

Part I: Executive Committee Summary

(a) Context and Beneficiary Population

UNHCR's presence in Spain aims at assisting the Spanish authorities to strengthen the institution of asylum with a view to ensure that the 1951 Convention is applied in a flexible and fair manner, that international protection needs of persons arriving in Spain are fully addressed, and that international protection standards are, accordingly, reflected in legislation and practice. UNHCR in Spain also aims to have some bearing on the Spanish contribution to the European Union Harmonisation Process, as foreseen by the Treaty of Amsterdam. In this line, UNHCR will promote in Spain the adoption of EU directives that maintain the Union's highest denominators, with the full and inclusive application of the 1951 Convention and a full set of guarantees for complementary forms of protection in line with international standards. At the same time, UNHCR aims at creating a constituency in Spain that will help the Agency to increase political and financial support for its Spanish, European and global programmes.

The national context is strongly influenced by the public concern resulting from increasing arrivals of illegal immigrants, that, mirroring developments in other EU Member States, inspire tighter and more restrictive migration control measures, which risk jeopardising the right to seek asylum of persons in need of protection. In addition, the extraordinary regularisation process, through which aliens staying irregularly in Spain could have access to stay and work permits, concluded in July 2001 and the overall policy changed as of January 2002. From that date, the general rule is that aliens wishing to regularise their stay in Spain can only attempt to do so by returning to their country of origin and lodging the respective application from that location. Until January 2002, therefore, a considerable number of asylum-seekers, possibly also genuine refugees among them, would abandon or withdraw their asylum application once they regularised their stay. However, that will no longer be the case, and asylum applications are likely to increase. Another relevant fact that might affect the situation of asylum-seekers is the introduction of a visa for Colombian nationals, who form one of the most relevant refugee caseloads in Spain, as well as the recent decision to require a transit visa for Cubans travelling through Spain.

Another issue of deep concern to Spanish society is terrorist activity by the Basque separatist group ETA, who has persisted killing and triggering acts of violence, and has affected the country for the past decades, causing indignation and distress at all levels. This, coupled with the effect of the 11 September events and the international fight against terrorism, might result in an increased mistrust towards asylum-seekers and refugees of a certain religion, ethnicity, national origin or political affiliation, leading to a stricter interpretation of the 1951 Convention.

National level protection

Spanish asylum legislation assigns UNHCR an important role in the asylum procedures, hence ensuring regular and effective interaction with relevant national authorities. Besides specific interventions, through giving a recommendation on almost every application lodged in Spain both under the admissibility/accelerated procedure and during the substantive procedure, the Branch Office enjoys a favourable position which allows the inclusion of UNHCR's positions and views into the asylum policy. The Office gives particular weight to the situation of separated minors and to refugee protection with a gender perspective, which have been mainstreamed to become a component of all its activities.

The Branch Office in Spain does not have a programme covering direct assistance to asylum-seekers or refugees and concentrates its efforts on legal advice and capacity building to strengthen the institution of asylum. However, due to its inherent mandate, UNHCR in Spain also aims at influencing standards of treatment to asylum-seekers, refugees and beneficiaries of other forms of protection, in order to promote their conformity with internationally recognised principles and

standards. These functions can only be carried out with the existing human resources in the Protection Unit, and any reduction would imply a thorough revision of the Branch Office's strategy.

The harmonisation of European Union asylum policies

UNHCR in Spain, in co-ordination with UNHCR’s Regional Office in Brussels, the Bureau for Europe and the Department of International Protection, aims to ensure that Spanish positions throughout the configuration of a harmonised EU asylum policy are in line with international refugee protection standards.

Another field of concern within this framework is the EU harmonisation process on migration issues, which foresees the adoption of certain measures that, by limiting access to the territory of the Member States, might put at risk the principle of *non-refoulement*. The increase of trafficking and smuggling, as well as international terrorist activity, and the corresponding measures being adopted by the EU to counteract them, also require that appropriate measures are foreseen for the protection of genuine refugees and persons of UNHCR=s concern.

The Branch Office disseminates UNHCR=s positions, recommendations and concerns on the draft instruments on asylum and immigration being prepared within the five-year timeframe foreseen by the Amsterdam Treaty, among different actors, such as Government officials involved in the direct negotiations in Brussels, public institutions, non-governmental organisations and journalists. The Branch Office seeks to maintain a constructive dialogue with the Spanish authorities, as a legitimate interlocutor in this process.

Public Information and External Relations’ activities

BO Spain=s public information activities target the general public through the media and aim to create a national debate on asylum issues, along side the national debate on immigration. Better informed public opinion is fundamental for refugee protection in Spain and is also key to obtaining increased support from the Spanish central Government, as well as from the various autonomous governments.

Donor relations

BO Spain aims at increasing contributions from Spain and has established an ambitious indicator of 10% a year increases. UNHCR works together with the central Government and Parliament, as well as with several autonomous governments and their parliaments to increase political and financial support to the Agency’s world-wide programme. UNHCR will also reach out to civil society and private individual donors for support.

(b) Selected Programme Goals and Objectives

Theme 1:	
STRENGTHENING ASYLUM	
Main Goals:	
<ol style="list-style-type: none"> 1. Persons in need of international protection have access to Spain and to the territories of European States 2. Asylum-seekers have access to fair, efficient and effective asylum procedures and are treated in accordance with international protection standards 3. Public opinion is receptive and supportive of protection and solutions needs of asylum-seekers. 	
Objectives	Related Outputs
<ul style="list-style-type: none"> • Immigration control measures do not prevent persons in need of protection to access Spanish territory 	<ul style="list-style-type: none"> • Entry points are monitored • Effective legal aid, information and interpreters are available in entry points. • Ministry of Interior officials are sensitised on the need to include protection safeguards in national

	<p>migration policies and practice and concrete cases are followed up.</p>
<ul style="list-style-type: none"> • UNHCR's positions regarding protection safeguards within EU immigration policies are taken into account by Spanish authorities in the EU harmonisation process. 	<ul style="list-style-type: none"> • The BO holds systematic working meetings with relevant officials working on the EU harmonisation process. • NGOs and other actors contribute to the EU debate
<ul style="list-style-type: none"> • RSD decisions are taken in accordance with international standards in Spain and this is also guaranteed in the text of the EU directives 	<ul style="list-style-type: none"> • A constructive dialogue is established with CIAR members and these increase acceptance of UNHCR's recommendations • The BO gives recommendations on every asylum application in Spain at the different stages of the RSD procedure in accordance with the asylum law • NGOs and Law Bar Associations are compelled to assume responsibility for legal assistance at this stage and they are informed of the cases to be decided • The systematic appeal of cases on which there was a substantive discrepancy at the administrative level is promoted and supported • A constructive dialogue on the EU draft directive on qualification as a Refugee and subsidiary forms of protection is established with govt. interlocutors and highest common denominator is advocated for. • NGOs, journalists, academics are informed of the process and aware of UNHCR's concerns
<ul style="list-style-type: none"> • The public at large understands the relevance of refugee protection, as well as the difference between economic migrants and refugees 	<ul style="list-style-type: none"> • The BO will include its positions and concerns on this issue in its permanent relation with the media with a view that the latter disseminates it to the public • Launching of a national campaign on the specific rights and needs of asylum-seekers and refugees.

<p>Theme 2: PARTNERSHIPS</p>	
<p>Main Goals:</p> <ol style="list-style-type: none"> 1. Spain supports UNHCR politically 2. Spain supports UNHCR financially 	
<p>Principal Objectives</p>	<p>Related Outputs</p>
<ul style="list-style-type: none"> • Creation of a Spanish constituency for UNHCR and refugee protection. • UNHCR receives increased funding from Spain 	<ul style="list-style-type: none"> • Increased UNHCR presence in the media • The Spanish Central government accepts to take up ownership of UNHCR programmes in areas of interest. • Spanish Autonomous Governments increase contributions to UNHCR • Increased number of private individual donors contribute regularly to UNHCR and National Association