



COUNTRY OPERATIONS PLAN

OVERVIEW

Country: Spain

Planning Year: 2006

2006 COUNTRY OPERATIONS PLAN FOR SPAIN

Part I: OVERVIEW

1. Protection and socio-economic operational environment

At the end of 2004, 8,441 refugees were living in Spain having arrived since the first asylum legislation was approved in 1984. During the ten year period between 1995 and 2004, 65,559 persons lodged applications for asylum and refugee status was granted to a total of 3,266 persons, yielding a recognition rate of approximately 5%. Over this period, the recognition rate has reached peaks of 7.4% during 1995 and 5.1% during the years 1996 and 2000. The average recognition in the last three years was 2.8%. A ranking of the ten top nationalities demonstrates that the people applying for asylum in Spain during the last three years came from: Nigeria, Algeria, Colombia, Democratic Republic of Congo, Ivory Coast, Liberia, Cameroon, Guinea, Russian Federation, Iraq and Cuba. Furthermore, during the same period, 6,160 persons were granted humanitarian status in Spain.

A new political era started here on 14 March 2004 when the Socialist Party won the elections. In one of his first press conferences, Prime Minister Zapatero announced that security concerns and immigration policy were to feature among the top priorities of his administration. Although the number of ETA attacks decreased in 2004, Spain suffered its worst terrorist attack ever on 11 March. Several bombs exploded in four commuter trains killing 191 people and injuring hundreds more. Islamic militants claimed responsibility. As proof of Zapatero's statement, during the second semester of 2004, this office noted a more open and transparent attitude towards asylum and a markedly higher consideration for UNHCR's policy and position as compared to past years.

An external border of the Schengen area, Spain must tailor its immigration policy accordingly. Under increased pressure by its EU partners, Spain amended its asylum and immigration legislation, adopting more restrictive immigration policies. To manage one of the EU external borders better, Spain signed a bilateral cooperation agreement with Morocco last year to stem the flow of irregular migrants. During 2004, the pattern of illegal immigration to Spain shows a decrease in arrivals of rafts. It appears that smugglers have moved their operations to other more dangerous routes and arrive at Spain's southern coast to avoid detection by the SIVE. Simultaneously, smugglers have recently resorted to using unseaworthy vessels that depart from various West African countries carrying hundreds of sub-Saharan nationals. Once in Spanish territorial waters, the passengers are then abandoned

In the absence of alternative migration channels and restrictive immigration policies, the majority of irregular migrants try to cross the Mediterranean or enter Spain via the Canary Islands and the enclaves of Ceuta and Melilla by irregular means. The statistics show that an estimated number of 56,000 persons (mainly Moroccans, but also Algerians and Sub-Saharan nationals) managed to arrive clandestinely to these two enclaves during

2004. During 2004, 34 % of in-country asylum applications were filed through Ceuta , 22 % of which were admitted into the asylum procedure.

While the number of asylum applications has decreased over the last years, Spain is however one of the EU MS that is currently more exposed to clandestine immigration by sea, mainly from North and Sub Saharan Africa. According to demographic estimates for 2003 issued by Eurostat, Spain accounted for 23% of all the net migration to MS, followed by Italy (21%), Germany (16%) and the UK (10%).

This Office must take advantage of the new government's positive attitude and its decision to prioritize migration management and border control. Relatedly, in the near future, the Office must face several challenges: a) monitor main entry spots closely through regular missions or regular conference calls with NGOs who are present in these areas. The success of this monitoring would largely depend on the availability of resources. b) improve the RSD procedure and seek a more liberal interpretation of the refugee definition, and c) reinforce the legal aid provided by NGO or pro-bono lawyers with the aim of improving the quality of their interviews with asylum seekers. This is crucial for their admission into the asylum procedure or recognition of refugee status.

Regarding the transposition of EU asylum directives, the Ministry of Interior has appointed an expert group to study the transposition of the Qualification Directive and Procedure Directive. As this will imply important amendments to the asylum legislation, UNHCR will be consulted to ensure that such amendments adhere to accepted legal standards. This process will start as early as 2005 and probably end at some point in 2007. UNHCR's involvement at an expert's level is almost guaranteed.

In terms of fund raising, the change of government opened new perspectives, given the new authorities' repeated emphasis on the importance of multilateral institutions and co-operation coupled with an announced increase in co-operation budgets for 2005.

Spain is a highly decentralized country with 17 autonomous regional governments and two autonomous cities (Ceuta and Melilla). On the whole, Spain has a tradition of supporting UNHCR. For example, in December 2002, UNHCR signed the Framework Co-operation Agreement with the Spanish Government, recognizing all contributions raised in Spain as Spanish and allowing UNHCR to receive funds from different Spanish decentralized institutions. Most of the funds are raised in close co-operation with the National Association *España con ACNUR*

In 2006, BO Spain will continue its proactive media approach. As a Spanish language media hub, BO Spain will continue to translate PI documents and issue press releases when warranted. To reach Spanish public opinion and to achieve the goal of making the general public more receptive to refugees' needs, BO Spain will increase its network of well-informed journalists. Special attention will be given to regional media, especially in areas where the office has detected protection problems, such as (at the time of writing) Ceuta, Melilla and the Canary Islands.

2. Operational goals and potential for durable solutions

As part of the UNHCR's Global strategic objectives and the Bureau for Europe's strategic Framework, the following are the overall strategic goals of the 2006 UNHCR programme in Spain:

1. Strengthening Asylum:

- Ensure access to territory and asylum of deserving cases emerging from the interface between migration and asylum
- Prevent instances of *refoulement*, improving RSD procedure and legal assistance provided by NGO lawyers or pro-bono lawyers.
- Cultivate partnerships with NGOs and other institutions will be required to complement UNHCR's role in monitoring access to territory and asylum in main entry points of arrivals. This would include special attention to cases with special needs because of their age and gender.
- Seize the opportunity to obtain from the government greater commitment and political measures in order to strike a balance between the impact of migration management policies/control measures and the need to provide a response that does not jeopardize refugee protection within the broader context of migration management.

2. Assure that asylum-seekers have access to fair and efficient asylum procedure.

- Establish constructive dialogue with the government counterparts so that there is greater propensity to consult with UNHCR. This ultimately will have a positive impact at the Eligibility Commission, where UNHCR participates as an observer.
- Advocate full protection for separated minors and access to legal and social services, including improved age determination practices.
- Ensure that women victims of trafficking who fulfill the refugee criteria are admitted into the asylum procedure and recognized as refugees.
- Participate actively in the asylum harmonization within the EU and influence institutions and public opinion towards the implementation of a fair asylum policy promoting a more liberal interpretation of the refugee definition and other principles contained in the 1951 Convention.

3. Promote durable solutions

- This office, jointly with its NGO counterparts, will continue to endorse a formal resettlement scheme.

4. Solicit increased funding from Spanish public and private donors

- BO will continue its lobby to increase financial and political support from Spain for UNHCR. The most significant increase can be expected from the central Government that has announced priority to multilateral institutions.
- BO will continue to support España con ACNUR's strategy to increase the private sector fund raising and jointly will continue to promote the signature of the co-operation agreements with decentralized administrations.

5. Influence public opinion so that it is receptive to protection needs of refugees and supportive of their integration efforts

- UNHCR will make the public as well as the politicians aware that if there are no safeguards in place to identify the asylum seekers among the people who enter Spain illegally, people fleeing from war and persecution cannot claim the protection they need.
- As the Spanish language media hub, BO Spain will continue to translate and print the Spanish version of the Refugee magazine and to prepare the supplement *Especial España* to be distributed in Spain and in the Spanish speaking countries.