

# Input by civil society to the 2022 Asylum Report

Fields marked with \* are mandatory.

D e a r

C o l l e a g u e s ,

The production of the *Asylum Report 2022* is currently underway. The annual [Asylum Report series](#) present a comprehensive overview of developments in the field of asylum at the regional and national levels.

The report includes information and perspectives from various stakeholders, including experts from EU+ countries, civil society organisations, UNHCR and researchers. To this end, we invite you, our partners from civil society, academia and research institutions, to share with us your reporting on developments in asylum law, policy or practice in 2021 (and early 2022) by topic as presented in the online survey.

Please note that the Asylum Report does not seek to describe national systems in detail but rather to present key developments of the past year, including improvements and challenges which remain. Your input can cover practices of a specific EU+ country or the EU as a whole. You can complete all or only some of the sections.

All submissions are publicly accessible. For transparency, 2022 contributions will be published on the EUAA webpage. For reference, contributions to the 2021 Asylum Report by civil society organisations can be accessed [here](#), under 'Acknowledgements'. All contributions should be appropriately referenced. You may include links to supporting material, such as analytical studies, articles, reports, websites, press releases or position papers. If your organisation does not produce any publications, please make reference to other published materials, such as joint statements issued with other organisations. Some sources of information may be in a language other than English. In this case, please cite the original language and, if possible, provide one to two sentences describing the key messages in English.

The content of the Asylum Report is subject to terms of reference and volume limitations. Contributions from civil society organisations feed into EUAA's work in multiple ways and inform reports and analyses beyond the Asylum Report.

Your input matters to us and will be much appreciated!

\*Please complete the online survey and submit your contribution to the 2022 Asylum Report by **Monday, 21 February 2022**.\*

[Instructions](#)

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Before completing the survey, please review the list of topics and types of information that should be included in your submission.

For each response, only include the following type of information:

- New developments and improvements in 2021 and new or remaining challenges; and
- Changes in policies or practices, transposition of legislation or institutional changes during 2021.

Please ensure that your responses remain within the scope of each section.

## Contributions by topic

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### **1. Access to territory and access to asylum procedures (including first arrival to territory and registration, arrival at the border, application of the non-refoulement principle, the right to first response (shelter, food, medical treatment) and issues regarding border guards)**

Difficulties exist in accessing the asylum procedure. Among others, there are serious obstacles when accessing the first appointment needed to initiate the procedure both online or in person. This hinders migrants' access to the procedure due to lack of knowledge of language, tools, internet, to obtain an appointment. From the beginning, they are forced to hire private professionals (there are no free resources in this regard) for simple procedures that impede people's autonomy. Moreover, legal assistance is not sufficiently guaranteed with regard to access to the asylum procedure on first arrival. Another problem is the one faced by people who try to apply for international protection but are deterred from doing so by police officers who condition the start of the procedure to the presentation of documentation not required by the Asylum Law such as city registration or other type of personal documents. The Ministry of the Interior issued an Order in April 2021 to address these issues. It targeted those competent to receive applications and to conduct the asylum interviews. It clearly stated that "the access to the asylum procedure cannot be conditioned to the presentation of any documentation (for instance, passports or travel documents, identity cards, city registration, NGO certificate, among others) as the law (...) does not require applicants to provide any document in order to exercise this right" (Instrucción de la Secretaría de Estado de Seguridad y de la Subsecretaría para la formalización de solicitudes de protección internacional, 30 April 2021, page 2).

Despite this, problems still persist as the authorities are yet to fully implement this order.

There are also cases where the right to apply is denied by the police alleging that the motive of the person who seeks international protection is not a cause for asylum (it usually happens in cases of people from Central America, whose request is based on persecution by gangs or armed groups). Once the person gets the appointment for the interview, the applicant must face excessive waiting periods before actually lodging their applications.

Stateless persons cannot apply for the stateless status at the border, as they must be in the territory to do so. This poses serious difficulties for those who lack documentation allowing them to enter Spain regularly. Also, pushbacks still persist at the border. Critically, the Government acknowledged the "immediate return" (in less than 24 hours) of 6,000 migrants who crossed the border in Ceuta in May 2021. Although the Government stated that the returns were conducted following the law and with the assistance of UNHCR, this agency rejected that claim and affirmed that some people who expressed their will to seek asylum were forcibly returned, "in some instances, by violent means" (link: <https://bit.ly/3s3plYx>).

### **2. Access to information and legal assistance (including counselling and representation)**

Difficulties for the designation of an official professional at the time of the expression of their will to seek asylum, in order to prepare the lodging of the application. Greater involvement is requested on the part of the competent Administration and the regional Bar associations in the territories.

At the time of expressing the will to apply for international protection, the right to request legal assistance at the time of lodging the asylum application is not usually offered. Sometimes, when the person is interviewed, at the time of the reading of their rights, the person is aware of the right to legal assistance for the first time and, if the person expresses interest in having it, it is then indicated that this will entail the delay of the interview, thus discouraging the applicant to enjoy this right. On other occasions, not even in the interview itself is the applicant informed of the right to legal aid, despite its legal recognition in the regulations on asylum and free legal aid according to Law 12/2009, of October 30 and Law 1/1996, of January 10, respectively.

### **3. Provision of interpretation services (e.g. introduction of innovative methods for interpretation, increase/decrease in the number of languages available, change in qualifications required for interpreters)**

Usually (at least in those police stations located in small towns) the interpretation service is carried out by telephone, which seriously limits the quality of the interpretation. This is due to the following reasons: by preventing visual contact between the interpreter and the interviewee, the communication is deprived of its non-verbal aspects which are often revealed as necessary to capture the correct meaning of the message expressed by the applicant; occasionally, there are cases in which the interpreters carry out the provision of the service simultaneously with the execution of other particular tasks completely unrelated to this matter (care of dependent minors, shopping in establishments, bank transactions, etc.) or, in general, in a context that is not very conducive to the correct development of their professional work (public roads, means of transport, etc.), which interferes negatively with a correct interpretation and transfer of the interviewee's account, by reducing the attention and concentration capacity of the professional and by interfering in the communication with environmental factors typical of the environment in which this second activity takes place; finally, and taking into account that, due to the telephone channel used, the lawyer providing legal assistance during the interview does not have access to the conversation established between the interpreter and the police officer, their action in defense of the interests of the applicant is limited to the detriment of the guarantees of the process, due to the impossibility of contrasting whether what is reflected by the acting officer accurately reflects what was conveyed by the interpreter.

Other problems found in this regard include the lack of training of interpreters in international protection and the use by the interviewers of technicalities that the former translate literally, which leads on many occasions to the fact that the interviews do not faithfully reflect the reality of what was stated by the applicant; in addition, there are problems with the interpreters enrolled in the police. On one occasion, it was detected that the French interpreter was not translating correctly, and the translation did not match the applicant's statements or the questions asked by the interviewer (since the lawyer assisting the applicant knew the language, she was able to flag this). Another common problem is that when the interpreters are part of the police staff, there are many interruptions by other agents to request that the interpreter go to assist them in other procedures, ask how much time is left, etc.

### **4. Dublin procedures (including the organisational framework, practical developments, suspension of transfers to selected countries, detention in the framework of Dublin procedures)**

In this regard, we have had knowledge of people who intend to start the procedure again in another EU country after previously applying in Spain. They are required to present the resolution of international protection from Spain, but in some cases, it poses problems when they have not been personally notified about the decision and, therefore, lack the document. There is a EURODAC database that could be used to avoid this type of problem.

#### **5. Special procedures (including border procedures, procedures in transit zones, accelerated procedures, admissibility procedures, prioritised procedures or any special procedure for selected caseloads)**

As stated in previous reports from Fundación Cepaim, the special procedure lacks specific safeguards for vulnerable persons. Without any guarantees in place for persons in a vulnerable situation seeking asylum at the border (e.g., children on the Canary Islands, alleged victims or survivors of human trafficking for the purpose of sexual exploitation, children at the Ceuta border as in May 2021, etc.). Besides this, legal assistance is provided for by public defenders who are called on the same day of the interview and who are not properly trained on international protection, neither on counselling or identifying persons in vulnerable situations (e.g., victims of human trafficking, etc.). Moreover, applications within this special procedure (applied at the border and in case of applications submitted inside detention centers) are likely to be refused or dismissed as inadmissible compared to those made on the territory, thus increasing the vulnerability of the applicants concerned.

#### **6. Reception of applicants for international protection (including information on reception capacities – increase/decrease/stable, material reception conditions - housing, food, clothing and financial support, contingency planning in reception, access to the labour market and vocational training, medical care, schooling and education, residence and freedom of movement)**

During the public consultations of the AMIF Spanish National Program in 2021, the government announced its intention to increase the capacity of the reception system, which currently has an insufficient number of places to cope with the number of applicants. The text estimated an increase of 20,000 places, with 33% state participation in the program. However, it is not established whether this entails increasing only general reception places or includes newly created specific places adapted to different situations of vulnerability. In fact, the document does not include the shortage of this type of resources as a current issue even if this has been continuously flagged by civil society.

The draft National Program includes a worrying element that could lead to a situation of discrimination on the grounds of nationality because it announces a standard system of material reception conditions and another reinforced system for those people with a greater probability of recognition. This would mean two different reception systems: one for applicants with a nationality with a low recognition rate and another for applicants with a nationality with a high recognition rate, for beneficiaries of international protection and undefined "other profiles". This system is also highlighted in ECRE's "National Recovery and Resilience Programmes" working paper (pages 10 and 11) ([link: https://bit.ly/3LNhZG5](https://bit.ly/3LNhZG5)).

Also of concern is the announced review of the material reception conditions in the form of benefits or grants with the aim of transforming the current system in order to reduce financial grants as much as possible. This situation, together with the direct participation of the State in the management of 33% of the places, could lead to the establishment of reception centers that have a negative impact on individualized and family itineraries of integration into the community. The use of private houses or rented apartments as a reception element presents several advantages in facilitating integration from the first day; it normalizes and positivizes their presence in the host society, in the city and in the neighborhood. It is a model that allows the territorial dispersion of reception places, facilitating integration processes. The guide drawn up by EASO in relation to reception conditions, operating standards and indicators, published in 2016, states that: - Accommodation, in general, should be made on the basis of a specific assessment of their needs; - The principle of family unity must be respected, and all family members must be housed together, even attending to broader criteria of the concept of family; families with children must be housed in the same space in attention to the principle of the best interest of the minor; - Respect for privacy must be guaranteed. On the other hand, the same document requires and recommends the proximity of applicants and beneficiaries of international protection to basic services, such as health or education. The reception in centers could cause, for example, the concentration of the children of the families in the nearest educational center, with the problems that this may entail.

Regarding the situation on the Canary Islands, the reception conditions improved in 2021 compared to those from 2020. However, problems persist. Migrants were forced to spend more than 72 hours in police custody, which is against the law, and the lack of quarantine spaces made them stay in places which are not fit for their hygiene or for protecting their health in a pandemic. Moreover, ECRE reported that 25,000 minors were housed in emergency centers and only 193 were accepted for relocation by other Spanish municipalities due to the fact that the competent authorities on the islands had only received a seventh of the funding needed to cope with their responsibilities in this regard ([link: https://bit.ly/3LGRQsm](https://bit.ly/3LGRQsm)).

Stateless persons continue to be denied access to the initial assessment and referral phase of the reception system. This system, moreover, has been susceptible to limit access to the second phase of the system to persons who have been granted international protection. Taking into account the administration's failure to meet the deadlines for a decision, it is highly likely that there will be applicants whose applications have not been accepted or have been rejected who will not be able to access the second phase if the system is finally implemented in this new way. That requirement also bars applicants of the stateless status or recognized stateless persons from entering the second phase, as they are not beneficiaries of international protection. Applicants of the stateless status continue facing hindrances in terms of integration, as they lack access to the labor market.

## **7. Detention of applicants for international protection (including detention capacity – increase /decrease/stable, practices regarding detention, grounds for detention, alternatives to detention, time limit for detention)**

As mentioned in previous reports, applicants for international protection cannot be detained according to the law, although this provision is not entirely true for applicants for stateless status when they have not been granted a temporary residence permit or documentation to prove it.

The situation on the Canary Islands reflects a practice whereby asylum seekers are deprived of their freedom of movement. Although not detained in centers, they face difficulties when trying to reach the mainland and therefore must stay on the islands. In some instances, airline companies deny their boarding on planes alleging lack of documentation, even when they present their asylum seekers' identity card.

## **8. Procedures at first instance (including relevant changes in: the authority in charge, organisation of the process, interviews, evidence assessment, determination of international protection status, decisionmaking, timeframes, case management - including backlog management)**

We have detected that in some files that have been evaluated and resolved, it seems that all the documents and reports provided have not been evaluated as a whole and are incomplete. In some cases, we doubt that the written submissions, documents and others provided after the interview were completed and available to the instructor at the time of their evaluation. In some cases, there is no reference to the provision of further evidence in the resolution of the request for international protection.

Anything related to the international protection procedure must be carried out at police headquarters or Immigration Offices. It is required to be given an appointment for that purpose and in many cases, the only way to access an appointment is through telematic means. This makes it difficult for applicants (potential or current) in cases where there are circumstances such as language barriers, training deficits, lack of technological skills or lack of material means necessary for processing. Furthermore, and in spite of this requirement, it is a well-known fact that the computer tool implemented for this purpose is not very operative, due to the limited number of available appointments, which makes it very difficult for the applicants to obtain them, requiring at best a disproportionate investment of time and effort, and at worst, making it impossible to access the procedure and comply with the duties required by law of the applicants. On the other hand, the system is designed to prevent the obtaining of mass appointments by the same person, limiting to four the maximum number of successive appointments that can be processed by the same user. However, by not discriminating the cases in which the requests that exceed this threshold respond to an inappropriate use /abuse of the system with respect to those in which it is justified because they are intended for the same family unit, those families composed of five or more members are prevented from obtaining appointments for all of them on the same day and time slot, contrary to the desirable economy of management and with the inconveniences that this may entail for the persons affected.

There is a lack of training among the police officers who conduct the interview, and a greater specialization in their knowledge of the international protection procedure in all its phases is desirable. The same applies to the reception system -in this respect, the lack of knowledge is even more pronounced- and in relation to international policy issues. Occasionally, there is a certain lack of motivation in the interviews and, in general, in the procedures related to the international protection procedure, either due to the work overload to which they are subjected because of the limited human and labor resources in their work centers, or due to any other circumstances.

The administration generally fails to comply with the deadlines legally established for the resolution of administrative appeals against decisions handed down in international protection procedures. Likewise, it rarely replies to requests for certification of approval, by positive administrative silence, of the precautionary measure filed within the framework of said appeals or, on those occasions when it does, it responds extemporaneously, depriving the persons concerned of a document that is often essential to prove their status as applicants and the normal exercise of the rights inherent to this status.

## **9. Procedures at second instance (including organisation of the process, hearings, written procedures, timeframes, case management - including backlog management)**

Apart from the fact that appeals do not have automatic suspensive effect, there are serious difficulties for interim measures to be granted to allow the appellant to remain in Spain, as well as to keep their right to work in the country until a final judgment is handed down, except in the case of extremely vulnerable persons in border proceedings at the border or who are detained in CIE whose deportation to their country of origin is imminent.

Moreover, judicial review is very strict and limited: applicants are not given the opportunity to produce statements and to include facts and evidence. Appeals take long to be decided upon.

However, during the year 2021 some judicial decisions have considered the provisional stay in Spain as a precautionary measure until the resolution of the judicial review filed against the rejection of an asylum application. This is the case of the National High Court's decision 0086/2021 where the stay of the appellant in Spanish territory is admitted while the appeal is resolved, authorizing his access to the labor market and urging that he be documented as an asylum seeker. Regarding the work permit after the asylum claim has been rejected, certain Autonomous Communities of Spain, such as Catalonia and Aragon, have issued orders for allowing individuals to temporarily hold those authorizations while the judicial review is pending. In this same sense, the Solicitor General of the State, in its Report 5/2021, argues that the negative effects of decisions rejecting asylum claims that have been appealed through administrative channels can be suspended by "positive silence" upon lack of express administration response to the question within the specified timeframe to do so. In this case, the applicant will keep the rights of article 18 of Law 12/2009 regulating the right to asylum and subsidiary protection, thus maintaining their status as "asylum seeker". Another of the direct consequences of the suspension of article 37 of Law 12/2009 would be the fact that they cannot be returned (non-refoulement). Despite such advances, difficulties continue to exist in the practical application of such considerations.

## **10. Availability and use of country of origin information (including organisation, methodology, products, databases, fact-finding missions, cooperation between stakeholders)**

We have detected some cases in which the resolution denying international protection lacks up-to-date country of origin information to ground their decisions. It is essential that the current state of affairs of the countries of origin are taken into account rather than the moment in which the person left or even before that moment. In several cases, the information used was four or five years old.

As we have stated in previous inputs to the EASO Annual Report, databases lack comprehensive, updated and multilingual country of origin information and they lack the accessibility and user-friendliness stakeholders require. Resources such as refworld.org and eci.net are adequate, but most of the information is only available in English. There is an imbalance between countries with a high volume of COI reports and those with little to no information. For instance, current Senegal COI reports are out-of-date in terms of persecution on sexual orientation grounds.

In terms of statelessness, and apart from the UNHCR's repository of protection policy and guidance on refworld.org, there are no COI reports whatsoever to be found.

## **11. Vulnerable applicants (including definitions, special reception facilities, identification mechanisms/referrals, procedural standards, provision of information, age assessment, legal guardianship and foster care for unaccompanied and separated children)**

As previously mentioned in our submissions, the Asylum Law states that the specific situation of people in a situation of vulnerability will be taken into account, adopting the necessary measures, but that these will be developed by an implementing regulation; however, there has been no regulation adopted and, therefore,

this provision has no practical application. This is particularly serious in the area of reception, as there are not enough places for people in particularly vulnerable situations (victims of human trafficking for the purpose of sexual exploitation, people with mental health problems, people with addictions or dual pathology, etc.). Managing places of this type is a burden for civil society organizations, and in the absence of sufficient public funds, they cannot take charge of these places, so there is a clear lack of care for people with certain problems such as those referred to above. It is worth remembering that mental health problems can be caused by the very fact of fleeing one's country of origin due to persecution, an aggressive phenomenon in itself, and which has a serious impact on personal integrity and health. To this should be added those people who already had such problems in their country of origin.

Articles 20 and 21 of the Reception and Procedures Directives mandate States to carry out a screening to detect vulnerable persons and to adapt the reception and procedure to their needs. As has been noted, this is not specifically regulated, but it must be said that the organizations involved in the reception system informs the OAR and the Ministry of Inclusion, Social Security and Migration of these circumstances and on many occasions, we are ignored (not respecting requests to halt the procedure to obtain documentation or to complete medical treatments, etc. and not recognizing humanitarian reasons in very obvious cases). Stateless persons are also in a specific category of vulnerability (as the UNHCR has repeatedly stated), lacking the human right to a nationality, a key element that enables the enjoyment of all other human rights. Although the statelessness status in Spain is a good practice due to the content of its protection, the situation of stateless applicants is clearly deficient, even in comparison with that of applicants for international protection, mainly because they are not guaranteed a temporary stay in Spain (without being protected against refoulement), and because they can never obtain a work permit, despite the fact that the OAR does not respond within the three-month period it has to decide (sometimes it takes years to do so). Moreover, they cannot enter the second phase of the national reception program, which only includes beneficiaries of international protection.

Regarding unaccompanied minors, in 2021 the UN Committee on the Rights of the Child (CRC) has once again denounced the procedure for determining the age of minors in Spain because of its unreliability and because it violates their right to an identity, as well as being contrary to the principle of the best interests of the child. As in previous occasions, minors may be transferred to Immigration Detention Centers even if they produce documentation from their countries of origin stating their status as minors. Spanish authorities have a complete disregard for official documents from those countries and, instead decide to test those minors through a medical procedure that, as the CRC has many times stated, is not reliable and violates international human rights law. This situation persists despite the number of CRC decisions adopted in the past few years.

The Public Prosecutor's Office initiated an investigation on the pushback of a minor who entered Ceuta on 19 May 2021 and who was immediately transferred back to Morocco on the same date. He claimed to have been returned the previous day as well. On the second occasion a video was captured by a Reuters' journalist following the minor's peril when entering Spain's territory and when he was forced by the authorities to cross the border back to Morocco. The Public Prosecutor's Office finally closed the investigation arguing that the minor lacked documentation proving his age and that the army officers who forced him back could not be identified. It further added that there were no protocols or rules in place for the return of thousands of people in hours and that it is understandable due to the nature of the situation, which it described as extraordinary and surprising (link: <https://bit.ly/3p2zwQR>).

## **12. Content of protection (including access to social security, social assistance, healthcare, housing and other basic services; integration into the labour market; measures to enhance language skills; measures to improve attainment in schooling and/or the education system and/or vocational training)**

Reception system

The national reception system includes two phases. The first one is designed for applicants and

beneficiaries of international protection and the stateless status. However, the second phase can only be entered by beneficiaries of international protection, thus leaving out asylum seekers and applicants and beneficiaries of the stateless status. Taking into account the excessive waiting periods they must face before a decision is made regarding their application, many people are barred in practice from entering the second phase.

#### Health care system

Whereas there is not a major problem for beneficiaries or applicants of international protection in accessing the health care system, there are problems accessing medical treatments since there are many medicines that are not covered by the reception program or the health system, and this is a cost they have to bear. There is a catalog of subsidized medicines, but many of them needed for daily and habitual use have been excluded.

In the period that elapses between the request for an appointment to lodge the application and the interview that officially completes the application, people are documented with a document that lacks the NIE (identification number for foreigners), and this prevents those affected from accessing the city registry, a requirement needed to access the health care system until the interview is conducted and the person is documented with a receipt of documentation as an asylum seeker. This period can easily last 4 or 5 months at this time. Moreover, in some cases that city registry is a de facto requirement by the police to actually apply for asylum, which makes it almost impossible to lodge an application.

#### Material reception conditions

Beneficiaries of family units report insufficient resources in the form of allowances. This problem worsens as the number of family members increases. As an example, a beneficiary is entitled to an allowance of 170 euros per month. In a family unit of 5 members the amount of maintenance is 60 euros per month per person.

#### Accessing the labor market

There are difficulties in accessing the labor market even when authorized to work, because the employer does not know the identification documentation of applicants for international protection and the legislation that authorizes them to work.

There are also many difficulties to remain in the labor market, because if they are working and their documentation expires, the employer does not know that this does not entail the loss of their authorization to work. This also entails the fact that they are disenrolled from employment services because their documentation has expired and they cannot get an appointment to renew it.

On the subject of vocational training, there is a problem regarding the permits of the participants: they cannot carry out training in non-work internships as they do not have a work permit in the initial phases of the program, since civil liability insurance is required for the same and also the permit is required in case they can be hired. Likewise, the delay in obtaining such a permit affects them in that they spend a long time before they can obtain a work permit, and they can be denied international protection even before obtaining it. There is also a serious delay in the process of recognizing professional qualifications from abroad that hinders their chances of working in their field. Being unable to use their qualifications from their countries of origin force people with brilliant backgrounds to live as people without qualifications in practice and therefore they cannot apply for higher education, specific training, high-skilled jobs or job positions that match their occupational profiles. A Royal Decree dealing with this specific matter is currently being drafted with the aim to streamline the recognition of qualifications from third countries.

#### Opening bank accounts

Applicants of international protection face major difficulties in trying to open an account with their documentation as it is often not recognized by banking companies. There is a nationwide campaign by different civil society organizations including Fundación Cepaim asking the government and public institutions to intervene and to force banking companies to abide by the law and to comply with EU and national law.

#### Statelessness

Stateless persons are not protected in the same way as asylum seekers. They may be granted a stay permit (they are not entitled to it), are not protected against removal, and lack a work authorization during the

process. Their integration is severely hindered and they often have no information on their case and nobody to contact at the Office of Asylum and Refuge in that regard.

### **13. Return of former applicants for international protection**

As we have previously stated, the Solicitor General of Spain, in its Report 5/2021 argued that the negative effects of decisions rejecting asylum claims that have been appealed through administrative channels can be suspended by “positive silence” upon lack of express administration response to the question within the specified timeframe to do so. In this case, the applicant will keep the rights of article 18 of Law 12/2009 regulating the right to asylum and subsidiary protection, thus maintaining their status as “asylum seeker”. Another of the direct consequences of the suspension of article 37 of Law 12/2009 would be the fact that they cannot be returned (non-refoulement). Despite such progress, there are still difficulties in its practical implementation as seen both on the Canary Islands and in the autonomous cities of Ceuta and Melilla, where it is worth remembering how in September 2021 the Ombudsman, Francisco Fernández Marugán, asked the Ministry of the Interior to comply with all legal procedures for the return of migrants, after receiving complaints about the return to Morocco of 125 sub-Saharan migrants. According to various NGOs in the area, at least 90 of these had requested international protection.

Link: <https://goo.su/zBkQASX>

### **14. Resettlement and humanitarian admission programmes (including EU Joint Resettlement Programme, national resettlement programme (UNHCR), National Humanitarian Admission Programme, private sponsorship programmes/schemes and ad hoc special programmes)**

Our experience with resettled families shows that they often leave early in the reception system in order to go with relatives in Spain or abroad, even after being informed of the consequences (Dublin Regulation, suspension of aid, etc.). It seems that these persons were not prepared and that the program did not properly address their different needs (family network in another city or country, lack of fellow nationals within the region they are in, etc.). It is important to highlight challenges related to resettled families: they sometimes come with very high expectations of how the system works and offers (this should be addressed beforehand at origin).

Without a doubt, the evacuation procedure from Afghanistan carried out by the Spanish Government has been one of the most important humanitarian processes of 2021.

In this sense, as reported by ECRE in its document *Afghans Seeking Protection in Europe*, “Spain declared in mid-August 2021 that its reception system had around 3,000 free places available throughout the country. Several autonomous communities and municipalities also offered their resources to meet future reception needs.

“A temporary care and reception facility (for a maximum of 72 hours) was set up at Torrejon Military Air Base (in Madrid) for Afghan citizens evacuated from Afghanistan. The facility, which has a capacity for 800 people and includes separate spaces for women and children, and men, served as an arrival hub for refugees arriving to the air base in order to be transferred to other EU countries. A new sponsorship pilot project was launched to involve municipalities in the integration of Afghan nationals arriving within the framework of Operation Antigone. Spain is also serving as a temporary evacuation point for Afghans collaborating with the US Government through the military bases of Rota (Cádiz) and Morón (Seville).

“Evacuated Afghans remaining on Spain’s territory will be channeled in the asylum procedure. On 20 August 2021, however, the Minister of the Interior Fernando Grande-Marlaska stated that these asylum requests “have an extraordinary, special character” and will be processed “with the utmost urgency.”

Link: <https://goo.su/tl36qqJ>

## 15. Relocation (ad hoc, emergency relocation; developments in activities organised under national schemes or on a bilateral basis)

The government claimed in early 2021 that it had relocated 3,914 people since 2015. That amounts to 41% of the number of people relocated Spain committed to in 2015. In this way, Spain has been failing to fulfill its relocation and resettlement commitments for a decade. According to the Secretary of State for Migrations (SEM), 37% of the committed quotas have not been covered.

Looking ahead to 2022, according to the National Refugee Resettlement Program in Spain, 1,200 people from countries affected by conflict and serious humanitarian crises will be welcomed. In its last meeting of this 2021, the Council of Ministers gave the green light to these resettlement programs that already have two arrivals in Spain from Lebanon from countries in conflict with 658 people scheduled for the first quarter of this new year.

Links:

<https://goo.su/injM2ml>

<https://goo.su/yKDPf>

## 16. National jurisprudence on international protection in 2020 (please include a link to the relevant case law and/or submit cases to the [EUAA Case Law Database](#))

The Prosecutor's Office considers the returns to minors in the Canary Islands null and void.

<https://elpais.com/espana/2021-09-28/la-fiscalia-considera-nulo-de-pleno-derecho-el-plan-de-devoluciones-de-menores-marroquies-en-ceuta.html>

- Precautionary measures for asylum seekers

<https://blog.sepin.es/2021/11/audiencia-nacional-asilo/>

AN, Sala de lo Contencioso-Administrativo, Sec. 2.<sup>ª</sup>, 903/2021, de 21 de septiembre : <https://goo.su/BPNk>

AN, Sala de lo Contencioso-Administrativo, Sec. 2.<sup>ª</sup>, 985/2021, de 8 de octubre : <https://goo.su/aORdc>

AN, Sala de lo Contencioso-Administrativo, Sec. 2.<sup>ª</sup>, 1005/2021, de 11 de octubre:

<https://goo.su/J2UY>

AN, Sala de lo Contencioso-Administrativo, Sec. 2.<sup>ª</sup>, 1005/2021, de 11 de octubre:

<https://goo.su/Qf5U8t>

- Judgments on the free movement of asylum seekers in the Canary Islands, Ceuta and Melilla

STS 1552/2021: <https://goo.su/2kfVi>

STS 173/2021: <https://goo.su/uyeUa8a>

One of the most important developments during 2021 in terms of regularization for asylum seekers with a denied application has been the rulings referring to the so-called “arraigo laboral”, which has opened the door to those who, having resided for a period of 2 years in Spain can demonstrate having worked for a period of 6 months. Despite the clarity of the court rulings, there have been great practical difficulties on the part of the different immigration offices.

Some of the most important sentences in this regard are: SSTS 1184/2021, SSTS 1802/2021 y SSTS 1806/2021

## 17. Other important developments in 2021

## References and sources

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18. Please provide links to references and sources and/or upload the related material in PDF format

19. Feedback or suggestions about the process or format for submissions to the Asylum Report

Please upload your file

The maximum file size is 1 MB

## Contact details

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### Useful links

[EASO Asylum Report 2021 \(https://euaa.europa.eu/easo-asylum-report-2021\)](https://euaa.europa.eu/easo-asylum-report-2021)

[Executive Summary -EASO Asylum Report 2021 \(https://euaa.europa.eu/executive-summary-asylum-report-2021\)](https://euaa.europa.eu/executive-summary-asylum-report-2021)

[Bibliography for the EASO Asylum Report 2021 \(https://euaa.europa.eu/sites/default/files/EASO\\_Asylum\\_Report\\_2021-Bibliography.pdf\)](https://euaa.europa.eu/sites/default/files/EASO_Asylum_Report_2021-Bibliography.pdf)

[Summary of legislative, institutional and policy developments in asylum in EU+ countries in 2019 \(https://euaa.europa.eu/sites/default/files/easo-asylum-report-eu-developments.pdf\)](https://euaa.europa.eu/sites/default/files/easo-asylum-report-eu-developments.pdf)

[National asylum developments database \(https://euaa.europa.eu/national-asylum-developments-database\)](https://euaa.europa.eu/national-asylum-developments-database)

[EASO Asylum Report 2021 Key Findings \(https://euaa.europa.eu/sites/default/files/key\\_findings.pdf\)](https://euaa.europa.eu/sites/default/files/key_findings.pdf)

[EU+ and Country Data \(https://euaa.europa.eu/sites/default/files/europe-country-data-2020.pdf\)](https://euaa.europa.eu/sites/default/files/europe-country-data-2020.pdf)

## **Background Documents**

[Input by civil society to the 2022 Asylum Report.docx](#)

## **Contact**

[Contact Form](#)