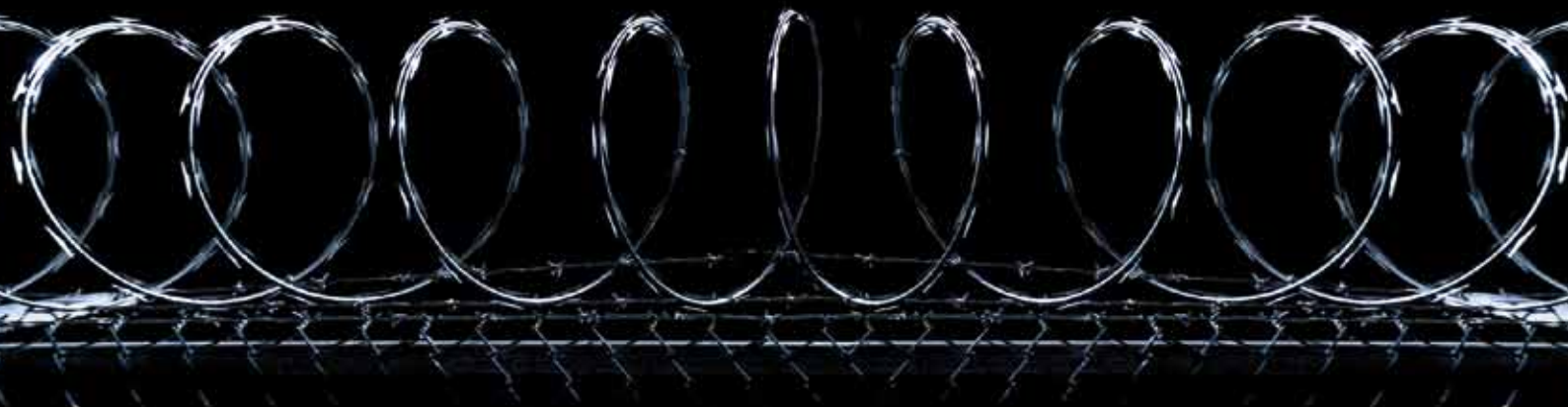


Situation of refugees in Spain

2014 Report Executive Summary





CEA(R)
justicia
solidaridad
libertad
igualdad
independencia
compromiso ético
pluralidad
transparencia
participación
coherencia

Executive Summary

2014 Report

Situation of refugees in Spain.

(1. Introduction)



Syrian refugees registered by UNHCR in Tripoli.
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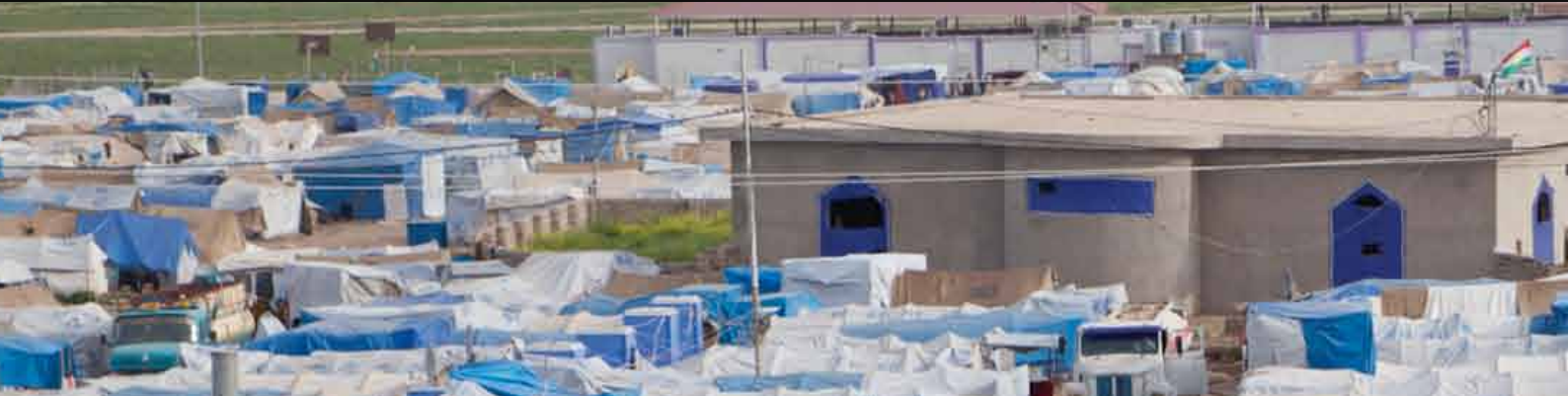


Our twelfth Annual Report analyses the reality of refugees around the world, in Europe and, above all, in Spain. In 2013, the worsening of the civil war in Syria led to a significant increase in the forcibly displaced population on the planet, reaching levels not experienced since 2001, and also to the increase in the number of people requesting international protection in the European Union.

However, neither Europe nor Spain is providing an appropriate response to Syria and in general to the exodus of refugees. The Lampedusa tragedy last October demonstrated this; it was corroborated by the events in Ceuta on February 6th of the same year, when at least fifteen people drowned as they swam towards a Spanish beach where the Civil Guard fired anti-riot material at them.

Requesting international protection in Spain continues to be an obstacle course. It is an odyssey that takes years of wait, meanwhile, begins the process of social and labour integration consisting of increasingly fewer public resources and greater precariousness every year. Refugees and those in need of international protection living in our country are one of the most vulnerable groups facing the devastating impact of the current social and economic crisis •

2. Refugees in the world.



2.1. The Syrian exodus increases forced displacement of the global population.

In January 2013, 45.2 million people were living far from their homes as a result of the wars and grave violations of human rights. UNHCR broke this global figure down into 15.4 million refugees, 28.8 million internally displaced persons and almost one million people whose request for asylum was pending resolution. Furthermore, there are 3.3 million stateless people who are not accounted for in the global figures. This data implies a 6.3% increase compared to the previous year.

On March 21, 2014, UNHCR distributed its statistical report on the requests for international protection submitted in 2013 in 44 industrialised countries: 612,700 people requested asylum, the highest figure since 2001. Syria became the leading

country of origin for those people, ahead of Russia and Afghanistan.

At the beginning of April, the worsening of the bloody civil war in Syria which had gone on for three years led the United Nations to make a dramatic call to the international community to provide the economic aid needed to prevent a humanitarian disaster. In a report for the United Nations, the Independent International Investigation Commission on the Syrian Arab Republic reported at that time that the conflict had already taken at least 140,000 human lives and had forced the displacement of nine million people. Almost two and a half million people had settled in other countries, mainly from the region, primarily Lebanon, Jordan and Turkey, including Iraq. The lack of commitment from the international community in terms of donating funds and hosting refugees from these countries leads to growing pessimism.



Almost 50 million forcibly displaced persons in the world

- 15.4 million refugees.
- 28.8 million internally displaced persons (IDPs).
- Almost a million whose request for asylum was pending resolution.
- 3.3 million stateless persons

Source: UNHCR (data January 2013).



2.2. The crisis on the right to asylum in Australia.

In the last decade, our successive Annual Reports have completed in-depth analyses on the right to asylum crisis in Europe and the progressive sealing of its external borders. For this reason, according to the report *Displacement: the challenge of the XXI century. Global Trends 2012* by UNHCR, since 2003 the percentage of refugees hosted in “developing” countries has increased by 10%. In 2012, 80% of the refugees were received by these countries.

On this occasion, we have specifically analysed what is happening in Australia, one of the leading countries which subscribed to the 1951 Geneva Convention and traditionally a country which receives persecuted persons. From 2001, its national policies began to change with the aim of protecting its maritime borders against the arrival of migrants

in irregular administrative situations. The externalisation has reached its maximum quota there. For the past few years, after arriving on the coasts, those requesting asylum are sent to two small nearby States (Papua New Guinea and Nauru), where they are enclosed in detention centres, waiting several years, in awful conditions, for their request for international protection to be decided upon. According to UNHCR, between August 2012 and May 2013, 18,000 people went through this procedure.

This reality contrasts with Australia’s commitment to the UNHCR resettling programmes, since in 2012 it received 5,900 people through these means, and processed 24,300 asylum requests in 2013 (five times more than in Spain) •



Refugee camp of Syrians in Iraqi Kurdistan.
© ACNUR / E. Dorfman.

3. Europe and refugees.

3.1. Only 3% of refugees from Syria have achieved protection in Europe.

According to Eurostat data, in 2013 the 28 member states of the European Union processed the international protection requests of 435,000 people. Despite it representing an increase of 23% in comparison to 2012, it is a very low figure if we bear in mind, for example, that it is lower than half of the Syrian refugees settled in just one small country such as Lebanon. 70% of the asylum requests were managed in just five countries: Germany, France, Sweden, Italy and United Kingdom. While Germany processed 29% of requests, Spain only handled 1.03%.

The leading country of origin for those people was Syria, with 50,000 requests. But the people from that war-devastated country are facing an increasing number of obstacles in accessing protection in Europe (transit visa requirement in countries such as Spain, low resettling quotas...). Barely 3% of those exiled from Syria have achieved international protection in the EU Norway and Switzerland, although there is a significant imbalance among European Union countries in terms of percentages of the different forms of international protection granted.

In June 2013, the European Union approved a new set of directives and regulations. These include some improvements to the Common European Asylum System (CEAS), but also, as signalled by the

Asylum requests in the European Union in 2013

- Total from the 28 member states: 435.000.
- Germany: 109,580.
- France: 60,100.
- Sweden: 54,260.
- Italy: 27,830.
- United Kingdom: 29.190.
- Spain: 4.502.

Source: Eurostat and, for Spain, the monthly Asylum and Refuge Office (OAR) statistical Bulletins from 2013.

ECRE, negative aspects related to the detention of asylum seekers, since the Asylum Directive defines the motives for authorising it in such a broad sense that it could encourage systematic implementation. Furthermore, the measures adopted to date within the framework of the establishment of the CEAS have not achieved the long awaited uniformity in terms of application of these policies in the member states and there continue to be great differences in access to the procedure, asylum and other aspects related to international protection. Thus, the member States must transpose and apply the new European regulation in a uniform manner, in order to avoid inequalities in the treatment of refugees and guarantee them adequate protection.



Image of the previous detention centre for refugees and migrants on the Italian island of Lampedusa.
© ACNUR / A. Di Loreto.

3.2. The constant drama of the European borders: Lampedusa, Bulgaria... and Ceuta.

Protecting the European borders from migrants and refugees has led to tragedies recently. In October, on the Italian island of Lampedusa two shipwrecks cost the lives of hundreds of people, the majority from countries in conflict such as Eritrea and Syria. This triggered the indication of many human rights organisations and the reaction of international organisations such as UNHCR and the International Organization for Migration (IOM). Even Pope Francisco raised his voice. According to the IOM, in 2013 more than 45,000 people risked their lives trying to reach the Italian coasts and the island of Malta by sea. The European Union, instead of analysing the underlying causes of these migratory flows, has instead for years opted to erect walls around its borders to prevent their arrival and also to ensure that the bordering and transit countries assume the role of gendarmes.

What happened in Ceuta on February 6, 2014 confirms this. Early that morning a large group of people

from sub-Saharan Africa tried to access Spanish territory via different points of the perimeter. As the Civil Guard prevented them, around two hundred people entered the water to get around the quay and reach Tarajal beach. At that point, the officers of the Civil Guard began shooting anti-riot material, and a boat intervened to make it difficult for them to cross. At least fifteen people lost their lives and twenty three were returned immediately to Morocco in a completely irregular manner. Days later, CEAR presented a complaint before the State Attorney's Office, submitted a report to the Commissioner for the Human Rights at the European Council and appeared personally as a people's accusation in the proceedings opened by the Instructional Court no. 6 of Ceuta.

In recent years, European governments, with the support of the operations implemented by Frontex in Southern and Central Mediterranean, have managed to shield their borders, thus creating a shift in migratory flows from central and eastern Mediterranean routes towards the Balkans Route. Specifically, the sealed border between Greece and Turkey has led to

a change in the access route of migrants and refugees within the Eastern Route of the Mediterranean, because they have diverted the route towards the border between Turkey and Bulgaria, where asylum requests have increased five fold in one single year, reaching 7,145 recorded requests in 2013.

However, Bulgaria has also initiated the process to close its border to migrants and refugees, constructing a barrier and deploying 1,500 border agents with the support of the Frontex *Operation Poseidon*. This led to a slight reduction in the arrival of migrants by the end of 2013. Meanwhile, the asylum procedure and conditions of asylum for those requesting it in

this country have so many shortcomings that at the beginning of 2014 a delegation from the European Parliament requested that the EU Member States suspend the transfer of asylum seekers by applying the Dublin Regulation.

The sealed border and awful reception conditions increase the risk that the many people affected by international protection, especially those who are fleeing Syria, will refrain from requesting it there and decide to cross Bulgaria via dangerous and clandestine routes with the objective of reaching another European country •

“Esto hay que cortarlo”

Carlos Berroza

The tragic events on the 6th at the border of Ceuta, which led to at least 15 deaths and the irregular return to Morocco of twenty three persons, and which stirred public opinion, has highlighted, once again, the failure of the European migration policies, obsessed with containing migratory flows, avoiding the reality of the countries of origin and any humanitarian consideration. With this intensive political architecture, the governments are trying to prevent the arrival of immigrants, refugees and access to international protection for persons fleeing war, poverty, persecution... seeking asylum in a secure country.

The measures taken by the Spanish authorities within the framework of these policies violate human rights. Evidence of this is the use of anti-riot material as a “dissuasive” method against exhausted individuals trying to swim to the coast, clearly a disproportionate method, inappropriate and contrary to Spanish legal regime, which considers it an inhumane, degrading and outrageous practice; inadmissible under the framework of the Rule of Law. Additionally, the return of 23 persons who stepped onto the territory of Ceuta undermines the Foreigner’s Law and violates the non- refoulement principle established in the 1951 Geneva Convention, as well as Spanish and European migration and asylum regulations.

What occurred in Ceuta is just the tip of the iceberg. The Melilla fence; the deployment of concertinas, which is leading to serious injury; the control of the borders in collaboration with Morocco -which continues to violate hu-

man rights-; the lack of procedures at the border to access international protection; the ban on asylum seekers from crossing to the Iberian Peninsula... are factors which highlight that Spain is undermining the legislation. While some get over the fences, others skip the law.

At CEAR it is very clear: this must be stopped, because when it comes to border control it is not a case of anything goes, and people cannot act *manu militari*. There are regulated procedures that must be complied with. We demand the law be obeyed and procedures be established that prioritise the duty to help and to uphold the human rights of those persons who try to reach our border looking for an opportunity to receive international protection in Europe, a land of rights, freedoms and solidarity.

Opinion article published by the president of CEAR in *El Mundo* on 25 February 2014.

4. Refugees in Spain.

4.1. Spain only receives 1.03% of the asylum requests in the European Union.

In 2013, there was a significant increase in the number of people who requested international protection in Spain: 4,502 versus 2,588 in 2012. This is the highest figure in the past half-decade, very similar to that of 2008 (4,517), but moving away from the European trend. Of the 435,000 people who requested asylum in the EU last year, only a small percentage was requested from Spain, 1.03%.

Bear in mind that this increase responds to the significant increase in requests by people from Mali (1,478) and Syria (725). Regarding the latter, it is striking to note the extremely low numbers of applicants in Spain if we take into account the exodus described in the first chapter of our 2014 Report or even the total number of Syrian applicants across the whole of the EU (50,000). Regarding Mali, the exponential increase can be explained by the worsening of the conflict in the first half of 2013, which has led many Malians already living in Spain to request asylum sur place.

Of the 4,502 persons who requested international protection, 3,609 formalised this on national territory, 381 at the border, 306 at a Detention Centre for Foreigners and 206 in what the OAR records as “requests at embassy” (these are not new requests, but rather requests by family extension of the refugee status or subsidiary protection already achieved by relatives of those persons in Spain). Madrid was, for yet another

year, the main province with 1,777 requests.

In 2013, Mali and Syria were the lead countries of origin followed by the greatest number of requests from Algeria (351), Nigeria (182), Somalia (132), Palestine (130) and Pakistan (102). When investigating the cases, the OAR maintained guidelines such as the so-called “prudence criterion” regarding people from Cote d’Ivoire, which denaturalises the procedure, since in many cases the processing and decision of the file had taken years in the await of change in the situation in the country.

Huge difficulties persisted in asylum requests by those who arrived in Spanish ports as stowaways. The intervention of the CEAR legal department in these cases observed the non-compliance of the applicable regulations and the abridged rights of these persons. Furthermore, from the data that was first provided for by the Government, we know that only five stowaways requested international protection in Spain between 2008 and 2013, an alarming figure that deserves special analysis in chapter 10 of our 2014 Report.

4.2. The application maze.

On March 27, 2013, the Third Section of the Administrative Dispute Chamber passed two important sentences which reinterpreted the causes of denial in the border procedure introduced by the new Asylum Act in 2009. The Supreme Court urged the OAR to



The odyssey of stowaways

On October 15, 2013 the CEAR legal department in Valencia became aware of the arrival of four people travelling as stowaways in the Panamanian *MSC Chiara* vessel. The information was communicated by a solicitor on duty, who indicated that these four persons had been handed over to the State Attorney for Minors. Given this situation, CEAR requested information from the Delegation of the Government and submitted it to the records of the Ombudsman's Office.

After initiating the proceedings, there were found to be seven persons travelling as stowaways on that boat, all from Ghana. Two of the four handed over to the State Attorney for Minors expressed their desire to request refugee status, one declared that he/she wanted to work in Spain, and the other confirmed that he/she was 15 years old; this was all documented. CEAR requested information from the other three persons but did not receive it. Those four persons were returned to the vessel without the

opportunity to request asylum in Valencia, despite the fact that two had expressed this desire.

Thus, CEAR submitted the relevant legal complaint, advising that the vessel sail to Las Palmas, so that they would have access to the asylum procedure there. Thus, after repeated requests also by the Ombudsman, the two stowaways were able to request international protection at the National Police Station in the capital of Gran Canaria. The other five were not allowed to disembark, nor were they able to access legal aid, and they remained in the vessel when it set sail on October 20th.

For yet another year, CEAR requests that the protocol and instructions applied in the case of persons travelling as stowaways be amended in order to guarantee legal aid from the very first instant and when applicable, access to the asylum procedure.



Displaced persons in Democratic Republic of Congo.
© ACNUR / P. Taggart.

be “prudent and restrictive in its application” of this option due to the grave consequences it could have on the concerned party.

However, the OAR continued to deny applications to be processed, directly refusing protection to a high percentage of those requesting asylum at a border point. The figures speak for themselves: of the 687 asylum requests at the border and in the CIE, 410 were directly denied (almost 60%). Even more concerning is the reality at Madrid-Barajas airport, the main border point in terms of asylum in Spain. If we take the requests for international protection processed by CEAR in 2013 and we exclude people from Syria, Afghanistan, Mali, Iraq, Somalia and Sri Lanka, all others apart from 14 were denied. In the CIE in Valencia and Madrid, the majority of the

Spain and refugees in figures

- In 2013, 4,502 people requested international protection in Spain, only 1.03% of those who applied in the EU.
- The countries of origin with the greatest number of applicants were Mali (1,478), Syria (725), Algeria (351), Nigeria (182), Somalia (132), Palestine (130) and Pakistan (102).
- Of the 4,502 persons who requested international protection, 3,609 formalised this on national territory, 381 at the border, 306 at an Detention Centre for Foreigners (CIE) and 206 in what the OAR records as “requests at embassy” (these are not new requests, but rather requests by family extension of the refugee status or subsidiary protection already achieved by relatives of those people in Spain).
- Madrid was, once again, the leading province with 1,777 applicants, followed by Valencia (401), Barcelona (342), Ceuta (321) and Almeria (244).
- Despite the two important rulings by the Supreme Court on 27 March 2013, almost 60% of the 687 asylum requests at a border point or at an CIE were directly denied.
- In 2013, the Inter-ministerial Commission for Asylum and Refuge (CIAR) granted refugee status to just 206 persons, the lowest figure since the new Asylum Act entered into force. 376 persons achieved some of the other forms of protection. Meanwhile, the CIAR responded negatively to 1,251. Whereas, in Germany 10,910 persons were recognised with the status regulated by the 1951 Geneva Convention, 8,925 in France, 7,475 in Great Britain, 6,750 in Sweden and 3,910 in Belgium.
- In 2013, Spain recognised just one victim of human trafficking networks as a refugee, despite the United Nations considering the practice as a “modern form of slavery”.

Source: Monthly asylum bulletins by the OAR and Eurostat.

requests were also directly denied; whereas, in Las Palmas the majority were admitted for processing.

In recent years, both the UNHCR and the United Nations have expressed their concern regarding the infringement of the rights of those whose application has already been admitted for processing in Ceuta and Melilla. There the authorities prevent them from crossing to the Iberian Peninsula and therefore condemn them to await a positive resolution about their request for international protection. They are discriminated against compared with others who are in the same situation in the rest of the national territory who have no limit to their right to move freely there. And they are also excluded from transfer of migrants organised periodically by the Government for humanitarian reasons. Despite repeated requests from the Ombudsman's Office and the successive sentences by the High Court of Andalusia, the situation and its dramatic consequences persist. Some people do not submit their request, and others relin-

Y. A., a Malian man submitted his asylum request in Ceuta on August 4, 2012. Subsequently, when banned from crossing over to the Peninsula, the CEAR legal department filed a lawsuit for the protection of fundamental rights against the Delegation of the Government before the city's Administrative Dispute Court, which was considered on 16 October 2013.

At the beginning of January 2014, Y. A. appeared at the National Police Station to confirm that with his admissible asylum applicant's card he could move to the Iberian Peninsula. Despite submitting a copy of the aforementioned judgement, he was told that said card was only valid in Ceuta and that he could not cross the Strait... The concerned party alleged that he had been waiting for a response to his request for international protection since August 2012 and that, since he was aware that those who do not make such a request benefit from the move to reception centres in Spain, surrendering this request was the only definitive way out of Ceuta.

On 15 January 2014 he appeared at the Foreigners Office to withdraw his request from the asylum procedure, and two days later he submitted a written document to the Ombudsman's Office in which he presented the motives for doing so.



quish it in order to try to make it to the border clandestinely and formalise it there, whereby avoiding being trapped for years in one of those two cities.

4.3. Spain's limited commitment to protecting refugees.

Last year, according to Eurostat, 28 EU member states recognised 49,510 persons as refugees. 10,910 were in Germany, 8,950 in France, 7,475 in Great Britain, 6,750 in Sweden, and 3,910 in Belgium. Whereas, in Spain the Interministerial Commission for Asylum and Refuge (CIAR) granted refugee status to just 206 persons, the lowest figure since the new Asylum Act was established. 376 persons achieved some of the other forms of protection. Meanwhile, the CIAR responded negatively to 1,251.



A Syrian family heads for Lebanon in February 2014.
© ACNUR / A. McConnell.

It is very striking to see that, of the international protection resolutions signed by the Minister of the Interior in 2013, 152 dealt with persons from Syria and only obtained refugee status, in a very restrictive conception of the figure contemplated in the 1951 Geneva Convention. Of the remainder, 146 achieved subsidiary protection. It is also surprising to see the almost absolute denial of international protection to persons from countries such as Algeria, Cameroon, Nigeria or Cote d'Ivoire. In 2013, in general the compliance of the courts in assessing the resolutions of the Minister of the Interior regarding the granting of refugee status was maintained, in contrast with the progress which was made in European jurisprudence.

Among the victims of trafficking rings, in 2013 Spain only recognised one case as refugee status, des-

Spain and the Syrian exodus

In 2013, 725 persons from Syria requested international protection in Spain. The Minister of the Interior signed asylum resolutions which affected 152 citizens from that country.

Only four obtained recognition of refugee status. On the other hand, 146 achieved subsidiary protection and two were rejected. It is true that under current legislation recipients of subsidiary protection have a legal situation which is very close to that of refugees, but in any case these figures show a very restricted conception of the model contemplated in the 1951 Geneva Convention.

The flawed interpretation by the Government can be illustrated by the case of a young Syrian, J. K., who in 2011 participated with his friends in demonstrations against the regime, was beaten and was detained on several occasions. Subsequently, armed forces personnel began recruiting young people as soldiers and those who refused were imprisoned or murdered. J. K. has friends who opposed this, and he does not know if they killed them. He did not want to be forced to take part in the civil war that is destroying his country.

One day they went looking for him in his home. Since he was not there, they left a compulsory recruitment document for him and told his family that they would return and that, if they did not get him then, they would issue a search and capture warrant against him. This is why he decided to go down the exile route. He entered Turkey clandestinely fearing that he would be detained and returned to his country by the police in exchange for money. For this reason, he was forced to pay a large sum of money to a person who promised to take him to Europe. Finally, he reached Spain, where he requested refugee status.

One and a half years later, his case was decided upon and the Minister of Interior granted subsidiary protection. However, it is clear that a young person fleeing his country in wartime to avoid forced recruitment is a case worthy of receiving the status.

pite the grave violation of human rights that these women suffered. The OAR continues to deny the overwhelming majority of requests for international protection under this motive and refers to the Law of Foreigners so that they can regularise their permanence in Spain if they collaborate in the fight against the networks which traffic and exploit human be-

ings. A positive element was that last year progress was made in the systematic application of the Framework Protocol for Protection of Victims of Human Trafficking.

In terms of statelessness, the most relevant factor in 2013 was the recognition of this status for thirty people from Western Sahara. A proportion of them achieved this through resolution by the OAR, which finally assumed the repeated jurisprudence because the important ruling by the High Court on November 20, 2007 required Spain to recognise this status among the Sahrawi people.

4.4. The harsh impact of a long financial crisis.

The financial crisis continued to hit the most vulnerable social sectors hard and among them are those requesting international protection. The successive cuts in public policies hit them even harder than the rest of the population and have placed them in a critical situation which neither the II Strategic Plan for Citizenship and Integration (2011-2014), nor the new National Plan for Social Inclusion (2013-2016), approved on 13 December 2013 by the Council of Ministers, has managed to resolve. In 2014 the European Asylum and Immigration Fund became operational unifying existing refugee programmes.

In this context, it is very difficult for a refugee to take control back of his/her life independently, to recover full freedom which was snatched away in the country of origin. All existing resources in terms of training, employability, housing, psychological assistance or language learning to promote this process have been limited as much as possible as a result of the budget cuts to public policies and subsidies to specialised organisations.

Lastly, in 2013 the long process to introduce private initiative was concluded, now a profit-making initiative, for job orientation services. The financial solvency requirements laid down in the Framework Agreement prescribed in August for the selections of employment placement agencies excluded in prac-

THE CALL OF DAUDA

Daouda had been in the Canary Islands for more than a year.

After having arrived by canoe and roamed for two months sleeping in abandoned greenhouses, somebody took her to the territorial CEAR office, where she learned of her right to request asylum. After a year residing in a reception centre and receiving guidance from the technical team, she learned fluent Spanish, took operator, palm-tree cutting and food-handling courses and, with work permit in hand, began a well-organised and active, but fruitless, search for work.

After leaving the reception centre she shared accommodation with 2 fellow countrymen and, after four months of not finding work, she took the decision, so often postponed, to leave the archipelago and to move to Almeria or Murcia, where other countrymen, who had already been in the Canary Islands, had told her that they had found some days of work on farms.

Thus, she had to leave behind the world she knew and her support networks, to board a plane and begin again. The director of the reception centre which CEAR manages in the Canary Islands recalls that, when she left, she said: "If it works out, you will hear my news". Months later, one morning the phone at the reception centre rang: "I am well, some days I have work, I live in Almeria".

tice the majority of NGOs, in many cases specialised in groups with greatest difficulty in accessing the labour market, among others refugees. In November, the process was stalled due to the legal appeals submitted by the excluded agencies •

5. Proposals to reinforce protection for refugees in Spain.

A 70 year old Syrian refugee who had to abandon his home in Homs.
© ACNUR / Lynsey Addario.

A) LEGISLATION

1. Reform of the Asylum Act to include the conditions to access the procedure for those who wish to request international protection at Spanish diplomatic missions (embassies and consulates).
2. Removal of the cause for non-acceptance of international protection requests in Spain by nationals of European Union countries when they meet the requirements established in the Geneva Convention.
3. Inclusion of a specific chapter which regulates statelessness within the Asylum Act, thus defining a general framework for this model of international protection in Spain which to date only has regulatory status.
4. Approval of the Regulation of the Asylum Act taking into consideration the contributions already made by specialised non-governmental organisations. The delay, already four years, is making it exceedingly difficult to apply some very important aspects, such as family regrouping, assessment of humanitarian grounds, processing of visas related to asylum at diplomatic missions, applying the time limits at border procedures and at CIE, the conditions for holding a second interview by the investigator or the criteria related to humanitarian grounds. The lack of enactment of Article 46 of the Asylum Act must also be rectified regarding particularly vulnerable people and the need

for differentiated treatment, which is currently non-existent.

5. The Government must transpose and apply the European asylum regulation adopted in June 2013 in a uniform manner, strengthening his cooperation with the rest of the member states, with UNHCR and with the European Asylum Support Office (EASO) to avoid inequalities in the treatment of asylum seekers and refugees, guaranteeing them appropriate protection.
6. Recognition of human trafficking as a motive for granting asylum. For this, an Integral Law against Trafficking must be adopted which is enacted from a perspective of defending and respecting human rights. In May 2013, the status of refugee was recognised for the first time for a women victim of trafficking for sexual exploitation. Despite this, there has been no change in the criteria of the Asylum and Refugee Office related to the victims of trafficking who seek international protection, since protection continues to be denied since it is considered that they do not comply with the requirements of the Geneva Convention and that the foreigner legislation provides for their protection if they collaborate with the authorities. CEAR therefore considers that differentiated treatment must be guaranteed for victims of trafficking for sexual exploitation within the framework of the international protection procedure, and they should be granted refugee status.

B) ACTION OF THE GOVERNMENTAL AUTHORITIES

7. Elimination of the transit visa requirement for people from countries in conflict, such as Syria, or whose population has suffered grave human rights violations.

8. Guaranteed access to the international protection procedure at all police premises and appropriate professional development for all agents involved in the same in order to ensure the quality of the procedure and legal aid in all cases.

9. The Governmental Delegations in Ceuta and Melilla must enable access to the Iberian Peninsula by admissible asylum seekers, in order to correct a situation in which, as has already been analysed, many people in need of protection do not present their application and others withdraw it, risking their lives trying to reach the Peninsula clandestinely.

10. Approval of the measures required to regulate the access of the NGO staff to the border premises, the Foreign Detention Centres and the vessels in the case of stowaways.

11. The amendment and improvement of the protocol and instructions applied in the case of people who travel as stowaways. The current regulation does not guarantee them legal assistance and advice from specialised NGOs, nor guaranteed access to the international protection procedure.

12. The Government must 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 by the Temporary Protection Directive and in the Royal Decree 1325/2003.

13. The Government must increase its commitment to the annual resettling quotas of refugees and assume much greater responsibility for the humanitarian crises such as the one Syria is currently suffering. Spain is at the bottom of the list of European countries that from the beginning of the conflict have approved resettling quotas for refugees fleeing this conflict.



Image of the Syrian city of Aleppo, destroyed after three years of civil war. © ACNUR.

14. The authorities must establish measures to ensure human rights are respected and avoid the loss of human lives at the borders, in particular preventing the use of anti-riot material and withdrawing the concertinas installed at the borders of Ceuta and Melilla.

15. The Government must guarantee that the illegal returning of persons who reach Spanish borders is stopped and ensure the non-refoulement principle to countries where their life is at risk and could suffer punishment or inhumane or degrading treatment, and facilitate access to the international protection procedure.

16. The Government must guarantee that not one person is returned, by application of the Dublin Regulation, to countries that do not guarantee a fair and effective system of protection and asylum. The existence of family ties must be assessed in these procedures.

17. Apply the jurisprudence of the Supreme Court in terms of international protection requests at border points and CIEs, since, despite that jurisprudence, in 2013 the OAR continued not to admit or to refuse a high percentage of applications, only qualified by the high number of admissions of some nationalities.

18. Regarding the use of information about the country of origin in the decision-making, there must be a guarantee that the decisions contain a reference to the information used and the sources consulted, and a detailed and individualised reason regarding the causes and the criteria which determine the decision taken. In this way, the possibility to appeal against the decisions

before the relevant courts shall not be hindered, a particularly concerning point among the applications submitted at borders and in CIEs due to the short deadlines in this procedure.

19. Increase the number of interviews in the eligibility stage.

20. Conclude the investigation of cases which incur repeated delays in an unjustified manner, the case of Mali, and resolve pending cases, many of which were prior to the entering into force of the Asylum Act applicable since the end of 2009.

C) ASYLUM AND EMPLOYABILITY

21. The financial crisis must not lead to further cuts in public policies for the asylum and integration of refugees. The link between the reception centres must be guaranteed ensuring that all asylum seekers have a decent life and make the relevant means available to deal with people in particularly vulnerable situations with specific needs.

22. Within the framework of the Common European Asylum System, new regulations should be adopted which harmonise the benefits offered by international protection, particularly regarding the right to residence and to healthcare, via long-lasting policies which in turn promote language learning and access to employment as essential integration factors.

23. The Central Administration must provide the means which prevent local authority integration plans from becoming paralysed which included this social group.

24. In the context of the new planning period of structural funds 2014-2020, the application of at least 20% of the funds must be employed for the fight against poverty, social exclusion and discrimination, strengthening the actions undertaken to foster social cohesion, integration and co-existence.

25. The public authorities must commit to fostering and strengthening participation in the Third Sector of Social Action in the design, implementation, monitoring and evaluation of integration, co-existence and social cohesion policies.

26. The Asylum Regulation must provide a channel which facilitates the regularisation for those who do not gain international protection for stability. The option of a new labour stability model must also grant a work permit and residence once it is proved that the employment relation(s) maintained have exceeded six months.

27. The Asylum Regulation must also provide a mechanism so that when an asylum seeker is left without international protection he/she may obtain (due to having resided as such for months or even years legally in our country) different treatment to that of any other in an irregular administrative situation, which does not oblige them to fulfil the requirements of the authorisations due to exceptional circumstances regulated by Foreigner legislation.

28. The Ministry of Education must take into account the particular difficulty of asylum seekers and refugees to comply with the requirements for the certification of academic diplomas. In addition to common requirements in the procedure (legalisation of certificates, translation...), which may delay the process several years, there is the difficulty of gaining the official documents from their countries of origin when they have fled due to persecution.

29. Measures different from those introduced to date are required for job orientation tasks because they imply a "privatisation process" in job searches. The budget allocated to public employment services must be increased in order to cover the job orientation work from the public sector.

30. The Minister of Employment and Social Security must develop measures to assess and monitor the employment integration data via reliable indicators among international protection seekers and refugees. This is a necessary and useful tool in the design and evaluation of this group's specific measures in this field.

31. Develop information and awareness campaigns regarding refugees and their uniqueness in order to eradicate xenophobe and racist prejudices and to foster values of hospitality, solidarity and respect for human rights.

32. The promulgation of specific measures from the public authorities to prevent discrimination in the workplace of refugees and asylum seekers •



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Our critical analysis must not be an invitation to remain inactive and to conform. Quite the opposite. Once more in the history of our organisation we are calling for a commitment to refugees...

And now, as the Spanish Commission for Aid to Refugees has just celebrated its 35 year anniversary, we are also doing so through the Democratic Memory. 75 years ago, in the harsh winter of 1939, more than half a million Spanish republicans, after the bitter defeat, went into exile through the Pyrenees. One of our great poets, Antonio Machado, died on this crossing and never returned and whose modest tomb in Collioure is now a permanent reminder of the desperate pilgrimage of our ances-

tors. Some countries, such as the Mexico of Lázaro Cárdenas or the Chile of Pablo Neruda, showed solidarity towards the Spanish refugees, who were able to rebuild their lives there and leave an indelible trace.

Throughout the past three and a half decades, thousands of people have supported our work, our commitment to promoting the right to asylum. In recent years, very difficult for our organisation, we have felt the warmth, support and respect towards our work. CEAR was established in May 1979 as a result of the commitment to a broad and plural set of customised organisations that joined their will to make what is enshrined in the 1978 Constitution a reality: Spain must be country offering asylum to those fleeing persecution...