

# Input by civil society to the 2022 Asylum Report

Fields marked with \* are mandatory.

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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)**

During 2021 the total number of arrivals of migrants in irregular situation to Spanish territory kept stable compared to figures in the previous year. This is: 41.945 in 2021, just slightly below the 42.097 in 2020. Data include arrivals by sea and by land, although the majority took place by sea, to know: 95,6% in 2021 vs. 95,9% in 2020. By the end of 2021, the global figure of arrivals to the archipelago was similar to 2020, barely 4% below. On the contrary, as regards for the Spanish enclaves in the north of Morocco, figures for land arrivals increased of some 7,8% in 2021 with respect to 2020 as whole, noting that if arrivals to Melilla decreased moderately, arrivals to Ceuta increased from 289 in 2020 to 753 in 2021, a notorious 160%.

CEAR output an ensemble of 12 recommendations to face it, denouncing the migratory containment policy, whose key words are reviewed as follows: anticipation, planification, coordination, redistribution, agility and transparency. Besides this, suggesting to guarantee the respect of the best interest of the minor, the 72 hour´ deadline for detention or the individualized legal counseling, or exhorting national authorities to put in place information and awareness raising campaigns against hate speech and discrimination and foster inclusion, as well as to urge the European Commission and member states to offer relocation places and work to advance in a Safe, Orderly and Regular Migration state of play. The 2nd march 2021 CEAR participated in the European Parliament Committee on Civil Liberties, Justice and Home Affairs (LIBE) along with the Canary Islands governor; and in the same month published a specific report on Canary situation, which can be found here, altogether with the launching of a signature campaign aiming not to left migrants aside or isolated.

The Court of Appeal of Las Palmas, literally Provincial Court (Audiencia Provincial), finally filed the complaint against the overcrowding in the port of Arguineguín, Gran Canaria, back in November 2020 (following the mentioned peak of arrivals where more than 2.000 came to be concentrated in poor conditions). The Court estimates that “such a massive arrival was not foreseeable”, despite civil alerts months beforehand. Apart from showing the failure of migratory policies concerning, CEAR considers that the sole way so that this will not happen again is the facts not to go unpunished.

Regarding the New European Asylum and Migration Pact, we bring again here CEAR´s opinion that considers it entails a risk of vulnerating the non-refoulement principle due to the new pre-screening control and accelerated procedure proposed. Further information on recent CEAR´s statement can be found here. Finally, continuing previous common position on the Pact since 2021, already in 2022, the group of

Mediterranean EU member states (MED5), including Italy, Greece, Cyprus, Malta and Spain, in distance meeting the 14th February, have accorded a strategy to deblock negotiations on the Pact, continuing their said former shared position, to put on the table, focusing on departures prevention by means of strengthening origin and transit countries capacities. By the closing date of this inputs, further developments yet to be concluded.

By the end of the year, several organizations amidst which, CEAR, have, not for the first time, asked for the derogation of the 10th additional disposition of the Citizens' Security Act (Ley de Seguridad Ciudadana) which, contravening the International Law, including the European Convention on Human Rights, enables these illegal practices. Authorities have announced the intention to move the content of the referred disposition to the Aliens Act. To this respect, CEAR states that the only right legislation possible is the express prohibition. The extent of the importance of such issue can be put in dimension in relation to the Ceuta arrivals chapter in May 2021, posing real challenges in terms of first reception and the respect of the so-mentioned non refoulement. As long as refoulements happened in the absence of procedure and without an effective appeal, as CEAR stated, required legal guarantees were unfulfilled. A major lesson to be learned is that a high or sudden number of arrivals cannot be an excuse to elude the compliance of responsibilities and the respect of human rights.

As for the humanitarian admissions for aerial port of entry, and permit to stay based on temporary ground for Venezuelan migrants (98,72% of humanitarian protection concessions in 2021, just as in 2020), access to social rights is comparable to the international protection provided for refugees. Yet, despite prior national Ombudsman statement recommending to evaluate case per case in light of the non-refoulement principle before proceeding to rejections upon arrivals, these continue to occur, therefore, without a proper analyse on an eventual risk situation after the return being undertaken.

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

Though generally the access to information is assured, partially thanks to the cast or civil society organizations actively engaged with asylum seekers and refugees. Obstacles remain, specially, the lack of information on international protection regarding unaccompanied minors whom recent figures as for sea arrivals keep in the raise. These minors are not always, nor entirely autonomous to formalize an asylum petition on their own.

## **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)**

Difficulties in finding interpreters for asylum seekers still persist in Spain. The begging of the still ongoing pandemic situation posed an important change, because due of the need of maintaining social distance and mobility restrictions, it has been necessary to prioritize distance interpreting, which carries the necessity of counting with adequate technological means, something not always simple. Moreover, given the vulnerable position of the ensemble of concern, this loss of proximity has had a negative impact not to detract from. And, as for face-to-face interpreting, the use of masks and some distance rests to communication since it erases nonverbal language, something especially key when it comes down to sign language cases.

On another range of things, during 2021 there has happened some changes in origin profiles, with notably an increase of persons coming from Sub-Saharan Africa and the Maghreb region, implying the corresponding changes in languages. Most of the ones arriving from Sub-Saharan countries can only communicate in African languages (Wolof, Fula, Mandinga, Soninke, among other, and specially Bambara with the increase of arrivals of Malians), or else, do have only basic knowledges of other languages such as French or English. Finding interpreters professionals filling the requirements asked to reach good practices expected is still a hard task, with still few specialized trainings for them in these African languages). As for persons arriving from the Maghreb region, there has also been a change, as withing Arabic diglossia, before it was primarily about oriental dialects as today it is more about western dialects. Any lack in this sense is still encountered in a more pronounced way in places other than the mayor cities of asylum in the country, which are the same year after year, with practically no variations.

In brief, conditions are more or less the same to last year 2020, making what was then said, in the previous exercise, to be in force. For instance, when it comes to highlight the difficulties encountered for languages whose nationals don't have a large community of residents in the country. Continuing quoting prior statements: if civil society organizations have been tending to improve, as far as possible, their own interpretation services, when existing, interpretation itself is still not always considered among the points to be reinforced when it comes to official identification of needs. This, despite reiterative recommendations, widespread among academics, civil society organizations, base-organizations and the UNHCR itself, suggesting to revise and follow up the diagnosis, quantity and quality of interpretation means that are currently available. Barely no improvements implemented to date.

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

Last official data available, covering 2020, indicates 8.591 petitions received by Spain by other states in application of Dublin regulation, mainly from France (4.466) and Germany (1.873). This was a 45% less compared to the 15.619 of 2019, to some extent, due to higher sanitary requirements on account of Covid-19. More than the half of these petitions were accepted, yet no more than 795 effective transfers are reported during the year in comment.

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

For the second consecutive year, the annual number of asylum seekers in 2021 decreased, with a final figure of 65.404 (26,32% less than in 2020 with 88.762, which, at the same time was a 25% less than in 2019 with the historical peak of 118.264).

After some months of slightly decrease in the number of pending asylum resolutions in Spain, at the end of November 2021, this figure was again above 100.000, with some 103.340, despite some recent reinforcements of the Spanish Asylum and Refugee Office (OAR). CEAR alerts of the potential risks at both sides of, in one hand, an excessively high number of cases waiting for response, and, on another hand, a faster rhythm potentially entailing a less rigorous depth in the corresponding procedures' analyses.

The requirement of the airport transit visa to citizens from different countries including Palestine, Syria, Yemen, Lebanon, Gambia, Cameroon, and since the second semester of 2021 Haiti, is still ongoing, making it impossible for these nationals to access a border post at Spanish airports where to formalize their asylum applications. This measure poses a contradiction considered the fact that these nationals are not entirely excluded as potential refugees with the corresponding status granted by Spanish authorities. The referred example is not negligible considering that up to 185 Palestinian nationals have asked for asylum in Spain in 2021.

**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)**

Obstacles persist in relation to the delays that persons seeking to register an asylum application experience to access an adequate standard of living, that should be ensured according to the Spanish Asylum Law, under the reception system. As already stated in prior exercises, it is to note that the Spanish Law requires a higher level of formalism than the Asylum Procedures Directive regarding access to the reception system. This is, it does not foresee the legal provision included in the EU Directive allowing asylum seekers access to the reception system by the mere expression of willingness to seek asylum, which, nevertheless, should be directly applicable to asylum seekers and the mere expression referred should give the right to access to the Spanish asylum reception system.

Otherwise, the rest of elements nourishing the reception capacities are mostly covered in a relatively acceptable way; with, for the Spanish case, medical care, schooling and education as more stable and stronger points, and access to the labour market as a terrain where to keep on insisting to reduce some degree of persisting discrimination. Some of these elements are still under challenge to date.

Linked with the position already exposed, recalling on previous CEAR recommendations, and recalling the acknowledgment by the Spanish High Court (Tribunal Supremo), of freedom of movement for international protection applicants from the Spanish African enclaves Ceuta y Melilla (see further details in previous Annual Report CEAR's inputs), another mayor challenge remaining points to reach a wider balance in relation to a more equitable distribution of the reception system and refugee presence all along the national territory.

Other changes in the reception and inclusion system have to see with the planification of the next renew to come, getting away from the current 3-phase and centralized program (first reception, (subsequent) reception and autonomy) entirely covering not only refugees with the corresponding status already granted but also asylum seekers. In the frame of the ongoing decentralization, CEAR asked for an adequate territorial balance and the maintenance of the specialization and the quality of the attention, ensuring it to be individualized, holistic and adaptable to the mutable sanitary, socioeconomic and labour conditions and needs. More in detail, CEAR asks not to harm the system's guarantees with the appearance of new providers with spirit of profit, thus, valuing the current collaboration system between the public administration and distinguished social entities.

Going further to aliens of migrants as a wider group of concern; anyhow of remarkable interest, an outstanding development during 2021 has been the approval of the reform of the Immigration Regulation for foreigners (Reglamento de Extranjería). With not few advocacies behind it, as CEAR's said, this reform entails a historical step for the inclusion of minors arriving non accompanied to Spain. A subsequent ease in relation to socioeconomic insertion of young migrants between 18 and 23 years old, or the work permit for minors from 16 to 18 years old with proper documentation. Therefore, the strengthening of the respect of their basic rights and real needs is arguably expected from now on, yet the whole of practical issues to keep being closely monitored.

Another recent positive development happened by the end of the 2021 has been the signature of a political commitment to improve the reception system. Even if limited to the regional level of Madrid, considering the featured proportion of asylum seekers and refugees emplaced in this area within the whole of the national territory, the referred commitment that CEAR welcomes, remains of remarkable interest.

## **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)**

The Spanish state's migrant control capacity, especially as for surveillance in the southern border, continue to increase year after year, which redounds, among others, in more capacity to detain irregular migrants. As for the shortcomings and unacceptable points in detainee conditions, as highlighted in previous reports, little or nothing has changed as announced reforms to better access to an effective enjoyment of rights it yet to come. Special concern is raised regarding access to information within detention centers in Spain, repeatedly being highly discretionary, depending, on the center. Something for which the Spanish Ombudsman had already echoed. The Ombudsman made visits along 2021 to several Foreign Temporary Attention Centers (Centro de Atención Temporal de Extranjeros CATE), in the southern cities of Cadiz, Algeciras and Málaga, making different recommendations to better its functioning, such as regarding detainees' rights information or upgrading the equipment on sites. Some of them were rejected as others remain not answered to date or without updated information about it findable available.

**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)**

At the end of November 2021 there was in Spain 103.340 pending asylum applicants waiting for a decision of the corresponding authorities (just coincidentally, virtually identical to the figure at the end of 2020 which was 103.410). Despite not having reduced this stock, yet it still represents some 22% less than the same figure in 2019. In spite of the internally comparative decrease, Spain is one of the European Union countries with higher number regarding this aspect, altogether with France and Germany, perchance solely outgrown by these two countries. In January 2022, according to Ministry of the Interior´ information, there was 72.000 (figure rounded) files in instruction phase. Decisions are still not being taken within the 6 months period time legally mandated. Delays are not uniform. First instance decisions for asylum seekers in Ceuta, Melilla and the Canary Islands are being prioritized, but considering the entire national territory as a whole, decisions are not always being taken within the 6 months period time legally mandated, ranging approximately between 3 and 18 months depending on the cases.

Just the same as it happened in 2020 and 2019, in 2021, the majority of the asylum applications ended in refusal. This is, 87% of the international protection resolutions, without regard of humanitarian protection ones, excluded from this rate. Considering every type of protection, as the recognition rate for international protection (refugee status plus subsidiary protection) doubles from 5% to 10,5%, as far as the protection for humanitarian reasons has decreased (see further details below), all in all, unfavorable decisions in 2021 weight more in proportional terms (71%) in 2021 than in 2020 (60%).

As for the specific type of protection for humanitarian reasons, it is to be stressed that, despite the upward trend observed in the last years, in 2021 the figure of resolutions decreased by 68% compared to the previous year, with 12.983 far below the 40.726 of 2020. Nevertheless, this percentage has to be taken considering the equally decrease in the total number of resolutions on a whole, as the 69.891 decisions in 2021 represents a 39% of decrease in relation to the 114.919 decisions in 2020. To complete the screen, note worth that humanitarian resolutions in 2021 equals to a 18,5% of the total resolutions of all kind, as in 2020 they were a higher 35% in the same comparison. What keeps been the same is that this protection is given mostly to Venezuelans, while we can still identify other nationalities, just as in 2020, namely but not only, Colombia, Ukraine or Peru.

Obstacles previously highlighted persists, for example, concerning family extension, or physical access to Spanish embassies and consular representation for family members, the need of being secured and strengthened. Another sound difficulty is, once again, the certification and proof of dependence, especially difficult for some specific countries. In addition, the Spanish law does not establish a clear criterion regarding economic dependence.

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

The violation of the right to an effective remedy in Spain persists. Legal assistance at second instance is assured in the procedures for applicants at border points and at detention facilities (CIE), but the remedy is not effective as it does not have a suspensive effect. Just as stated in the previous reports.

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



Without nothing new to say as for 2021 developments, there currently exist a big variety of country-of-origin information´ (COI) sources, going from official sources, commonly used so as for example the COI reports of Refworld or of the European Country Information Network, to different kinds of reports elaborated by NGO, as CEAR commonly does at request of their legal counselling team spread at the national territory.

## **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)**

The identification of vulnerable profiles and special needs in the frame of the new arrivals is set on a clear basis under national norm, nevertheless, not impeding some practices to be revised or adjusted.

Regarding minors, it exists a problem of age determination, with a margin of error in the technique used is of 2-3 years, resulting in the fact that migrants of 15-16 years old can be taken as adults and, thus, not referred to the special facilities where they should be sent. Managed at a territorial regional level (Spanish autonomous communities), minors are regrettably separated from their parents until the proof of DNA ends.

Continuing with minor matters, on the occasion of the specific arrivals chapter to Ceuta already referred above, it is to mention that a large number, more than 1.500, entered this Spanish enclave. In this respect, CEAR insisted, not without great concern, that childhood protection and the best interest of the minor, should not be violated under any circumstances, and that the corresponding due protocols, established under both national and international norms, must be respected. To sum up, the fundamental issue is to ensure that child condition goes before and in front of migrant condition, as CEAR, among the rest of the national organizations part of the network Migreurop, demanded to the Spanish authorities. In respect of the Canary Islands´ situation, added to what has already been said before, we recall here the large number of minors, also including non-accompanied ones, there and the lack of specific facilities.

Regarding victims of human trafficking, an identification and referral to general or specific facilities is undertaken case per case, with the disposal or reserved places por these profiles, also including persons presenting some mental health problems, functional diversity, or LGTBI asylum seekers. Professionals are specially trained in trafficking and gender base violence issues, yet a proper identification depends on the arrival momentum, relying on the level of saturation of the corresponding attendance capacity.

## **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)**

The extent of the protection under the Spanish asylum system is, in general terms, arguably satisfactory, yet with some weak points. Among it, discrimination within the labor market, and the linkage between access to social benefits and census registration, being that this precisely administrative competence is transferred to a regional level, poses obstacles whenever someone moves from one territory to one other. There are several other examples of difficulties that migrants and refugees do have to face in order to make effective their access to economic, social and cultural rights.

We recall here that CEAR belongs to an Alliance for the Equal Treatment, campaigning for a new Act of Equality and Non-Discrimination, including organizations focused in childhood, LGBTIQ+, VIH, homelessness, illness, childhood and, therefore, migrations and asylum. After several essays and the formal presentation of a final draft by the ongoing Government, a highlighted positive development in 2021 has been that the processing of the so-called Law for the comprehensive equal treatment and non-discrimination (in Spanish, Ley Integral para la Igualdad de Trato y la No Discriminación).

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

CEAR is aware of the current, in fact not new, trend to foster returns, so as set, at a communitarian level, in the proposed New Asylum and Migration European Pact. As one of its pillar stones, reasonable doubts about transparency and accountability in these operations are just in the forefront of concerns. European and national authorities intercede in order to ask and monitor the European Border and Coast Guard Agency to comply the full respect of fundamental rights in its operations. CEAR reminds that no one should not be expelled to places where their lives or integrity could be at risk.

### **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)**

Up to 521 refugees were eligible to resettlement during 2021, more than 80% from 4 prominent countries, to know, the Syrian Arab Republic (397), followed by Sudan (16), Iraq (6) and Afghanistan (4). The whole represents some 30% more than the 363 refugees counted in this data in the previous year 2020. Once again, Spain falls short to its annual commitment, amounting to 1,200, moreover considering that this is barely the sole legal pathway existing at an operational level in a significantly degree. Not only that, but it also counters the trend that, as has been said, should be on the go, to know, the progressive increase of resettlement figures as theoretically assumed by international authorities following the consideration of clear growing global needs, as stated by the UNHCR. The persistence of the pandemic situation should not be an excuse to reduce the accomplishment of resettlement obligations.

To be highlighted, Afghanistan case. It is the Asian state included within the Comprehensive Refugee Response Framework -CRRF-, and since the exodus juncture began from its destabilization on, the corresponding figures for these programs are expected to keep on the raise during the new year 2022, as in fact, it has already started to happen. Being a humanitarian admission to be mentioned here, since knowing it was going to accompany asylum seeker population evacuated from Afghanistan, CEAR responded, starting to organize interviews and deployed its means to operate transfers to the reception places. Tough large families were the most repeated, there have also been cases of men and women alone. In every case, the objective being to provide coverage to all basic needs. By September the 2nd 2021, the Spanish Ministry of Inclusion, Social Security and Migrations announced to have attended to 2.181 refugees arrived to Spain via this window. More concretely, some 320 family units out of 420 remained spreads along the national territory, while the rest finally went to other Member states.

In September 2021 CEAR followed up the High-Level Forum on Resettlement, promoted by the European Commission, the UNHCR and the Canadian and United States of America's governments and its recommendations in the spirit of intensifying legal pathways with shared leadership. Following the Afghanistan current situation, the suggestions of increasing places, financing and flexibility and precisely relevant. All things considered, and despite the fact that resettlement and will continue to be the main legal pathways, CEAR has insisted in the need of fostering other complementary mechanisms of this kind, including labor mobility, humanitarian visa, family reunification, humanitarian protection and communitarian sponsorship.

Nevertheless, there are some practices already existing in this sense, as for example, some communitarian sponsorship programs ongoing in several regions, as pilot experiences on the UNHCR proposal. In the Basque Country, in the beginning of the second semester of 2021, this very first program coming from a resolution according to set it already in 2019, was extended for two more years. Also, in Valencia and Navarra with support from different organizations committed to undertake the pilot actions for period between 18 and 24 months, the so-mentioned sponsorship goes on doing its firsts steps.

As for the Humanitarian Visas, CEAR insist in the persistence of some discretionary use of this measure, thus, a degree of uncertainty, after a lack of definition of what to consider "humanitarian reasons". Anyhow, an obligation for Spanish authorities. In relation to complementary pathways for protection, and coming back to the referred situation in Afghanistan, in August 2021 CEAR stood for the implementation of humanitarian corridors for refugees from this country, and the suspension of the EU-Afghanistan declaration on return and readmission or, again to be underlined, speeding up the family reunification processes, including a petition addressed to civil organizations as has been also asked by the European Parliament, calling Member states, in September 2021 to cooperate in the evacuation of people from this country that are at risk.

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

During 2021, Spain has assumed the reception of some migrants arriving via Central Mediterranean, on the basis of ad hoc agreements between some member states. Some relocations have been occurring during 2021.

Still, altogether with the other southern Mediterranean countries of maritime European Union´ first arrival member states, we recall here what has been previously said in this document as the latest development or official announcement pronounced by national authorities on states´ position towards the said European Pact on Asylum and Migration.

#### **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](#))**

In the national jurisprudential chapter for 2021, on April 14th the Spanish Supreme Court (Tribunal Supremo), as already had done in 2020 (see sentence of July 29th here) ruled in favor of an appeal filed by CEAR, reiterating that asylum seekers in Ceuta and Melilla do have right to freedom of movement within the entire national territory. So did, at a regional level, the Administrative Litigation Court of Las Palmas province in the Canary Islands with an order issued coincidentally the same day. In this last example, legal bases are clear, stressing that the right exists when the person accredit his/her identity or the proof of having formally asked for asylum.

Still for the migratory situation in the Canary Islands, regarding the overcrowding situation as for arrivals to the Canarian Arguineguín port, on December 16th 2021, the Provincial Court of Las Palmas has acted rejecting the appeal interposed by the procedural representation of the Mogán Town Hall, thus, confirming the act of April the 13th the same year, set by the trial Court N° 2 of San Bartolomé de Tirajana. As a result, after going to the merits the case is closed without condemning facts as failures to moral integrity or illegal detention, both pretended as unlawful types. Subsequently, CEAR regrets a page turned staying unpunished.

Regarding the Tarajal Case, occurred back in 2014, concretely on February the 6th, when 15 migrants drowned when trying to enter the Spanish territory via this beach in Ceuta, after the use of anti-riot gear by state security force. CEAR laments the persisting impunity just as 7 years have now lapsed. Further information on the corresponding CEAR position and lessons to be learned about this regrettable event can be found here. The appeal presented in 2021 is yet to be resolved by the Superior Court.

#### **17. Other important developments in 2021**

it can be said that still there is not any advancements regarding the announcement of a new Asylum National Act.

On another degree of things, CEAR continues to pay attention to the evolution of Spanish bilateral agenda with third countries of special interest, such as, but not solely, Morocco, Mauritania or Senegal, notably concerning the cooperation in border management. It is of special interest and concern the latest's episodes between Spain and Morocco in regard of the more than 8.000 persons that entered in the City of Ceuta in the lapse of 36 hours in May 2021, tensioning diplomatic relations between both countries and putting in evidence the humanitarian consequences of the instrumentalization of borders and the lack of legal pathways. Aftermath chilled, the agenda seem to keep on going on its usual steps and well know emphasis in strengthening Moroccan border control capacities to reduce departures. With Mauritania, in the beginning of the year, January 2021, and with Senegal in April the same year, Interior Affairs ministries held meetings, respectively reaffirming the bilateral cooperation in migratory issues in the sense as it has been developing recently, just, more of the same as what said in respect to Moroccan relations, reinforcing border control in the African side.

## References and sources

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

- 2021 CEAR's Annual Report – Executive Summary  
<https://www.cear.es/wp-content/uploads/2021/07/2021-REPORT-Executive-Summary-1.pdf>
- CEAR's statement on relevant issues "what we say"  
<https://www.cear.es/category/noticias/>
- La Agenda 2030 y las personas migrantes y refugiadas  
[https://www.cear.es/wp-content/uploads/2021/07/informe-ODS\\_CEAR.pdf](https://www.cear.es/wp-content/uploads/2021/07/informe-ODS_CEAR.pdf)
- Informe: Migración en Canarias. La emergencia previsible  
[https://www.cear.es/wp-content/uploads/2021/04/Informe-CEAR\\_CANARIAS.pdf](https://www.cear.es/wp-content/uploads/2021/04/Informe-CEAR_CANARIAS.pdf)
- 2021 CEAR's asylum data (2020 figures)  
<https://www.cear.es/wp-content/uploads/2021/05/Mas-que-Cifras-2020.pdf>

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

CEAR follows the EUAA Annual Reports and is aware of the extent of the civil society inputs captured to elaborate them, making use of its content within different inner activities and in the frame on its policy monitoring task. CEAR would retake in this occasion a prior comment in this report process noting the efforts undertaken by the Agency to strengthen the Spanish asylum system and management capacity, thus, again acknowledges the Agency for this, aiming to see new and periodic active contributions and joint efforts in line with any regional development in the next future to come.

Please upload your file

The maximum file size is 1 MB

## Contact details

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\* Name of organisation

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Name and title of contact person

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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](#)

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