



# ***Reception of Asylum Seekers in Spain***

**A Report from the ENARO-exchange programme  
in April 2005**

**by**

**Kjartan Dirdal  
Hero Mottak og Kompetanse AS  
Norway**

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## **1. Introduction**

The reason for applying and then taking part in the Enaro exchange program was my eagerness to broaden my view and experience regarding refugees and the reception of asylum seekers in Europe. I especially wanted to go to Spain not only because I like the country but also because it is exciting to learn more about how a southern European country is coping with the responsibility of guarding the border of the European Union.

My own experience from working in a reception centre for asylum seekers in Norway for two years both as an information officer and a manager makes it impossible not to make some remarks at the end of this report. But first and foremost I will make a description of the Spanish system and ways of dealing with people applying for asylum in Spanish territory. The comprehensive program makes it necessary to narrow this report down to an election of certain interesting elements of the Spanish system.

I would like to thank the very helpful representatives for the many governmental and non-governmental institutions that we were allowed to visit, especially Rafael, Carlos, Maria, Pepa and Bisi. I would also thank my colleague from Holland, Sylvia, for the many conversations and laughs we had during the two weeks in April 2005.

## **2. The Exchange Program**

The exchange took place from April 18<sup>th</sup> to 29<sup>th</sup> 2005. Our host was the General Directorate of Integration of Immigrants in Madrid. We had an organized program from morning until the afternoon and had the weekend off (See Appendix 1 for details). Transport and meals were all organized by our contacts during the exchange period.

The program consisted of information about how the Spanish government meets the challenges of receiving asylum seekers and how they organize the apparatus of processing the applications, housing and integration into the Spanish society. We were given the chance to get first hand knowledge from the different governmental offices and the organisations involved in this work. The methods of acquiring this knowledge were presentations given by representatives in these offices and our interviews with them.

We visited the directorate head office, six different reception centres for asylum seekers including 3 state centres (CAR) and a border post centre. In addition we visited 12 other entities like the United Nations High Commissionaire for Refugees (UNHCR), social security office, immigration office, schools, municipal youth house, enterprises with immigrant workers and non-governmental organisations.

During the ten days our program lasted we spent three days inside reception centres. The rest of the time was spent with the external partners of the centres.

## **3. Dealing with Refugees in Spain**

### **3.1 History**

In comparison to most other immigration-receiving countries, Spain has only recently witnessed significant foreign-born inflows — a reality reflected in rapidly shifting migration policies. The legal foreign-born population has quadrupled in less than a decade, rising from approximately 500 000 in 1995 to two million in 2004. The work-immigrants have therefore dominated the Spanish new history of immigration. The amount of asylum seekers given a

residence permit has annually varied between 200 and 1000 persons the last 10 years. The many work-immigrants coming to Spain every year has overshadowed the few immigrants seeking asylum.

The total population grew from 39 million in 1996 to 43 million in 2004. 3,69 million ( 8.4%) of the population are immigrants. The immigrant population grew by 650 000 during 2004. The main groups of immigrants with residence permits in Spain are (31.12.04): Moroccans 387 000, Ecuador 221 000, Colombia 137 000, Great Britain 128 000 and Rumania 89 000. The real numbers of immigrants from these states of origin are higher when you add the 1.3 million irregular immigrants at that time.

### **3.2 Statistics**

The numbers of asylum applications submitted and statuses granted from 1995 to 2004 are as follows (numbers found in “Legal and Social Conditions for Asylum Seekers and Refugees in Europe, 2003 - Spain, CAR of Alcobendas):

Year	Applications submitted	Convention status	Humanitarian status
1995	5 678	464	Not available
1996	4 730	244	193
1997	4 975	161	218
1998	6 764	238	762
1999	8 410	294	679
2000	7 926	394	250
2001	9 490	298	84
2002	6 309	165	68
2003	5 918	238	167
2004	5 535	174	197

According to the numbers for the last four years, Spain does not grant statuses to more than 400 asylum seekers each year. The number of applications submitted in Spain is relatively small compared to the 2003-statistics from Great Britain (61 500), France (51 360) and Germany (50 450).

456 applications were submitted in February 2005. The dominating nationality groups were: Colombia (74), Nigeria (60), Algeria (53), Guinea Bissau (50), Guinea (44) and Mali (40). Most of these were made on Spanish territory, only 69 at border posts and 12 at embassies. 220 were submitted in Ceuta and 166 in Madrid.

### **3.3 Distinction between Immigrants and Refugees**

There is a clear distinction between immigrants and refugees in Spain. While refugees are recognized as people with a political reason for seeking refuge, immigrants are mainly in Spain for economical reasons. The lack of manpower makes the country an attractive workplace especially for Spanish speaking people from Latin-America and Northern Africa. Most of the immigrants have their occupations within the industry, agriculture and different services and relatively low incomes. Information from the immigration office in Valencia illustrates the difference. There are as many as 50 000 immigrants registered in the office compared to only 200 asylum seekers. In addition, out of 70 officers in the staff only two of them work with asylum seekers.

## **4. Directorate and Reception Centres in Spain**

### **4.1 Ministries involved**

There are mainly two governmental ministries involved in the reception of asylum seekers in Spain. Ministry of work and social affairs is responsible of the housing and the integration of refugees while the ministry of interior is responsible for the processing of asylum applications. This organisational map illustrates how the two ministries are involved on a structural level:

A group of social workers in the Asylum and Refugee Office represent the connection between the General Directorate and OAR. More details about the different entities will be explained in the next chapter.

### **4.2 State Centres and NGO Centres**

The Spanish system allows both non-governmental organisations (NGO's) and the government to run reception centres. There are four State Reception Centres for Refugees and they are called Centro de Acogida a Refugiados (CAR). These centres are situated in Madrid (two), Valencia and Sevilla and they each have a capacity between 80 and 100 residents. There are three NGO's administrating 12 reception centres. The NGO's are: The Spanish Red Cross, The Spanish Catholic Commission of Migration Association (ACCEM) and The Spanish Commission for Helping Refugees (CEAR). The total capacity is approximately 1 000 asylum seekers. In addition there are two State Temporal Centre for Immigrants, called Centro de Estancia Temporal a Inmigrantes (CETI), in Ceuta and Melilla. They have a total capacity of approximately 2 000 immigrants. This system is being reorganised and will in the future consist of Migration Centres with both immigrants and asylum seekers.

When the capacity is exceeded, temporary residences like hospices are used to house asylum seekers. The OAR will then decide who will be offered a room in the reception centre. The decision is based on vulnerability, which means that unaccompanied minors, elderly and people with health problems are given priority.

## **5. The Asylum Procedure in Spain**

### **5.1 Entrance and Submitting Application**

Spain is for many African and Asian refugees the gateway to Europe. There are different ways of entering Spanish territory. Many Africans arrive by boats from Morocco and others enter the Spanish enclaves Ceuta and Melilla in Morocco. The Spanish government has an important but difficult task protecting the borders of Europe against uncontrolled immigration from Africa. During 2003 Spanish authorities apprehended more than 56 400 foreigners at the borders, most of them Moroccans. The Spanish coast guard intercepted over 19 000 people at sea 9 400 near the Canary Islands and 9 800 in the straits between North Africa and southern Spain. Migrants from sub-Saharan Africa, northern Africa, and even south Asia risked perilous journeys in weak boats to reach Spain. Authorities estimated that at least 100 people died during the year when their boats sank off Spanish shores (numbers from UNHCR).

In addition a large number of refugees arrive at the airports and harbours. One of the immigration patterns are Latin-Americans getting Israeli visa and buying a ticket from Bogotá, Colombia to Tel Aviv, Israel. During the intermediate landing at Barajas Airport in Madrid they go to the customs and apply for asylum. There is a special procedure for the asylum seekers when they arrive. They are kept at the border while their asylum applications are being investigated.

Refugees who illegally cross the Spanish border have to go to the local Police Station or an Immigration Office to apply for asylum. If in Madrid the refugee can go directly to the OAR. Then he will be registered, complete an interview and sign a questionnaire including facts and allegations on which the application is based. If necessary he will be assisted by an interpreter. He can request legal assistance from a lawyer. He must provide passport or any other identity card. His fingerprints will be taken and checked up against the Eurodac-database according to the Dublin convention.

### **5.2 Admissibility and Processing Files**

All applications submitted on Spanish territory at the local Immigration Office or Police Station are sent to OAR in Madrid. 80 percent of the applications on the peninsula are made at the OAR in Madrid. They will in turn inform UNHCR of each request. Within a maximum of 60 days the application for asylum must be accepted for processing, or the Ministry of Interior must issue a declaration of non admissibility. UNHCR can give their recommendation but it is not binding. If the decision is to reject the application, the asylum seeker is obliged to leave Spain within the period specified (normally 15 days). Approximately 70 to 80 percent of all requests are declared non-admissible.

A person who wishes to request asylum on the border must inform the police there. Within a maximum of 72 hours the case will be accepted for processing or not. If the decision is non-acceptance he can ask for re-examination of his application and do so within 24 hours. Within a period of 48 hours the request for re-examination must be decided upon. If the decision is again negative the asylum seeker must leave the country (except if the UNHCR favours admissibility the asylum seeker can enter Spain while the National High Court decides upon admissibility). The asylum seeker has to remain on the premises at the border post until a decision on admissibility. If he abandons the premises before the time period has expired this will be seen as withdrawal of the application.

When a request for asylum is admitted the procedure is carried out to determine the status of the refugee. The investigation of the case is carried out by an OAR officer. If it is needed he can call the asylum seeker for a second interview. Once complete, the file is submitted to CIAR – an inter-ministerial committee consisting of representatives from Ministry of Interior, Ministry of Foreign Affairs, Ministry of Justice, Ministry of Work and Social Affairs and UNHCR. The latter has a voice but not a vote. The file will be studied and sent to the Ministry of Interior for a decision to be taken. The maximum time period for processing the file is six months. If no decision is made within this period of time a temporary work permit will automatically be given. During the admissibility procedure the asylum seeker will be offered housing and social programs in a reception centre. Vulnerable groups will get this offer already from the day of registering the application.

### **5.3 The Residence Permits**

There are two types of residence permits granted in Spain. The asylum given to recognized refugees in according to the 1951 Geneva Convention. The other one is the residence permit based on humanitarian grounds or for reasons of public interest according to section 17.2 of the Asylum Act. It's very rare someone is granted a residence permit for reasons of public interest. Spain has no permanent agreement with the UNHCR to accept a regular quota of refugees.

Both permits includes permission to remain in Spain, permission to carry out professional or mercantile activities and to work, issuing of necessary identity and travel documentation, concession of social and economic assistance in accordance with established regulations and finally any other measures covered by international agreements signed by Spain.

### **5.4 Granting Amnesties**

For asylum seekers with a negative resolution on the application they become immigrants in Spain. Most of them will stay in Spain and work. Their second chance of a residence permit will be the next amnesty granted by Spanish authorities to those with a work contract. This hope is based on the Spanish history of granting such amnesties approximately every five years.

May 7, 2005 ended the 15<sup>th</sup> extraordinary regularization program granting a one year renewable residence and work permit to unauthorized immigrant in Spain. The number of irregular immigrants in Spain was in December 2004 as much as 1.2 million. Almost 700 000 of these immigrants applied for this program. The regularization program applied to foreign workers who had been residing in Spain for over six months and had no prior criminal record in their home country or in Spain. Eligibility was also dependent on a future legal work contract of at least six months (three months for those working in agriculture).

## **6. The Reception Centre**

### **6.1 CAR**

#### **The staff**

The CAR of Alcobendas in Madrid was established in 1987. The number of residents in the CAR varies but the capacity is 80. The staff consists of 30 employees. The divisions are administration, reception, kitchen, maintenance, cleaning and a technical staff. What is called technical staff consists of a psychologist, a social worker, head of residence, labour and the equal-workers.

## **Conditions**

Asylum seekers can stay in the CAR for six months. It is also possible to get a stay extension of six months if the application for asylum is not yet refused. Other criteria for a stay extension are participation in Spanish course, active involvement in social and labour integration programs and vulnerability characteristics like family, illness, old people, disabled and so on. For the first six months the resident will learn the language and get vocational training. The next six months is the period where the resident will go from training to practice. CAR of Alcobendas in Madrid estimates that about 90 percent of the residents leaving the centre after one year have a job and are able to support themselves. If they are not able to support themselves they will be transferred to the local municipal housing resources for vulnerable groups.

Monthly financial support is 46 euros for a single person and 75 euros for couples. The day before leaving the centre they receive a financial support of 359 euros (700 euros for couples).

## **Facilities**

The CAR's has premises built specifically for the usage. The quality of standard is high and there is plenty of room for different activities. Three meals are served every day in the centre. The residents can choose from a daily menu made for Muslims, vegetarians, low-calories, Spanish and so on. Meals are served at specific hours. The residents have access to computers and internet. There is a library with books in different languages and two lounges with TV. The residents can use the laundry according to the chart. There are utility rooms where residents can get hot and cold drinking water and iron their clothes. There is also a recreation room for children.

The residences all have shared bathroom. In Alcobendas there are 20 rooms with three beds and 10 rooms with two beds. The residents are responsible for cleaning their own rooms. They have to deliver the key to the reception whenever they leave the centre. Visitors are aloud day time but only those with a valid identity document. After registration in the reception visitors can stay in a specific visitors' room. They are not aloud to go to the residential areas.

## **The residents**

Most of the residents in Alcobendas are men between 18 and 34 years old. Colombians constitute the majority in the centre. Other numerous groups are Angola, Armenia, Cuba, Georgia, Iraq and Russia. There are both families and singles living in the centre.

We interviewed several residents in the centres. Their views on the conditions for asylum seekers in Spain were quite negative. Especially the first days in the centre at the airport were a traumatic experience according to one of the interviewees. The period in hostels were also pointed out as a very difficult time. We were told stories about theft and fights inside the hostels without any attention paid by the police. His experience was that law and order did not exist inside the hostel. The resident also thought that the maximum stay of 12 months in the centre was not enough since the processing of the asylum application was not resolved within that period.

## **6.2 NGO Centres**

The private centres differ in quality of standard. The premises can be former hostels and similar buildings. The three main operators of the centres are CEAR, ACCEM and The Red Cross. CEAR (Spanish Commission for Assisting Refugees) is an organisation with socialistic political values and runs six different temporary reception centres (CAT). The

organisation has more than 600 working voluntaries. CEAR has a total capacity of housing 245 asylum seekers and immigrants and also provide free legal assistance for all asylum seekers. Red Cross and ACCEM (Spanish Catholic Association for Migration) are the two non-governmental organisations running the other reception centres. ACCEM is not a religious organisation although the name indicates that it is. It has a capacity of housing 500 persons.

The CAT of Cullera (in the province of Valencia) is run by CEAR and is one of five temporary reception centres in Spain. It means that there are both residents applying for asylum and immigrants in the centre. Some of the centres are decentralized which means that they consist of apartments connected to an office in the same city. The CAT in Cullera was established in 2002 and has a capacity of 70 residents. It consists of six apartments for four to five persons and a centre with 17 doubles and four triples. All residences have TV and private bathroom. There is a lounge with TV and a little library. There is also one computer with internet connection and a room for studying. The centre used to be a hostel before CEAR established the reception centre.

### **6.3 Border Centres - CETI and Barajas**

Unfortunately we did not have the opportunity to visit the CETI's in Ceuta and Melilla. The information we got about the CETI's was mainly that it is a giant problem for Spain to avoid the flow of immigrants from Africa entering the Spanish enclaves in Morocco. Since this is such a difficult task, they have one temporary stay centre in each enclave. The opinion of UNHCR in Madrid is that of great concern and worry. They state that the CETI's are a mixture of economical immigrants and refugees fleeing from persecution and war (10 % of the asylum seekers from Sub-Saharan Africa in the CETI's are admitted to the asylum procedure). UNHCR also expressed their worry based on reports from asylum seekers that fundamental human rights are not maintained in the centres. The conditions were said to be poor and the legal rights also threatened because of lack of official translators in the asylum interview.

Spanish Red Cross runs the border centre at Barajas Airport in Madrid. The capacity is 26 persons and they stay there for maximum seven days. Four to six persons share a bedroom. Common rooms are the lounge with TV and a bathroom. One social worker is in the centre 7 days a week morning and afternoon. The centre is guarded by airport-police. If a person needs medical assistance he will be assisted by two policemen to the medical centre at the airport. In the centre there is also a coffee-machine and telephone booth. The officers from OAR do the interview and complete the questionnaire at the centre. To avoid infectious diseases the officers sometimes use protection for mouth and nose during the interview.

### **6.4 ENEAS-EQUAL**

The ENEAS-EQUAL project is an integral action plan that aims to meet the specific needs presented by asylum seekers, fostering the process of social and occupational integration in conditions equal to the rest of the population.

The project is co-financed by the European Social Fund and is carried out in all reception centres in Spain. All the centres have one EQUAL-worker. He or she makes sure that every individual resident receive basic training in language, new technologies, use of computer and get access to the new social and cultural context. Workshops are arranged for training self-esteem, motivation and social skills. Pre-labour training consists of developing strategies and skills in order to get a job and knowledge about labour legislation and Spanish labour market. General vocational training is provided by public service. More specific vocational training

about gender and specific environment is provided by EQUAL. Guiding and counselling is given to validate the asylum seekers qualifications. The EQUAL-worker in the centre administrates and coordinates all these activities for every individual. He also motivates and stimulates them to make contact with employers in their search for jobs.

### **6.5 Project “Sensibilizacion”**

Spain faces like other European countries the challenge of counteracting racism and xenophobia. The project of making the people more sensible to the new Spanish population is therefore of great importance. It is aimed to promote social awareness, tolerance, respect of the human rights and the intercultural society in general and residents at the centre specifically. The project is directed towards children, youth and the local population in general. All the CAR’s are aware of their responsibility in this regard and they organize different campaigns and arrangements in their local environment.

One of the arrangements for children is the school-project to elaborate a new Christmas celebration under the motto “Christmas for all”. A competition in drawing comics with the title “Refugees and Freedom” is held every year for the young population in Madrid. The best comics from the period 1997 - 2002 have been published. Alcobendas arranges an annual Intercultural Fiesta called “Rainbow” in June in the local park. The party is a social happening and a forum for local people to meet the residents at the CAR, the immigrant population in general and organisations involved. In 2003 they published a collection of fairy tales from the residents in the centre called “Strokes of the rainbow”. These unique stories were told to the residents in their childhood and symbolize the cultural variety and at the same time the equality among us.

## **7. Remarks**

The Spanish way of working with asylum seekers is based on the perception of them as vulnerable and people with many needs. A centre with 80 residents and 30 workers says something about the way of thinking. The quantity of staff members contributes to a high technical standard in the state centres, but it also leads to passive residents. Another way of thinking is letting the asylum seekers themselves cook their own meals and clean the corridors. An active resident participation could not only make the running of the centre more cost-efficient but also make the residents more active and give them more influence on their living conditions.

The possibilities for asylum seekers to find work before having a residence permit seem to be very good. The labour market, especially in agriculture, industry and service, gives work opportunities for asylum seekers. They receive work permit after six months and have therefore good possibilities to quickly enter the labour market. An important question raised, is if the demand for manpower in these sectors contributes to the developing of a new class society where the immigrant population represents the underclass.

It is difficult to predict the number of arriving asylum seekers. Therefore a good system of reception centres has to be of great flexibility. Spain solves this problem with temporary housings in hospices when the centres are full. The services to the asylum seekers will therefore differ due to the time of arrival. Establishing more centres and then closing them when the arrivals decreases would secure a steady quality of the services provided to each asylum seeker arriving Spain.

## **Appendix 1:**

### ***Detailed Program***

#### **Monday, 18<sup>th</sup> of April 2005: Dirección General**

09:00 – 11:30 Reception of the participants from the network and a presentation of the reception systems in Holland and Norway to the members of the Dirección General de Integración de los Inmigrantes.

12:00 – 13:00 The reception of asylumseekers in Spain.

13:00 - 14:00 Programs and cooperation with the organisations ACCEM, CEAR and Red Cross

14:00 – 15:00 The european program EQUAL. Structure and function of the national program for asylumseekers ENEAS EQUAL.

#### **Tuesday 19<sup>th</sup> of April 2005: The first phase of the process**

09:00 – 10:00 Visit at the OAR: interview and meeting with the instructors and the social workers from UTS. The programs executed by FER.

10:30 – 12:30 Visit the reception centre at the airport Barajas and interview with the technicians in charge of the attention and processing of the application: lawyers, instructors and social workers.

#### **Wednesday 20<sup>th</sup> of April 2005: The C.A.R. of Alcobendas**

09:00 - 10:00: Presentation of the programs in the reception systems in Holland and Norway for the technical staff in the CAR of Alcobendas.

10:00 - 14:30: C.A.R.: interviews with the different professions of the C.A.R., visit the installations and interviews with the residents of the centre.

#### **Thursday, 21<sup>st</sup> of April 2005: Organisations**

09:00 – 10:00: Visit at UNHCR

10:30 – 12:00: Visit at CEAR: Legal assessment for asylumseekers and laboural insertion of asylumseekers and reconized refugees. The agreement and cooperation with the C.A.R. of Alcobendas

13:00 - 14:30: Visit at ACCEM: The programs for family reunification, guardianship homes and return.

#### **Friday, 22<sup>nd</sup> of April 2005: Local Corporations**

**09:00 - 11:30:** Visit at PSEIS, Social Security Office, Municipality of Alcobendas. Agreement and cooperation with the local entities: interview with the social workers, education workers and coordinators at the office.

12:30 - 13:30: Visit at the Youth House, Municipality of Alcobendas: Local social awareness programs.

13:30 - 14:30: Visit at CASI de S. Sebastián de los Reyes: Creation of social aid networks and the intervention of the municipality:.

#### **Saturday and Sunday, 23<sup>rd</sup> and 24<sup>th</sup> of April 2005**

Weekend in Madrid. Sunday afternoon departing for Valencia.

**Monday, 25th of April 2005: The C.A.R. of Mislata, Valencia**

09:00 - 10:00: Presentation of the reception systems in Holland and Norway for the technical staff at the C.A.R. of Mislata.

10:00 - 14:30: Interviews of the different professions at the C.A.R., visit at the installations and interviews with the residents at the centre.

**Tuesday, 26th of April 2005: Unaccompanied minors and language course**

09:00 - 10.30: Visit at the organisation AVAR and apartments for unacompanied minors in the Community Valenciana.

11.00 – 13:30: Visit at the syndicate school CCOO – CITMI, Vicent Ventura. Presentation of the program and the spanish language course.

**Wednesday, 27th of April 2005: Industry and Office for immigrants and asylumseekers**

09:00 – 10:30. Visit at the governmental delegation of the Community Valenciana which are processing the files.

10:30 – 14:00. Visit at PrimBall and Hierro Castano, the enterprises where refugees and asylumseekers are working.

**Thursday, 28th of April 2005 The C.A.T. of Cullera**

09:00 – 13:30 Visit at the Centre of First Reception at Cullera run by CEAR.

Presentation of the programs from CAT: first reception, asylumseekers and IRPF.

**Friday, 29th of April 2005. Evaluation of the exchange program**

10:30: Arrival at the city of Madrid and the Dirección General where the evaluation will take place. The participants will evaluate the program. End of program.