

**SPAIN**

**2002 COUNTRY**

**OPERATIONS PLAN**

## **Part I: Executive Committee Summary**

### *Executive summary*

#### **(a) Context and Beneficiary Population(s)**

As a consequence of its sustained economic development and geographical position, Spain has become target of migration flows, which reached unprecedented levels, creating a less favourable environment toward traditionally generous asylum policies and practices. While the concept of asylum and the basic principles of international protection are not questioned, some of the recent and ongoing legislative and structural changes aimed at strengthening control on entry of foreigners have an impact on the asylum system. The European Union harmonisation process, highly influenced by the migration agenda, is an additional influential factor.

Spain's national laws assign to UNHCR an important role in the asylum procedures, thus ensuring a regular and effective interaction with relevant national authorities. Besides specific intervention on individual cases both under the admissibility/accelerated procedure and during the substantive procedure, the Branch Office enjoys a favourable position which allows the injection of UNHCR's positions and views into asylum policy. UNHCR's role as the international organisation mandated to protect refugees is fully recognised. UNHCR in Spain does not finance direct assistance to asylum-seekers or refugees and concentrates its efforts on protection and external relations activities; in fact an important share of the costs of the Branch Office and of the staff involved in the asylum procedures is supported by the Government.

8000 persons requested asylum in Spain in 2000, while statistics for the first months of 2001 indicate a probable increase for the current and next year. The increase in number of asylum seekers has a direct impact on the resources of the Branch Office, due to its role in the asylum procedure as outlined above. In 2000, 10.1% of asylum seekers received refugee status or a complementary form of protection. While the recognition rate under the Geneva Convention has increased in comparison with the previous three years, the rate of complementary protection granted has decreased. Since 1990, 5000 persons have received refugee status and 3000 persons have received complementary protection in Spain

The building of a common EU asylum system is also one of UNHCR's priorities in Spain, especially as in the first half of 2002 Spain will hold the EU Presidency. The Branch Office facilitates the information flow on the asylum-related developments from the EU to the national level and keeps RO Brussels and HQs informed of developments in Spain related to the harmonisation debate. The BO also advocates, at technical and political levels, for the inclusion of UNHCR's perspective in the Spanish positions regarding the different legal instruments at the drafting stage.

An active role to provide better understanding of refugee issues reinforces UNHCR's protection role in Spain. With the increase of immigration to Spain, there is a greater need to inform public opinion about refugee issues and for UNHCR to be present in the migration debate. The Branch Office also enlists support from Spanish society for

UNHCR's programmes, and works closely together with UNHCR's national association to establish a predictable funding base from private and public sources.

Spain's COP is elaborated in the context of the Bureau for Europe's strategic directions, established through a consultative process led by the Bureau and which involves all country offices. As a result a number of themes and goals have been identified which are common to all country programmes. The following paragraphs define the specific objectives set for UNHCR in Spain in order to achieve these common goals.

The number of NGOs dedicated to refugee programmes in Spain is limited when compared to other western European countries. These organisations usually receive public funding for their activities and have a close working relation with UNHCR.

**(b) Selected Programme Goals and Objectives**

Theme 1: QUALITY ASYLUM IN A UNITING EUROPE	
Goal 1: <b>PERSONS IN NEED OF INTERNATIONAL PROTECTION HAVE ACCESS TO THE TERRITORIES OF EUROPEAN STATES</b>	
Principal Objectives	Related Outputs
<ul style="list-style-type: none"> <li>• Every person in need of international protection who lodges an application at the border is granted access to the territory of Spain</li> <li>• Separated children (SC) are granted access to the asylum procedures</li> </ul>	<ul style="list-style-type: none"> <li>• Every asylum applicant has his/her claim considered by the BO and a reasoned recommendation is forwarded to the MOI</li> <li>• Asylum-seekers' lawyers and NGOs are trained</li> <li>• A co-ordination network between UNHCR and NGOs is established</li> <li>• Separated Children in Europe Programme is implemented with BO's support</li> </ul>
Goal 2: <b>STATES ADOPT THEIR ASYLUM LAWS AND POLICIES IN ACCORDANCE WITH INTERNATIONAL STANDARDS</b>	
Principal Objectives	Related Outputs
<ul style="list-style-type: none"> <li>• Decisions on Refugee Status Determination are taken in accordance with international standards</li> </ul>	<ul style="list-style-type: none"> <li>• As mandated by Spanish law, the BO provides a reasoned recommendation on selected asylum applications within the admissibility/accelerated in territory procedure</li> <li>• Main legal discrepancies btw. UNHCR and the RSD authorities are properly addressed (Gender, non-state agents, third safe country, safe country of origin, well founded fear of persecution, assumed risks,</li> </ul>

<ul style="list-style-type: none"> <li>The Spanish contribution to the building of a common EU asylum system is consistent with UNHCR's positions.</li> <li>An adequate response is given to the protection needs emerging from the interface between migration and asylum</li> </ul>	<p>exclusion clauses, imputed political opinion)</p> <ul style="list-style-type: none"> <li>The BO provides its positions on legal issues and COI requested by the National High Court within the appeal process.</li> <li>During Spanish Presidency of the EU, a mechanism of consultation and working relations is established</li> <li>The BO advocates both at senior political- and technical levels with the Spanish authorities to promote the inclusion of UNHCR's positions</li> <li>The BO feeds RO Brussels with legal comments on draft directives at an early stage to contribute to the formation of UNHCR's positions from a "highest possible denominator" perspective</li> <li>The BO's input is included in legislative initiatives following close contact with MPs, Parliamentary presentations and dissemination of written recommendations on legal instruments.</li> <li>The implementation of aliens legislation, in particular articles concerning humanitarian and displaced status, and issues relating to statelessness, is carried out under close monitoring by the BO</li> </ul>
<p>Goal 3:  <b>PUBLIC OPINION IS RECEPTIVE TO PROTECTION NEEDS OF REFUGEES AND SUPPORTIVE OF THEIR INTEGRATION EFFORTS</b></p>	
<p>Principal Objectives</p>	<p>Related Outputs</p>
<ul style="list-style-type: none"> <li>UNHCR is seen by the general public as a relevant actor in the European asylum debate</li> </ul>	<ul style="list-style-type: none"> <li>Spanish media reflected UNHCR's positions regarding the EU agenda.</li> <li>UNHCR is present in the Spanish debate on migration.</li> </ul>

<p>Theme 2:  <b>EUROPE SUPPORT TO UNHCR AND REFUGEES WORLD WIDE</b></p>	
<p>Goal 1:  <b>UNHCR RECEIVES INCREASED FUNDING FROM SPANISH PUBLIC AND PRIVATE DONORS</b></p>	
<p>Principal Objectives</p>	<p>Related Outputs</p>
<ul style="list-style-type: none"> <li>UNHCR receives increased income from the Private sector and from</li> </ul>	<ul style="list-style-type: none"> <li>UNHCR received increased funding from Spanish regional governments and</li> </ul>

Spanish de-centralised governments.	municipalities through <i>España con ACNUR</i> . <ul style="list-style-type: none"> <li>• UNHCR received increased funding from private donors, through <i>España con ACNUR</i></li> </ul>
<b>Goal 2: Public opinion has sympathy for the refugee cause and recognises UNHCR as the international refugee agency</b>	
Principal Objectives	Related Outputs
<ul style="list-style-type: none"> <li>• UNHCR is seen as the international refugee agency, protecting and helping refugees</li> </ul>	<ul style="list-style-type: none"> <li>• General public obtained accurate, updated and factual information on refugee situations world wide</li> </ul>