION

In 2018, Spain again beat its historic record with 54,065 asylum applications, becoming the fourth country in the European Union with 8% of the total, above Italy, the United Kingdom and Sweden. For the third year running, Venezuela was the country of origin with the greatest number of international protection applicants in Spain, with 19,280, almost double the number in 2017 (10,350). Next was Colombia (8,650), then Syria (2,775), Honduras (2,410) and El Salvador (2,275).

However, last year the number of people granted international protection fell again. Out of the 11,875 people affected by decisions signed by the Interior Ministry, only 575 managed to get refugee status and 2,320 subsidiary protection (24% of the decisions were favourable), whereas 8,980 were denied protection (76% were unfavourable). Only thirty people originally from Venezuela achieved protection (compared to 1,495 rejected), and there was a striking rise in rejections of people

from El Salvador and Honduras, mostly victims of the *Mara* gangs. At the other end of the scale, 195 of the 245 Palestinians affected by asylum decisions achieved protection. Nevertheless, since February 2019 a transit visa has been demanded of these people, which will hinder their arrival in Spain even more.

Access to the asylum system in Spain is facing a serious situation that calls for an urgent response. This has been recognised by the Interior Ministry itself, which shortly after the change of government expressed its intention to change the “deplorable situation” at the Office of Asylum and Refuge, which depends on the ministry. The figures speak for themselves: by the end of December 2018 there were 78,710 international protection applications pending a decision, over half of which were from people from Venezuela (31,620) and Colombia (10,385). This number had already risen to 93,140 cases in February 2019. The saturation affects all stages of the process, the first of which is the wait of several months to formalise the application. In November 2018, CEAR addressed an open letter to the Interior Ministry, calling on it to give an immediate solution to this situation.

Furthermore, despite the case law from recent years arising largely due to the work by CEAR with the backing of the Spanish State Ombudsman and UNHCR, in

2018 the travel restrictions were still in place in Ceuta and Melilla. And the so-called “push-backs” continued. Over 2019, the Grand Chamber of the European Court of Human Rights will take a final decision about whether these measures are illegal, as has been indicated in the first instance. It should also be noted that on 23 August 2018 the National Police in Ceuta returned 116 Sub-Saharan people to Morocco who had crossed over the fence the day before, applying the Spain-Morocco Bilateral Readmission Agreement of 1992 and giving assurances that it had been done individually with a lawyer and interpreter in attendance.

However, this fast-track procedure makes it difficult to detect people in a vulnerable situation or in need of international protection, as shown by the Spanish State Ombudsman and highlighted by CEAR. In spite of these warnings, 55 people who had crossed the fence at Melilla were returned to Morocco in October, based on the same agreement. Both CEAR and the autonomous city’s Bar Association of Lawyers denounced these fast-track returns, considering that the affected people’s right to defence had been hindered and the principle of non-refoulement had been infringed because they had been returned to Morocco, a country that cannot be considered safe •





The search and rescue boat *Aquarius*, operated by SOS Méditerranée in association with Médecins Sans Frontières, on arrival in the port of Valencia on 17 June 2018. After seeing that Italy and Malta closed their ports, the Spanish Government authorised it to disembark in Spain. © Clara Ferrer / MSF.

4.2 THE *AQUARIUS* AND THE ODYSSEY FOR MIGRANTS IN THE MEDITERRANEAN

The year 2018 will be remembered among other events for the disembarkation in Valencia of 630 migrants aboard the *Aquarius* (including 123 unaccompanied minors, 11 children, 7 pregnant women and a baby who was born right there), one of the first measures adopted by Pedro Sánchez's administration. The new Italian Interior Minister, Matteo Salvini, had refused the use of his country's ports for the boat, operated by SOS Méditerranée with Médecins Sans Frontières, to disembark. Malta also refused to receive it.

The different public administrations, healthcare services, police, international bodies such as UNHCR and the IOM, and various NGOs such as CEAR all took part in the arrangement to receive and accommodate the migrants, with dozens of lawyers and interpreters also on hand. Most of these 630 people came from African countries such as the Sudan, Algeria, Eritrea and Nigeria, but also from Afghanistan, Pakistan and Bangladesh. Many of them described the violence they had suffered in Libya. They were all given the possibility of applying for international protection, and in fact 608 did so.

However, the *Aquarius* episode was an exception, not the norm, in a year marked by the harassment and

criminalisation of NGO boats saving lives in the Mediterranean. Indeed, in December, SOS Méditerranée and Médecins Sans Frontières announced that for the time being the boat, which had given aid to thirty thousand people over nearly three years, would not go back to sea due to the constant obstacles to completing its mission, and the attacks it suffered.

The odyssey of the fishing boat from Alicante, *Nuestra Madre Loreto*, which saved twelve migrants in November 2018 off the coast of Libya, illustrates the EU's apathy very well. After sailing for ten days in wait of a safe port to disembark these people, the Government of Spain's Deputy Prime Minister's office instructed them to take them to a Libyan port. Immediately, UNHCR, CEAR and other organisations raised their voices to recall that systematic violations of migrants' human rights have been recorded in Libya, so there is no way it could be considered a safe country. For his part, the fishing boat's captain took the responsibility of heading for Spain, though after a few hours of sailing they were authorised to go to Malta to disembark the remaining eleven people. The Maltese Interior Minister said they would be relocated in Spain after receiving medical attention, and this is what happened •

4.3. THE CHALLENGES OF ACCOMMODATION AND INCLUSION

In 2018, Spain received more migrants than any other European country by sea: 58,569; in other words 51% of the total. There has been nothing comparable to this number since the events of 2006, when the so-called “*cayuco* boat crisis” saw the arrival of nearly 40,000 people. More than two thousand of the medium-sized *cayuco* boats came, most of them heading for the coast of Andalusia between Almería and Algeciras in summer.

The Ministry of Labour, Migrations and Social Security organised an extension to the timelines for the humanitarian reception programme, and three Reception, Emergency and Referral Centres (CAEDs) were created in Seville, Chiclana de la Frontera and Mérida, as well as Social Emergency Day Centres in some towns where the boats arrived, and emergency arrangements in cities like Valencia, Madrid, Bilbao and Barcelona. Despite the very commendable effort, the sheer number of arrivals overwhelmed the resources. There were not enough means to attend to the migrants and their international protection needs. Two Temporary Assistance Centres for Aliens (CATEs) were also opened in Motril and Algeciras.

People arriving by sea and applying for asylum entered them directly, without going through the preli-

inary reception service or the Ministry of Labour, Migrations and Social Security’s Accommodation and Integration System for International Protection Applicants. That was when specialist organisations like CEAR were able to detect the serious side-effects suffered as a result of the dangerous migration journey they had just overcome. In these cases, greater flexibility is needed in extending the deadlines to stay in the accommodation system due to their particularly vulnerable situation.

The process of inclusion for international protection applicants into Spanish society is a veritable obstacle course. Among the most complex challenges, there is the need to learn Spanish for people who cannot speak it, which is taught by professionals specialising in this social group, and the importance of recognition for previously acquired education. Then there is their insertion into the job market, which is directly bound to the deadlines and the final decision from the investigation into their international protection application. The alliances with companies that truly take on a social responsibility and show sensitivity regarding these people’s situation are a very useful tool to achieve this goal successfully •



Asylum seeker entering CEAR's Juan José Rodríguez Ugarte Reception Centre in Getafe. © José Sancho.

Proposals to improve protection for refugees.

Coinciding with the Spanish general elections of 28 April and the European, municipal and regional elections of 26 May, CEAR presented a wide-ranging set of proposals that include an improvement in international protection and observance of the rights of asylum applicants, refugees and stateless people as a priority in the political agenda. The proposals made by CEAR for the recent general elections are shown below. As for the proposals made for the European, local and regional elections, they can be seen on CEAR's website¹.

PROPOSALS TO IMPROVE THE WORK OF GOVERNMENT AUTHORITIES

1. Prevent political uncertainty and electoral interests from affecting the agenda on asylum for migrants and refugees. At the same time, prevent and fight against political discourse criminalising them in the upcoming European, national, regional and local elections. In the current context with the alarming increase in xenophobic, racist hate speech towards migrants and refugees, it is necessary for political leaders to act with responsibility by fostering equality, tolerance and the construction of inclusive societies in their discourse, and proposing measures against narratives that are harmful to people's dignity, stigmatising and criminalising migrants and refugees while seriously threatening social cohesion and intercultural tolerance.
2. Adopt measures to put an end to the criminalisation of solidarity towards migrants and refugees, and to ensure respect for human rights in handling migration policies, stemming the loss of human lives. To do so, it is fundamental to help the work being done by rescue organisations, while at the same time increasing the public resources earmarked for saving human lives and under all circumstances guaranteeing a safe disembarkation. The Spanish Government must encourage the approval at a European level of a safe, predictable protocol for disembarkation by which no migrant may be returned to a country where their life may be in danger, in compliance with the principle of non-refoulement stated in the Geneva Convention.
3. Adopt a state-level plan of action to give a suitable response to the increase in arrivals of migrants and refugees to Spanish coasts, including a unified protocol for action with the same means and resources at all points of arrival, to help improve management of the arrivals by sea, ensuring that needs for protection are identified and referring people to the relevant protection channels.
4. Ensure uniform, suitable and individualised access to information and the international protection procedure at all air, sea and land border points. At the same time, access to legal aid and interpreting 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.
5. Adopt effective measures for identifying and protecting human trafficking victims, along with participation and assistance from multidisciplinary teams with an approach based on protecting them. It is also necessary for the staff at border posts to be trained in the matter of gender so as to identify and suitably attend to the special needs arising from situations of particular vulnerability and possible cases of human trafficking for the purpose of exploitation or of sexual violence.
6. Guarantee adequate protection for children at border posts and in the territory, ensuring they are not detained under any circumstances and observing their greater interests. Also, ensure the unaccompanied ones are appropriately identified, and review the current procedure for determining their age, applying suitable tests that not only take into account X-ray tests or the children's physical appearance, but also their psychological maturity, using scientific, impartial and safe criteria.
7. Guarantee adequate standards of quality throughout the international protection procedure, among other matters avoiding excessive delays in formalising the application and in investigating and deciding upon it. To do so, it is necessary to provide the Office of Asylum and Refuge and the National Police with sufficient materials and human resources, as well as ongoing training. There are more than 78,700 cases that have been repeatedly delayed without justification and which must be processed urgently.
8. Ensure that appointments to formalise asylum applications are carried out immediately, that they are registered

¹ https://www.cear.es/elecciones_propuestas_para_la_mejora_de_la_proteccion_de_las_personas_refugiadas/

and that from that moment onwards the people have documents to be able to access the accommodation system.

9. Recognise the 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*).

10. Remove the restrictions to asylum applicants' freedom of movement in Ceuta and Melilla, as well as the discretionary and discriminatory criteria for transporting people to the mainland. Guarantee that illegal push-backs of people at the borders of these two cities are stopped, as well as at their border posts, where asylum may be requested with complete guarantees.

11. Ensure safe and secure physical access to Spanish embassies and consulates for family members to whom international protection is granted, with proper treatment for them by all of the staff in diplomatic missions.

12. Take into account the content of the protected person's international protection application dossier when investigating the case for extending protection to their 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 case number assigned to the procedure.

13. In order to assess the extension of protection to the family, uniform criteria need to be established to prove that they are relatives and if applicable the situation as regards 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 that do not exist in the law and which have led to extension applications submitted years ago not being investigated. Streamline the processing of cases for family extensions that have currently been delayed for over a year, both in the Office of Asylum and Refuge and in the embassies. Such delays are incompatible with the principle of family regrouping, the right to family life and the humanitarian

principle of allowing refugees to rebuild their lives in the country that accommodates them.

15. Guarantee there is a flexible, sustainable reception system set up that ensures all asylum applicants go through an effective inclusion process, adapting it to Spain's changing social and employment needs, as well as the relevant means to attend to people with special needs and their diversity (in terms of gender and sexual preference, religion, culture, age, etc.).

16. Draw up social protection policies for international protection applicants and refugees, taking into account the rate of unemployment in the Spanish population, the level of people at risk of poverty and exclusion, and an evaluation of existing resources. All of this should necessarily take into account an increase in the current budget earmarked for the social protection system in order to ensure adequate, effective protection.

17. Guarantee via Royal Decree that a process to decentralise the asylum system is possible, with all of the Autonomous Community regions upholding the same guarantees, services and coverage for asylum applicants, and avoiding creating multiple systems within Spain.

18. Guarantee that plans for integration, a tolerant environment, equality and non-discrimination are made and implemented effectively, with a community approach and the necessary budget allocation.

19. Guarantee that if the system becomes decentralised, there is still specialised assistance given to asylum applicants and refugees.

20. Guarantee that the 2018-2021 State Housing Plan prioritises publicly subsidised rental housing for people in a vulnerable situation, which includes asylum applicants and refugees.

21. Defend the stance for 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.

22. Guarantee and champion transparency, the observance of human rights and suitable access to the right to asylum in the context of Frontex's activity.

**FIND OUT ABOUT
CEAR'S PROPOSALS
AT WWW.CEAR.ES**



People rescued by the *Aquarius* disembark in Valencia. © Kenny Karpov / SOS Méditerranée.

In the current atmosphere of rising anti-immigration discourse, the Government of Spain must provide a clear, firm voice in defence of refugees' and migrants' right to asylum on the European and international level, inspired by the Global Compacts approved by the United Nations in December 2018 and by the agendas for development, climate change and women. This is more necessary and urgent than ever because, according to UNHCR, in June 2018 there were over 70 million forcibly displaced people on the five continents. Syria, South Sudan, Afghanistan, Venezuela, Central America, the Democratic Republic of the Congo and others continue to be the backdrop to armed conflict and serious political and human crises that force many of their inhabitants into exile. [...]

In 2019, we can recall two anniversaries of particular relevance. It has been 80 years since the exodus of hundreds of thousands of Spanish Republicans to the French border in the winter of 1939, in dramatic conditions of snow and cold following the fall of Barcelona. Throughout the long Francoist dictatorship, thousands of Spanish refugees found a new home in countries as varied and widespread as Mexico, France, Sweden, Chile, Australia and the Soviet Union.

In May this year, it was also the 40th anniversary of our organisation, which was founded by a wide-

ranging group of characters (Justino de Azcárate, Joaquín Ruiz-Giménez, Juan José Rodríguez Ugarte, María Jesús Arsuaga) and social, religious and political organisations, with notable participation from various refugees. CEAR is a pioneering organisation in Spain in defending the right to asylum. This is the cause to which those who preceded us in CEAR dedicated their efforts, as we do today.

On 18 December, coinciding with International Migrants Day, we organised the event What is illegal is letting them die. Dialogue on human rights through action, in order to put forward the need for urgent measures to put an end to the thousands of migrants' lives that are lost every year in the Mediterranean. That day, a Nigerian refugee called Emily who was rescued by the *Aquarius* and accommodated by CEAR in Valencia, told us what she had suffered in her country of origin and also in "the hell" of Libya. Together with her words, I would like to pass on the message from Giuseppina Nicolini, the former mayor of Lampedusa (Italy) and UNESCO Peace Prize winner, who recalled that in the previous decade they had saved 300,000 people. She provided us with an invaluable testimony, stated in this affirmation: "We must counteract the fear with a culture of bravery, peace and solidarity."

From the prologue by Carlos Berzosa, President of CEAR.