

# Input by civil society organisations to the Asylum Report 2023

Fields marked with \* are mandatory.

Dear Colleagues,

The production of the *Asylum Report 2023* is currently underway. The annual [Asylum Report series](#) presents 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, policies or practices in 2022 (and early 2023) 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, 2023 contributions will be published on the EUAA webpage. For reference, contributions to the 2022 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 Asylum Report 2023 by Friday, 3 February 2023.\***

## 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 2022 and new or remaining challenges; and
- Changes in policies or practices, transposition of legislation or institutional changes during 2022.

Please ensure that your responses remain within the scope of each section. Thus, kindly refrain from including information that goes beyond the thematic focus of each section or is not related to recent developments.

## Contributions by topic

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### **1. Access to territory and access to the asylum procedure (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)**

In the first arrival to territory there is theoretically no application of the non-refoulement principle in Spain because the first registration that the national police does at the border before letting a person applying for asylum procedure is a refoulement order -in the reality they don't deport them but they extend a legal document of a refoulement order -2022-

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

Once they have expressed before a legal authority -in Spain they have to do it in front of the national police- that they want to apply for asylum they receive a document in different languages (Spanish, English, French, Arabic) with information about their rights, obligations and procedure but this don't take into account persons who are illiterate and cannot read and not understand. They asylum seekers usually don't count with legal assistance -nor counselling either representation- at the interview, they are not well informed.

### **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)**

Currently interpreter in the interviews is provided in almost all languages and many dialects but the most frequent method is the phone-call and the quality of the communication sometimes is very bad and makes the interview with the applicant very uncomfortable. Is very frequent also that interpreters are very unqualified and the interpretation is very bad, there is missing relevant information and sometimes wrong information or answers.

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

In Spain the Dublin procedure don't take place very frequently.

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

Border procedures or procedures in Aliens Internment Center works in a vert short frameworks, the applicants aply for asylum at the airport, special points in the frontiers and CIES, Asylum Office has 48 hours to decide and if the application is denied the applicant has 24 hours to present a reexam, and this has to be resolved in 48 hours. I suggest to pay very attention in human trafficking in these because there is a lot of trafficking on human beings in this cases.

**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)**

The reception of applicants for international protection system respects all the rights of housing, food, clothing, financial support, etc. but there are periods when Spain receive massive applicants like the crisis of Ukraine or massive migrants and the reception system cannot afford so much people. Fortunately the different gouvernements make efforts to solve and fulfill with these obligations.

Very frequently services like medical care, polices services to extend identity documents, schoolling, services from banks, or vocational training are refused by external institutions of the reception system or they make systematic troubles to applicants or even recognised refugees to receive or access to these services or even to apply for asylum.

**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)**

-No experience about it-

**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)**

The procedures at first instance didn't change in the last four years, the authority in charge is the asylum office but the national police make the interview and the documents.

IT IS VERY IMPORTANT TO NOTE that currently and since COVID times, it is established the system to access to apply for asylum through a website of appointments at the police or at the asylum office and this website is hacked, the appointments are sold for 100 euros and not all the people can access to the process to apply for asylum and when one person get an appointment, the appointment can be in the next 5 till twelve months and this appointment will be just to get a document of evidence that the person already applied for asylum with another long-term appointment to make real the application and with the date and hour for the real interview -it will be that day when the person will get identity document as asylum seeker- in this way there persons who will not be able to work maybe in one year and a half just because of this fraudulent system with this website and many lawyers of different organisation and civil society are complaining about this to the Spanish Ombudsman and also we will work just gives to that person they call interpreters but not always of the mother tongue, and also we are working in a complaint in front of the European Council and in a litigious claim in front of the Spanish Courts.

To test it the link of the website is: <https://sede.administracionespublicas.gob.es/pagina/index/directorio/icplusplus>

Then when the asylum seeker is at the interview, the national police calls an interpreter and not always they find interpreters of the person's mother tongue. The policeman/woman writes sometimes wrongly or with missing information about the story and when there is no interpreter of the mother tongue the person cannot confirm exactly if everything is correct. Not always they are accompanied by a lawyer, specially when there are massive arrivals and as a lawyer, I have complained to the agent that there is missing information and the answer of the police agent was that we can send a writing after the interview...also the treatment of many police officers is inadequate, in many occasions they make moral judgments and use discriminatory expressions. After the interview the asylum applicants gets a the applicant receives a very poor quality sheet or folio with his data, finger print, a photo, an asylum file number, and a police stamp that allows him to work after six months. One can find an example of this document under this link: <https://www.parainmigrantes.info/presentacion-de-solicitud-de-proteccion-internacional/>

For the assesment the competence is the Central Asylum Office and it has instructors that studies all the cases. For many years now, the asylum office has been very overburdened and they cannot respect the times of the law (6 months) to decide about the cases. They decide on time just easy cases or cases like the temporary protection for Ukraine. From the asylum office there is the possibility for a second interview but sometimes if they want to notify the person they use the official state bulletin, also to require documents or present further alegations. They are who determine the international protection status of the file and the decisionmaking comes from the interministerial comision of asylum, the document of resolution is signed by the secretary of the Interior Ministry. The resolutions are often standard resolutions as if there were a template for each country without individualizing the case on many occasions. The timeframe is 6 months and there were persons waiting for a positive resolution for more than four years, there is no order of entry and there are also files solved in five months.

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

If we consider a second instance when the decision is negative, the asylum application has been refused and we submit an appeal still as an administrative procedure directly in front of the asylum office (one month after the denial, the person should not have hope that his or her appeal will be resolved because the asylum office don't use to answer to this appeal. Instead one can submit directly an contentious appeal in front of the court and that litigation takes also a long time.

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

Currently the asylum office decides the asylum cases based on the Spanish Asylum Law, sources such as Human Rights Watch, USDOS – US Department of State, AI – Amnesty International, Freedom House, UNHCR reports, news papers and sometimes they consider our legal reports. With the legal assistance a case can be supported more details about the personal situation in contrast and analysis of the country of origin information, as lawyers we send this reports through digital registration but the electronic registry of the administration have failures when the writings are addressed to the asylum office and the resolutions do not take them into account as if they wouldn't received it. They don't take into account fact-finding missions, the resolutions are not so well grounded.

**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)**

Applicants in a vulnerable situation have special reception consideration and can even extend the reception frame but in the legal procedural there is no total respect of the legal guarantees, the age assessment is made but not always has a correct result, not all tests are made, the treatment is not always the appropriate and specially with children who had suffered traumatic experiences.

**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)**

Very frequently services like medical care, polices services to extend identity documents, schooling, services from banks, or vocational training are refused by external institutions of the reception system or they make systematic troubles to applicants or even recognised refugees to receive or access to these services.

Many time medical services make troubles to the asylum applicants, schools complains because they say that the refugees children need special cares, public administrations treat badly the refugees grounded on racists prejudices.

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

I haven't seen just one applicant who returns to his country of origin because the life of his daughter was in danger.

**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)**

-No experience about it. I know about the program because I did a course last June 2022 but not focused in Spanish situation, by this course we got information about Spanish report on Spanish resettlement program in <https://www.inclusion.gob.es/en/web/guest/w/el-gobierno-aprueba-el-programa-nacional-de-reasentamiento-de-refugiados-para-2022-por-el-que-se-acogera-a-1.200-personas>

there it is published that The Spanish Government approved the National Refugee Resettlement Program for 2022, which will accommodate 1,200 people;

This program offers protection to refugees from countries affected by conflicts and serious humanitarian crises

The Ministry of Inclusion will host 658 resettled people during the first quarter of 2022

The reception of these families and their accompaniment is encouraged through Community Sponsorship programs, in collaboration with UNHCR and different Autonomous Communities.

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

-No experience about it. Just about afghan cases because of the afghan crisis. Afghans applied last 2022 to change from Spain to Germany and to Netherlands and many cases were accepted.-

### 16. National jurisprudence on international protection in 2022 (please include a link to the relevant case law and/or submit cases to the [EUAA Case Law Database](#))

About the right to work of an asylum applicant with an appeal against a denial:

<https://www.poderjudicial.es/search/AN/openDocument/13ed0572110f4197/20220408>

<https://www.poderjudicial.es/search/AN/openDocument/cddad49f75aeeb44/20210702>

<https://www.poderjudicial.es/search/AN/openDocument/487f8d245432d163/20210702>

<https://www.poderjudicial.es/search/AN/openDocument/433acd961d41d763/20210928>

<https://www.poderjudicial.es/search/AN/openDocument/1008de69d73551d6/20210928>

Protection for ucranian citizens in 2022:

No legal guarantees in the repatriation of minors to Morokko: Sentencia del Tribunal Superior de Justicia de Andalucía.<https://www.abogacia.es/wp-content/uploads/2022/06/20220629-ST-TSJ-139-21-CORRECTA-sin-nombres.pdf>

No protection for an ucranian citizen in 2022: <https://www.poderjudicial.es/search/AN/openDocument/bb629c621228b6b7/20220211>

No international protection for a colombian asylum applicant: <https://www.poderjudicial.es/search/documento/AN/10066708/Real%20Decreto%20alarma%20sanitaria%20Covid-19/20220808>

No legal guarantees in the repatriation of minors to Morokko: Sentencia del Tribunal Superior de Justicia de Andalucía.<https://www.abogacia.es/wp-content/uploads/2022/06/20220629-ST-TSJ-139-21-CORRECTA-sin-nombres.pdf>

### 17. Other important developments in 2022

The respect to the rules of law making possible the compatibility between different types of resident permits and the asylum procedure because of recommendations of the Spanish Ombudsman

The promotion by the Spanish Ombudsman to access to the procedure of asylum without the use of dangerous and irregular routes (the use of the Spanish Embassy in Morocco to apply for asylum):  
<https://www.defensordelpueblo.es/resoluciones/solicitud-de-asilo-en-espana-sin-tener-que-utilizar-vias-irregulares-de-entrada/>

The promotion by the Spanish Ombudsman to access to basic services and continue working for asylum seekers when they appeal the denial of their asylum application based on the European Directives 32/2013 and 33/2013: <https://www.defensordelpueblo.es/noticias/ahora-no-posible/>

## References and sources

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

All the information counts already with references next to the concret detail in this survey

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

There are many things to be improved in Spain about the process but the main score to work in is in the access of the asylum procedure in a legal, efficient and reasonable way and not through a web system which is currently corrupted.

Please upload your file

The maximum file size is 1 MB

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## Contact details

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### \* Name of Organisation

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### Name and title of contact person

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I accept the provisions of the EUAA [Legal and Privacy Statements](#)

## Useful links

[EUAA Asylum Report 2022 \(https://euaa.europa.eu/asylum-knowledge/asylum-report\)](https://euaa.europa.eu/asylum-knowledge/asylum-report)

[Executive Summary -Asylum Report 2022 \(https://euaa.europa.eu/executive-summary-asylum-report-2022\)](https://euaa.europa.eu/executive-summary-asylum-report-2022)

[Sources on Asylum 2022 \(https://euaa.europa.eu/publications/sources-asylum-2022\)](https://euaa.europa.eu/publications/sources-asylum-2022)

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

## Background Documents

[Word template to submit input](#)

## Contact

[Contact Form](#)