

# Report of exchange Programme in Spain



**October 2007**

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*Itinerary (List of places and people visited)*

**OAR** (Main office in Madrid)

**CEAR** (Comision de Ayuda al Refugiado en Madrid)

**Red Cross** (Barajas Airport – reception centre, assistance centre Juan Montalvo)

**UNHCR** (Main office)

**CAR** (reception centre of Alcobendas)

**Municipality of Alcobendas**

## COUNTRY PROFILE / STATISTICAL DATA

<b>General Information:</b>	
Country:	Spain
Organisation, address, website:	CAR (Refugee Reception Centers) <a href="http://www.mir.es">www.mir.es</a> (head office of OAR)
Governing institution:	Ministry of labour and social affairs
Total number of employees:	Alcobendas: 32
Annual budget (EUR):	Alcobendas: 1.400.000, - euro (plus a chapter for investment). Each facility manages its own budget as a “spending centre”.
Daily accommodation costs per one asylum seeker (EUR):	Alcobendas: 55 euro
<b>Asylum grant proceedings:</b>	
Legal duration of asylum grant proceedings:	According to law - 6 months, but lasts longer
Organisation liable for asylum grant proceedings (if other than above)	Asylum and Refugee Office (OAR)
Legal regulations governing asylum grant proceedings, their last amendment	Article 13 of the Constitution The Law on Asylum - 1984, Asylum Regulation – 1995, Last amendment: Royal Decree 2393/2004 of 30 December Nowadays: about to change and incorporate EU norms
Total number of asylum applications during: (indicate numbers and year)	Total number in year: 2004 – 5553 2005 – 5257 2006 – 5297. Translated into continents: Africa 2081 America 2444 Asia 449 Europe 205 Stateless 117.
Total number of granted asylum in accordance with the Geneva Convention during: (indicate numbers and year)	Total number in year: 2004 – 175 2005 – 242 2006 – 155.
Total number of provided subsidiary forms of protection: (indicate numbers and year)	Total number in year: 2004 – 203 2005 – 124 2006 – 196.
5 top countries of origin of asylum seekers: (indicate year)	Figures of <b>2006</b> : 1. Colombia 2.239 2. Nigeria 632 3. Marocco 281 4. Ivory Coast 236 5. Algeria 230
<b>Accommodation of asylum seekers</b>	

Total of accommodation capacity (number of beds):	Total number for SPAIN: 2600 By institutions: Accem 187 CEAR 275 CAR 500 Red Cross 310 CETI (North Africa) and Canary Island facilities add for the rest - approx. 1328.
Types of accommodation: (more than one answer possible)	<input checked="" type="checkbox"/> houses <input checked="" type="checkbox"/> hotels <input type="checkbox"/> bungalows <input type="checkbox"/> boats <input type="checkbox"/> caravans <input type="checkbox"/> tents <input type="checkbox"/> military barracks <input checked="" type="checkbox"/> (shared) rooms  <input checked="" type="checkbox"/> other (specify): private accommodation, pre-fabs
Number of facilities:	4 CAR, 2 CETI, plus NGO-run centres: altogether 47 centres
Average length of stay of asylum seeker in asylum reception facility:	7.5 months
Asylum seekers has possibility to live in private housing:	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
Asylum seeker's freedom of movement:	<input type="checkbox"/> without restriction <input checked="" type="checkbox"/> restricted: daily registration <input type="checkbox"/> obligatory permanent presence in asylum facility <input type="checkbox"/> detention
<b>Services provided:</b>	
Types of catering:	<input type="checkbox"/> individual cooking <input checked="" type="checkbox"/> catering provided <input type="checkbox"/> combined
System of provision of financial and material aid:	<input checked="" type="checkbox"/> cash <input type="checkbox"/> payment in kind <input type="checkbox"/> combined
Asylum seeker's access to the labour market:	<input type="checkbox"/> no <input checked="" type="checkbox"/> yes, after 6 months
Lessons of local language available:	<input checked="" type="checkbox"/> compulsory <input type="checkbox"/> voluntary <input type="checkbox"/> none
Vocational training available:	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
Extent of health care provided:	<input checked="" type="checkbox"/> standard – same as health care provided for citizens <input type="checkbox"/> different, specify:
Obligatory initial medical examinations:	<input type="checkbox"/> lung X-ray (TB) <input type="checkbox"/> venereal diseases <input type="checkbox"/> taking of biological material samples <input checked="" type="checkbox"/> other, specify: HIV, TBC, hepatitis They can enter on the condition of being uncontagious.
<b>Vulnerable groups:</b>	
Definition of vulnerable groups – please indicate the categories which are considered	<input checked="" type="checkbox"/> Unaccompanied minors (though in CAR facilities UMA don't live) <input checked="" type="checkbox"/> Single women

vulnerable in the reception system:	<ul style="list-style-type: none"> <li>* Pregnant women</li> <li>* Families with children</li> <li>* Elderly</li> <li>* Incomplete families (single women with minor children)</li> <li>* Mentally handicapped</li> <li>* Physically handicapped/disabled</li> <li>* Victims of trauma and other people with mental health problems</li> </ul>
<b>Please indicate number of asylum seekers for each category a) the whole country b) the reception facility – when available</b>	
Unaccompanied minors	The central PC-register knows them not
Single women	
Families with children	
Elderly	36 (0.7% of all applications)
Incomplete families (single women with minor children)	The central PC-register knows them not
Mentally handicapped	
Physically handicapped/disabled	
Victims of trauma and other people with mental health problems	
Others, specify	

## **GENERAL RECEPTION CONDITIONS INTRO**

### **1] Principle:**

The Spanish reception system recognises two main groups. There are asylum seekers whose status is to be determined no later than six months after they submit an application and there are immigrants. The second group is numerous (many hundreds of thousands) and after being for three years in ill-/semi- legal status it is given a work permission. Accordingly there are two laws - The Law on Asylum (1984) and the Aliens Law (2003).

The asylum seekers, once they are eligible as such, enjoy the rights comparable to European standards. An observer may find interesting that after 6 months they are entitled to work permission. After they have been in the procedure for six months, though, they have to do as much as possible to start life independent of the services reserved for their first half a year.

Crucial for status of both an asylum seeker and an immigrant is another regulation which enables everyone to be granted a permanent residence after three years in the territory provided they have got a legal job contract. By this means the comparative weight and advantages of possible refugee and complementary protection are being diminished.

The Spanish system is largely based on the paradigm of ALL asylum seekers' access to public services available to its citizens – as long as they haven't received a negative. These are usually for free (given their social security basis) and accessible. On the other hand, the system tends to be not very generous and makes its participants to look after themselves. This is especially true after the first half a year, as this report shows later on.

### **2] System and Institutions**

There are mainly two governmental ministries involved in the reception of asylum seekers. Ministry of work and social affairs is responsible for the housing and integration of immigrants / asylum seekers whereas the Ministry of Interior is in charge of asylum procedure.

The Spanish system allows both the non-governmental organisations and the government to run a reception centre. There are four state reception centres for asylum seekers and they are called Centro de Acogida a Refugiados – Refugee Reception Centres (CAR). These centres are situated in Madrid (2), Valencia and Seville, each having a capacity between 80 and 100 residents. There are three NGO's running numerous shelters (equivalent to reception centres) under the name "CAT".

Those three NGO's are: The Spanish Red Cross, The Spanish Catholic Commission of Migration Association (ACCEM) and The Spanish Commission for Refugee Assistance (CEAR).

In addition there are two state temporal centres for immigrants called Centro de Estancia Temporal a Inmigrantes (CETI) in Ceuta and Melilla. The total capacity of the whole system is approximately 2.600 (figures for 2007-1-1).

The rules and regulations concerning accommodation in both CAT and CAR are the same as they are given by a ministerial order. The fundamental rule is the right to stay for 6 months and ask for prolongation of the period for up to another 6 months if the situation of the individual deserves it.

### **3] Asylum procedure**

There are basically the following stages of the procedure providing legal framework for everything important on the field of asylum granting.

#### Stage a)

There are three kinds of asylum procedure according to the place of appliance: at the border (through authorised harbours – 5% or Madrid Barajas international airport - 95%) or in the territory (via sea or at the police stations). Theoretically an application may also be submitted at embassies, though not at the one in the mother country of the would-be asylum seeker. Mexicans therefore go to Panama etc. Such cases are however scarce.

The border applications are processed by the OAR with interviews conducted either by officials of the OAR in Madrid or the border police. Decision at the borders must be served within a seven working days time frame. Some cases are sorted out and not admitted for further processing if the “persecution story” is not grounded on Geneva Convention or (more often) is based on false / outdated / incredible facts or they fulfil the features of the Dublin convention.

Nowadays there is a 70% rate of admissibility on border, in inland it accounts for less.

The timeframe provided for processing admissibility of inland applications is 60 days.

There is a principle of a right to have a lawyer, an interpreter and access to medical care. Plus, in identified cases, the assistance of a social worker goes without saying. Once admitted, the asylum seeker is obtained by a document valid for 3 months.

If rejected the would-be asylum seeker is sometimes send back to the last airport he/she has come from.

UNHCR plays part in this stage of the process. If the application is rejected on the grounds of admissibility, UNHCR often sees to the case and raises their point within 24 hours. Either it agrees with the conclusion of OAR or the asylum seeker has still a right to appeal or disagrees (which happen in approximately every third case). The authorities mostly reconsider their position to comply with the UNHCR findings. Even if not, however, the asylum seeker may be let into the territory on the condition that they appeal the inadmissibility and has a status of asylum seeker in the meantime.

#### Stage b)

When a request for asylum is admitted for processing, the asylum seeker is obtained with a small card – “Yellow card” - enabling them to stay for 6 months. The procedure is carried out to determine the status of the asylum seeker. The investigation is done by the OAR.

Once complete, the file is submitted to CIAR – an Inter-ministerial Committee of Asylum and Refuge consisting of representatives of following Ministries: Interior, Foreign Affairs, Justice, Work and Social Affairs plus UNHCR. The latter has a voice but not a vote. Its meeting takes place once a month and all the institutions have the case file 15 days in advance to study.

The outcome is a proposal. Asylum seeker's lawyer may present possible objections to the procedure, which the CIAR has to take into account. The last word is on the Home Office.

Let us therefore conclude that in both of these stages the UNHCR plays a specific role which is incomparable to what is usual in other EU systems.

To further complicate the picture, another form of protection may be granted. There is also a subsidiary form of protection - in Spain called "humanitarian status". This applies to the cases of conflict in the country of origin or stateless persons or individual persecution or venereal diseases (mainly: diseased endangered by would-be return, e.g. HIV or dialysis) or humanitarian crisis (but with no reference to Geneva Convention, e.g. Tsunami tragedy, Mitch hurricane) accompanied by the call from UNHCR. Granting of such a status accounted for 48% of all forms of protection combined granted in 2004-2006, the main countries of origin being Ivory Coast, Iraq, and Palestine.

#### Stage c) – Negative and after

Out of all 4.515 decisions taken in 2006 there were 7.7% or 351 persons granted refugee and complementary protection. The rest received a negative. The negative means that from the point of view of Spanish authorities you are finished, an asylum procedure has just terminated and you are expected to leave the territory. Strikingly enough, the asylum procedure has ended the very moment you are given the negative decision. Your rights for appeal are not violated, but you optimally have to leave the country for all and your further stay in its territory is considered illegal.

Surely, they say that the police is not very enthusiastic seeking up these unsuccessful asylum seekers and that they tend to be benevolent, but it is not a very reassuring for an asylum seeker to find themselves in a outlaw situation, indeed. As explained earlier, in such a case all a rejected asylum seeker needs to do is to remain unseen till they have stayed in the territory for 3 years. Then they are given a permanent residence.

The first appeal is brought to the national court which usually spends 5-6 years to come to a conclusion.

Second possibility arises even after the appeal is rejected through second appeal – this time it is the Supreme Court. In the meantime asylum seeker may still be expelled. By an urgent decision taken by the court they may be protected from expulsion while the appeal proceeds.

### **Initial reception**

Those intending to apply for asylum enter the country by plane (airport) or they cross the border via sea (major harbours). They stay there until their application for asylum is admitted, for the maximum of five days. In more complex cases, it may take longer, up to 9 days.

There is an application centre - “an office” if we were to follow local terms - situated on the main international airport in Madrid (Barajas). It is run by the Red Cross. Its capacity is nominally 28 beds; this number has been repeatedly overreached though. At the time of our visit (mid October 2007) there were 56 persons. At one time in recent past, it was crammed with as many as 90 persons. Nowadays though an inter-ministerial body is looking for a way out and supposedly there is going to be a new centre built which could inhabit 50 persons. No wonder, the present situation resembles provisory state, not a dignified and representative facility.

Its inhabitants are provided with both the basic information about the host country and are also connected to services (lawyers, doctors, catering). They wait until their interview with OAR is done, which usually happens the next working day after they arrive.

Then, before they are offered a place in a reception centre or shelter, they spend some time in so called “hotels” (up to two months) while their documents, identification and medical checks are being done. There two hotels in Madrid region both run by the Red Cross. Though the hotels only serve for a temporal stay, the praxis may be found questionable as the Red Cross does not have enough personnel to maintain comprehensive services there. The hotels’ owners naturally look only after the buildings, the consequence of which may be violations of basic rights of the accommodated asylum seekers by their inmates and – even worse – exposition to influence of mafia network.

The only intervention the Red Cross offers are regular meeting with the residents organised once a month where they are instructed how to behave to each other.

As the inhabitants include members of vulnerable groups as well, the system asks for a change. Fortunately, the Red Cross is well aware of its in sustainability and claims a new temporal centre is going to be build to the South of Madrid.

### **Medical screening**

Asylum seekers have to wait until they are allowed into the reception centre, one of the necessary conditions being medical screening. In the division of labour among the institutions, the Red Cross is in charge of screening. For its activities connected with reception it receives money from the government.

As elsewhere in Spain, the Red Cross in Madrid runs its programmes in the immigrant and refugee assistance located in Calle Juan Montalvo. Medical assistance plus screening, lodging, money contributions to buy clothes, glasses, dentists, all those extra needs the social security doesn’t cover are managed out of this centre. The compulsory tests on HIV, TBC, and hepatitis are being carried out there. As the asylum seekers can enter the reception centres only once they have had their examinations done and having been found uncontagious, all of them undergo this stage of the process.

Whereas CEAR is focused on legal plus financial support and ACCEM is specialized on legal plus reunification matters, both pass over their clients to the Red Cross.

### **Information**

The suspicion the authors have goes like this: when you don't ask and don't know what to ask for, it is not so easy to learn about the possibilities and rights although they are repeatedly informed by both CAR and NGO's active in the field.

Apart from oral information, they also receive a leaflet about the procedure in their mother tongue once they apply for asylum.

### **Legal services**

CEAR, one of the major NGO's, provides asylum seekers with legal assistance. From the start it assists them both with legal education (general conditions of Spanish legal and judicial system) and the individual's procedure including appeals.

At Barajas international airport, the inhabitants have the choice of three types of lawyers: private, public and CEAR. Elsewhere, also other organisations are involved: RESCATE (International Rescue Committee) and COSOP.

Let us hear what probably the most human-rights-oriented NGO has to say about legal services. We interviewed a lawyer working for CEAR who was quite critical about the legal procedure:

### **CEAR**

In 2006 709 asylum seekers asked for legal assistance at CEAR where 6 lawyers are available. Persons who arrive to the Canary Islands by little boats are not told that they have the right to ask for asylum. Access to the camps is usually forbidden for CEAR. Out of 25,000 immigrants in 2006 only 1060 persons applied for asylum. The public opinion is very much focussed on the Canary Islands and the border between Morocco and Spain but most of the immigrants arrive through the airport, where they are split up by the police to the immigrant part or the asylum seekers part.

If an asylum seeker doesn't clearly say that he asks for asylum, he might be send to the immigrant part of the procedure which often equals expulsion or letting-out after 24 hours. The police do not always tell them their rights and they are not trained to distinguish an asylum seeker from an immigrant. It has happened that asylum seekers have been expelled because they had not clearly asked for asylum.

It also often happen that asylum seeker are returned to the country of transit. An example has been told about a Nigerian who came to Spain via Brazil. He was sent back to Brazil without checking whether he would be able to return by himself to his home country. It creates a lot of doubtful situations when asylum seekers are send back – sometimes handcuffed - from the airport.

If the immigrant does ask for asylum he is informed about legal assistance by one of the social workers of the airport centre. As soon as possible the asylum seeker undergoes an interview with an OAR instructor. The lawyer rarely assists at this interview. We were told by the lawyer that the asylum seeker often still suffers from their trauma and is very suspicious to tell the truth about their flight and the real reasons behind the flee. They have been told by the smugglers (or mafia from South America) what to tell during the interview. The lawyer doesn't have the opportunity to assure them to tell the truth or to have a talk before the interview. Corrections are often not made because second interviews are not a part of the legal procedure. Just approximately 10% of the admitted asylum seekers have a second interview. It depends on the initiative of the asylum seeker whether he contacts a lawyer of the CEAR. If he does, the case will be studied by a lawyer of CEAR, if the outcome of the asylum request

depends not just on the first interview. In some cases there can be a request for a second interview but it is not usual which the CEAR regrets because of the above mentioned reasons.

In case CEAR thinks that the first interview is not sufficient or well done they contact the CIAR before they have their monthly meeting in which decisions will be made on all the asylum requests of that month. The role of UNHCR is to study the cases as well to see if there is a ground for admissibility. Unfortunately they come up with a proposition only in 10% of all the cases.

### **Interpreters**

An NGO called COMRADE offers translators and interpreters for asylum seekers. The translators for the CAR's are voluntaries often ex-asylum seekers. They are for example present during the interview with the social worker where will be decided whether the asylum seeker will get lodging in the CAR. Apart from that, OAR uses professional, recognised translators for the interviews.

### **Waiting times**

The waiting times of the basic asylum procedure were described above.

Asylum seekers are enabled to stay in the CAR for six months. It is possible to get a stay extension of six months if the application for asylum is not yet refused. Other criteria for the extension are participation in Spanish course, active involvement in social and labour integration programmes and vulnerability characteristics like family, illness, elderly, disability etc. During the first six months the residents will learn a language and get vocational training. Once they have found job and become in this way independent, they are not allowed to stay any longer.

### **Detention**

There is a detention centre in Madrid run by the Home Office for people who stay illegally. They regularly spend 40 days there. In some cases it takes longer, though. After identification and further document completion they are usually returned to their country of origin. After the detainee reaches the period of detention, they are let to leave the facility. As we were repetitively assured, the detainees don't consist of ex-asylum seekers. The police turns blind eye in case they come across such an individual.

The conditions in CETI facilities resemble those of detention. There two North Africa coast centres for both would-be asylum seekers and immigrants (e.g. those about to enter Spain on purely economical motives).

They are semi-open facilities, with a right to leave. These facilities have a permanent presence of NGO's lawyers and are under a frequent criticism as their legal status is on the edge. The conditions have improved to a certain degree but their record of violating some of the elementary standards will be hard to get rid of.

The human rights workers and activist would add to the list those facilities which accommodate the incoming immigrants, the most prominent of which is situated at Barajas international airport. Other items to the list would be similar centres on the Canary Islands. NGO's are seldom admitted to enter. By adopting such an attitude the state prevents the immigrants to learn about their rights including

asking for asylum so that it lets just up to the immigrant whether they bring the “magic” Asilo formula from their country of origin or not.

### **Dispersal (= placement/distribution of asylum seekers)**

The state locates the residential centres by geographical aspects. The one run by the Red Cross was described above. There are four residential centres which it manages by its own. Two of them are situated in the vicinity of the capital (Alcobendas and Vallecas), the East of the country is served by a centre near Valencia. As some of the asylum seekers approach the country from the South, Seville stands for the fourth centre. These are CAR facilities, open residential centres seconded by a couple of CETI centres on the coast of Africa (mentioned above).

Other centres are to be found in Canary Islands. As the majority of its clientele comes from Senegal in Africa, they are often repatriated back to their country, a praxis enabled by a treaty between respective governments. Others go to the mainland though they are considered immigrants.

Last but not least there are dozens of shelters, Cat's, run by the three NGO's. Their capacity varies, though the authors of this report have not spotted any shortage of bed capacity in the whole system.

The central office of OAR in Madrid is run by the Ministry of Interior and part of the interviews takes place there. All the relevant documents are gathered and processed,

The asylum seekers come to fulfil their reporting obligation every time the ID document is about to expire. This building also sheds offices of two other institutions. Both the Generalidad Direction, a body created by the Ministry of social affairs and labour and the Foreign Police are under one roof. The latter prints out identity documents and collects fingerprints. The task of Generalidad Direction employees is - among other – to arrange the services and coordinate the lodging of asylum seekers once they leave the Red Cross hotels.

Social workers interview the asylum seeker, map the situation and have daily renewed data about available accommodation facilities. Some of the asylum seekers are said to be most very well informed in advance by the rumours passed on by their community so that they come with a specific demand.

Those with relatives already rooted in Spain milieu and equipped with the possibility of accommodation at their place are not forced to live in residential centre. What the Generalidad Direction also has in mind is the wellbeing of vulnerable group.

As none of the CAR centres focuses on specific target-groups, the dispersal of asylum seekers is conducted by the governing body on individual grounds. The post-relocation of asylum seekers on their request is possible although only if serious reasons occur.

### **Staff**

The CAR of Alcobendas in Madrid was established in 1987. The number of residents of the CAR varies but the capacity is 80. The staff consists of 32 employees. The divisions are as follows: administration, reception, kitchen, maintenance, cleaning and technical staff. The latter consists of a psychologist, a social worker, head of residence, labour and the Equal-workers.

Annually the team gets training in intercultural communication and asylum procedure. The courses organised by the ministry are compulsory, setting the minimum desired standard of skills and information, and some are optional, resembling life-time education items.

We found the staff in Alcobendas very steady, measured by our informants' career. The average contract with CAR among these five personnel is about 7-10 years. On the other hand it has been difficult to find a satisfying candidate for an unoccupied position of administrative assistants for two years already so that a lot of basic administrative tasks are shared by the rest of the team.

### **Client information**

There is basically no digital client follow-up system but there are printed files through which a client is followed up while their access to accommodation, school, job, trainings etc. services. Both the CAR and NGO's share the basic information provided by the OAR. The psychologist is in contact with the child's schools and public mental healthcare when necessary. The principle of course is that data are not shared with other institutions.

### **Schooling and education**

All children of reception centres attend primary or secondary schools. There is an additional offer available to get extra lessons. Vocational trainings and language courses for adults are described in the Appendix 1.

### **Health care**

All CAR centres have an educated medical staff. If indicated some cases may be taken over by the public health specialists employed by municipalities.

### **Mental health care**

All CAR centres have an educated psychologist. If indicated some cases may be taken over by the public mental health specialists employed by municipalities.

### **Food**

Three meals are served every day. The residents can choose from daily menu made for Muslims, vegetarians, persons on low calories diet etc. Meals are served at specific hours. For hygienic reasons the inhabitants are not allowed to take meals to their rooms. Residents are not always satisfied with the fact that they can not cook themselves. "They prefer to eat rice every day," one of the managers of the centre explained, "and not to consume vegetables and fish."

In just one reception centre in Spain, Abilla, the asylum seekers cook by themselves.

### **Accommodation**

People are housed in one of the four CAR's or in different centres run by Ngo's. In CAR centres, asylum seekers are allowed to stay on the sole condition of needing it – excluded are those whose

economic situation is good enough to look after themselves. Details on accommodation are to be found in Dispersal chapter.

### **Financial support**

Two times per stay, the resident obtains 265 euro for clothing and expanses connected with school attendance and commuting plus for free time activities. The sum differs according to their situation. Apart from that, there is a monthly financial support of 48 euros for a single person and 77 for a couple.

The day before leaving the centre, the resident receives a financial support of 400 euros. All the money is given out in cheques. Should a leaving family lack resource to pay for its first rent even then, local council may pay for it (once).

### **Clothing**

See: financial support.

### **Freedom of movement**

The asylum seekers are allowed to move across the country lest they violate the obligation to renew their documents. See above.

### **Recreation**

The authors of this report spotted no extra means to fulfil one's recreational needs. However, given their right to leave the centres, they can easily use the resources available in the host community.

### **Religious practice**

The authors of this report spotted no extra means to fulfil one's religious needs. However, given their right to leave the centres, they can easily use the resources available in the host community.

### **Host community**

Spain faces the challenge of counteracting racism and xenophobia. Therefore there has been a project to sensibilise citizens of the Alcobendas municipality organized by the municipality itself so as to promote tolerance towards immigrants and asylum seekers.

Nowadays, though, the project seems to end up in a cul-de-sac as the political party in charge of running the town-hall still makes up its mind about the scope of further integration activities.

### **Communication and media**

The residents of the centres have access to TV. More than one TV in a room on request. There is a limit to the use of mobile phones in Barajas application centre - the devices must not be equipped with cameras.

### **Withdrawal of benefits**

The stay in a reception centre may be rejected in case of serious and repeated violations of internal rules. The non-involvement in vocational trainings may also lead to the same end.

Once asylum seeker is found capable of taking care of themselves with a stable job contract and therefore seen as independent, they are asked to move out.

### **Complaints and participation**

In Alcobendas the residents vote a committee, so-called Junta e participation. Its mandate is 6 months and agrees on matters of general importance to all of the residents. In individual cases complaints are taken to the director's deputy who discusses further stances during meetings with the technical staff.

### **Vulnerable groups in general**

In the annual report of the Ministry of Interior (2006) on Asylum and Refugees figures for vulnerable groups are not available. However vulnerable groups receive special attention in the CAR's and NGO's. But it seemed to us that it is in an ad-hoc way. In the following text we focused on unaccompanied minors. Other vulnerable groups suggested by the Guide are not covered as they receive no special attention by the refugee and asylum administration.

## **UNACCOMPANIED MINORS (UMA's)**

However surprisingly for many foreign observers (including the authors of this report) it may seem, though, in Spanish mainland there are no centres specifically for UMA's to be found.

When an UMA asks for asylum and undergoes a medical check and a stay at the hotel, he is transferred to a centre for minors to live with Spanish children who have committed crimes or are not able to live with their parents because of domestic problems. The employees often seem not to have any special skills needed for the guidance of UMA's.

Unfortunately these centres are managed by the local government. The UMA's are not followed up until they reach the age of 18 when they are recognized as adults and transferred to a CAR or one of the NGO accommodations.

The OAR could not provide us any numbers of UMA in the asylum procedure because their computer register mixes ALL the minors in one database.

### **Reception of clandestine (=illegal) entrants/ port of entry claimants**

Being a part of those who come by boats to Canary Islands, the UMA's are always allowed to stay. Las Palmas has a specialized centre for minors.

After some time they are transferred to the mainland of Spain.

In CETI's quite a lot of minor immigrants pass the border, most of them from Morocco.

Since the regional government is responsible for the care of UMA's the OAR has no exact idea about the way the UMA's are taken care of. The UNHCR has complained about this because they think this vulnerable group should be accommodated in proper centres with specialized employees.

### **Age determination**

The age determination is done by the local police and the result is given to OAR. In case the UMA is determined to be older, he is sent to a regular centre for adults. When determined as a minor, he is brought to a minor centre by the police.

The test consists of an x-ray of the collar bone, teeth check or genitals. These tests are compulsory. There is no possibility to appeal against the result of the medical test.

In Spain it is not attractive to be an UMA because being under-aged does not guarantee not to be expelled before reaching the age of 18. Reason why many of them say they are adults while they are obviously very young. Unfortunately the test is not done when an UMA declares to be an adult even though they look much younger. The UNHCR is very preoccupied by this and told us that there have witnessed very young Nigerian girls saying they were adults but looked younger. UNHCR knows that there is much smuggling and trafficking but can't do much against it as long as it has no priority for the authorities.

### **Interview arrangements**

UMA's have been an issue for two years already and the UNHCR is now informing and training the police and employees of minor centres how to work with them.

The CEAR who is specialized in legal aid has a lawyer in charge of UMA's. The problem CEAR faces is that they have to pick out the UMA's that visits CEAR office just by a coincidence. At the moment there are only 6 UMA's helped by CEAR in Madrid while they are sure there must be many more. But as there are no statistics or special treatment for UMA's they are very difficult to locate. The lawyer supposed there must be many UMA's in Spain to whom their rights never have been told. There are even UMA's who do not know that they have the possibility to ask for asylum. Another problem the lawyers face is that they do not always assist at the first interview. So if the asylum seeker doesn't take the initiative to contact the CEAR, the decision will be taken without consultation or interference of a lawyer.

### **Guardians**

UMA's get a guardian from the local government in the same way as Spanish minor citizens. As a lawyer from the CEAR said, these guardians are not always interested or capable of helping the UMA.

### **Language support**

As far as we know there are no special interpreters available for minors.

### **Legal support**

As the minors are housed in decentralised centres, they get legal support from local lawyers, who are not always specialised in refugee law.

### **Waiting times**

UMA's wait as long as adults for their applications to be studied which normally takes about 7 to 8 months. If they need legal support it is their own responsibility or that of the guardian to contact an NGO.

### **Access to education**

The children have the same access to school as Spanish minor citizens.

### **Health and mental health screening**

UMA's receive the same health and mental health screening as adults, but the NGO's are especially aware of the vulnerability of this group.

### **Good practice**

We did find quite a few examples of good practice.

- In chapter called Dispersal we described one example of modern state administration - office of OAR shared also by the Foreign Police and the Generalidad Direction, all under one roof. The client as well employees can easily arrange several meetings at once.
- The employees of different organisations seem to be in collaborative relationship, they have learned how to pass on a client to a more specialised workplace.
- The organisations seem to be adapted to solve-things-as-they-come approach, which can make up for some of the reception system's failures.
- The praxis of benevolent treatment of some of the most vulnerable on the part of the administration partly counterbalances the structural failure to provide for them.

### **Conclusion**

The Spanish system is probably incomparable to any other. Some paradoxes stand above others:

- It virtually encourages foreigners to enter by its benevolent attitude to illegal employment.
- It encourages them to get around all the obstacles of their three-years-long illegal status only to grant them a work permission in the end of a day.
- Its Law on Asylum deserves alterations, so that the first negative doesn't mean termination of the asylum seeker's legal status. There should be an automatically right on a second interview.
- The unaccompanied minors tend to pretend to be adult so that they enjoy the (however often doubtful) advantages of taking part in the labour market. Generally, the members of vulnerable groups (specifically the una's) are still waiting to be recognized as such.

# Appendix 1

## EQUAL

In January 2008 it will have been 5 years since the EU financed programme kicked off in reception centres. Its focus is to improve the capacity for employment. The vision is an active integration leading to the same capacity on the part of the asylum seeker comparable to citizens. At start a network was set up in which both Ministry of social affairs and labour (four CAR centres) and NGO participated. They share the same methodology and dwell in similar office; they use the same administrative documents. CAR is a public centre of the administration. As a rule, they have to comply with the Ministry of the treasury's regulations.

The key feature of the programme is so-called *Individual insertion itinerary*, presumably opening a path for work. The network shares the same PC application to follow the same individual.

First there is an interview with social workers of the centre followed by interviews arranged by Equal team. They check what the intentions of a client are in the field of education and employment, both nowadays and for future. They review client's experience, studies, and language skills. If needed, it's a must for them to attend language training. Clients start to be involved as soon as possible. The involvement is compulsory - if a client doesn't progress, they are given extra lessons. If they are reluctant or unwilling, it may lead to an expulsion from the centre.

Academies start their courses very often so the client can jump into a course. There are specialized courses of Spanish for foreigners and of computer basics.

Every CAR/NGO employee can any time check what the progress of a concrete student is. There are regular meetings of the network.

In the language skills are proper, then second step follows when the person is enabled to take up vocational training. These mean: waitresses, car-mechanics, shop-assistance, construction workers.

The Equal employee claimed that after 3-4 months of language course (5 days a week, 2 hours a day) the client is to join the lessons (attended also by citizens).

Most of the trainings are short-term (one would be almost tempted to call them extremely short term), some of them last for 7 months, though. Most of the inhabitants attend trainings starting no longer than 3-4 months after their arrival to the centre. Once completed, they are given a certificate.

Moreover, 2-3 times a year a course on Spanish legal plus social system is organized by the centre. Instructional DVD's are produced and given out to spread the professional minimum of each targeted occupation.