

SPAIN

ARRIVALS

1. Total number of individual asylum seekers who arrived, with monthly breakdown and percentage variation between years

Table 1:

Source: Spanish Asylum Office (OAR)

Month	2002	2003	Variation +/- (%)
January	965	768	- 20.4
February	808	415	- 48.6
March	735	388	- 47.2
April	430	338	- 21.4
May	551	399	- 27.6
June	317	382	+20.5
July	372	470	+26.3
August	322	486	+50.9
September	398	585	+47.0
October	572	564	-1.4
November	451	596	+32.2
December	388	529	+36.3
TOTAL	6,309	5,920	-6.2

2. Breakdown according to the country of origin/nationality, with percentage variation

Table 2:

Source: OAR

Country	2002	2003	Variation +/- (%)
Nigeria	1,440	1,688	+17.2
Algeria	350	682	+94.9
Colombia	1,105	577	-47.8
Democratic Republic of Congo	175	274	+56.6
Ivory Coast	-	241	-
Liberia	36	190	+427.8
Cameroon	24	178	+641.7
Guinea	46	171	+271.7
Russian Federation	172	153	-11.0
Iraq	83	139	+67.5
Sierra Leone	275	128	-53.5
Somalia	41	128	+212.9
Cuba	1,179	125	-89.4
Armenia	92	104	+13.0
Mali	26	63	+142.3
Ghana	41	58	+41
Georgia	74	55	-25.7
India	3	55	+1,733.3
Guinea-Bissau	5	54	+980

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Ukraine	67	50	-25.4
Gambia	9	48	+433.3
Ethiopia	33	45	+36.4
Romania	131	42	-67.9
Belarus	17	38	+123.5
Venezuela	3	35	+1,066.7
Congo	37	34	-8.1
Angola	102	31	-69.6
Mauritania	16	31	+93.9
Turkey	54	31	-42.6
Morocco	41	30	-26.8
Ecuador	44	24	-45.5
Equatorial Guinea	48	21	-56.3
Iran	18	21	+16.7
Sudan	39	21	-46.1
Pakistan	20	20	-
Bangladesh	17	15	-11.8
Moldova	25	14	-44
Bulgaria	1	13	+1,200
Afghanistan	18	12	-33.3
Macedonia	11	12	+9.1
China	11	11	-
Nepal	1	11	+1,000
Níger	6	11	+83.3
Tunisia	13	11	-15.4
Argentina	14	10	-28.6
Togo	11	9	-18.2
Sri Lanka	11	7	-36.4
Albania	22	6	-72.7
Peru	11	6	-45.5
Serbia and Montenegro	28	6	-78.6
Lebanon	11	3	-72.7
Bosnia-Herzegovina	11	-	-
Stateless	74	47	-36.5
<i>Others</i>	<i>116</i>	<i>126</i>	<i>+8.6</i>
TOTAL	6,307	5,918	-6.2

Last year, asylum applications lodged in Spain decreased by 6% compared to 2002. This was mainly due to the strict migration control measures put in place, together with the introduction of visa requirements for Cuban and Colombian nationals that came into force at the beginning of 2002. Since 2001, asylum applications from these two countries have decreased significantly (from 2,532 Colombians in 2001 to 577 in 2003, and from 2,371 Cubans in 2001 to 125 in 2003).

The number of Romanian asylum seekers decreased in 2003 to 42 (2002: 131), possibly as a result of the information campaign on immigration issues conducted in Romania in collaboration with the Spanish government.

3. Persons arriving under family reunification procedure

No figures available.

4. Refugees arriving as part of a resettlement programme

Spain does not operate any resettlement programmes.

5. Unaccompanied minors

No figures available.

RECOGNITION RATES

6. The statuses accorded at first instance and appeal stages as an absolute number and as a percentage of total decisions

Table 3:

Source: OAR

Statuses	2002				2003			
	First instance		Appeal		First instance		Appeal	
	Number	%	Number	%	Number	%	Number	%
No status awarded	5,962	95.2	-		5,578	93.8	234	88.0
Convention status	175	2.8	10	100	227	3.81	24	9.0
Humanitarian status	53	0.8	-		72	1.21	8	3
Displaced persons	-	-	-		65	1.09	-	-
Other protection	71	1.1	-		5	0.08	-	-
TOTAL	6,261	100	10	100	5,947	100	266	100

7. Refugee recognition rates (1951 Geneva Convention) according to country of origin, at first instance and appeal stages

No information provided.

RETURNS, REMOVALS, DETENTION AND DISMISSED CLAIMS

8. Persons returned on 'safe third country' grounds

No figures available.

9. Persons returned on 'safe country of origin' grounds

No figures available.

10. Number of applications determined inadmissible

4,229 (2002: 4,532)

11. Number of asylum seekers denied entry to the territory

Of the 710 applications submitted at the Spanish border, 315 were determined inadmissible. However, 38 of the 315 were determined to be admissible after an administrative appeal. Thus the final number determined inadmissible was 277. Airport removals were usually conducted very quickly.

12. Number of asylum seekers detained, and the maximum length of and grounds for detention

Asylum seekers are detained only at the border. They are not detained when they lodge their claim within the territory. The maximum length for the accelerated admissibility procedure is five days. The 710 asylum seekers detained at the border were detained for one to seven days pending a decision on admissibility.

13. Deportations of rejected asylum seekers

This data is not available as no distinction is made between rejected asylum seekers and economic migrants. Once rejected they are all termed 'illegal immigrants'.

14. Details of assisted return programmes, and numbers of those returned

Two Spanish NGOs, Comité Internacional de Rescate (CIR) and Asociación Comisión Católica Española de Migración (ACCEM) had voluntary repatriation programmes for asylum seekers and refugees who wished to return to their countries of origin. 91 people were returned under these programmes.

Table 5: Number returned under NGO voluntary repatriation programmes in 2003

Source: CIR

Country of origin	CIR	ACCEM	Total
Colombia	11	50	61
Russian Federation	3	9	12
Angola	2	-	2
Armenia	1	4	5
Nigeria	1	-	1
Liberia	-	4	4
Moldova	-	3	3
Bulgaria	-	1	1
Iraq	-	1	1
Pakistan	-	1	1
TOTAL	18	73	91

Also, during 2003, an agreement between the Ministry of Internal Affairs, the Ministry of Labour and the International Organization for Migration (IOM) allowed 150 illegal foreign nationals to return voluntarily to their countries of origin.

15. Number of asylum seekers sent back to the Member State responsible for examining the asylum application under the Dublin Convention (Dublin II Regulation)

Table 6:

Source: OAR

Country of origin	Requests presented	Requests accepted	Requests refused	Requests filed	Number of asylum seekers sent to the State responsible
Austria	3	3	-		
Belgium	1	1			
Finland	9	9			
France	32	30	2		7
Germany	31	27	4		7
Greece	16	16	2		3
Italy	5	5			1
Norway	6		5	1	
Netherlands	11	10	1		1
Portugal	14	12	2		
Sweden	1			1	
United Kingdom	15	13	2		
TOTAL	144	124	18	2	19

SPECIFIC REFUGEE GROUPS

16. Developments regarding refugee groups of particular concern

The majority of Iraqi asylum seekers were granted subsidiary protection as a result of instability in their country of origin.

LEGAL AND PROCEDURAL DEVELOPMENTS

17. New legislation passed

Royal Decree 1325/2003 of 24 October amended the previous Asylum Regulation (Royal Decree No. 203/1995) and introduced a temporary protection regulation in case of a mass influx of displaced people.

The Organic Laws No. 14/2003 and No. 11/2003 once again amended the Law on Rights and Freedoms of Foreigners in Spain and their Social Integration (Aliens Act 2000) and included specific regulations concerning social integration for foreign nationals. In its introductory provisions, the amended Aliens Act refers to three EU directives to justify some of the amendments:

- Council Directive 2002/90/EC defining the facilitation of unauthorised entry, transit and residence; the Aliens Act, Article 54(1) as amended, contains measures to combat illegal immigration in the case of unauthorised border crossings and human trafficking networks.
- Council Directive 2001/51/EC supplementing the provisions of Article 26 of the Convention implementing the Schengen Agreement (1985); the Aliens Act, Article 54(2) as amended, contains measures to ensure penalties are applied to carriers.
- Council Directive 2001/40/EC on the mutual recognition of decisions on the expulsion of third country nationals; the Aliens Act, Article 64 as amended, contains measures regarding the mutual recognition of decisions on expulsion between Member States.

Royal Decree 178/2003 of 14 February 2003 concerning the entry and stay of EU citizens and those from other European Economic Area countries.

18. Changes in refugee determination procedure, appeal or deportation procedures

There were no changes in the refugee determination procedure in 2003.

The amended Aliens Act introduced changes to deportation procedures for 'illegal immigrants'. No further information was provided on these changes.

19. Important case-law relating to the qualification for refugee status and other forms of protection

STC 95/2003 of 22 May 2003

Appeal submitted by the Spanish Ombudsman before the Constitutional Court against the need to be a legal resident in order to exercise the right to access free legal advice. Until this time, only asylum seekers (whose claim was rejected) or illegal immigrants (in case of deportation) could exercise the right to access free legal advice. In this case the court ruled that it is not necessary for a foreign national to be legally resident in order to exercise this right.

20. Developments in the use of the exclusion clauses of the 1951 Geneva Convention in the context of the national security debate

There were no developments in the use of exclusion clauses in 2003.

21. Developments regarding readmission and cooperation agreements

- An agreement for the regulation of migration flows was signed with Bulgaria on 28 October 2003; this includes a readmission agreement.
- Readmission agreements were signed with Guinea Bissau (February 2003), Mauritania (July 2003) and Switzerland (November 2003).
- A memorandum about unaccompanied minors was signed with Morocco on 23 December 2003.

THE SOCIAL DIMENSION

22. Changes in the reception system

There were no changes in the reception system in 2003.

23. Changes in the social welfare policy relevant to refugees

There were no changes in social welfare policy in 2003.

24. Changes in policy relating to refugee integration

No information provided.

25. Changes in family reunion policy

The Organic Law No. 4/2000 of 11 January 2000, as amended by Organic Law No. 8/2000 of 22 December 2000, and by Organic Law No. 14/2003 of 20 November 2003, limits the right for foreign nationals (not refugees) to family reunification (Articles 17 and 18).

It rules that the sponsor should hold an independent residence permit issued by a EU Member State, which is valid for a period of two years.

Immediate family members of a sponsor need to hold a permanent residence permit (after five years of residency) if they themselves want to become sponsors and exercise their right to family reunification.

OTHER POLICY DEVELOPMENTS

26. Developments in resettlement policy

Spain presently is not part of any resettlement programme, however, it does consider individual cases for resettlement when requested by UNHCR.

27. Developments in return policy

During the year 2003, the Spanish government increased the number of deportations, as part of a policy against illegal immigration. 92,679 people (20.2% more than in 2002) were returned by the Spanish police.

Table 7:

Source: Aliens and Immigration Spanish Governmental Delegation

Country	Number
Romania	32,306
Nigeria	24,146
Bulgaria	8,266
Ecuador	6,476
<i>Others</i>	<i>21,485</i>
TOTAL	92,679

28. Developments in border control measures

In 2003, the Spanish government increased border controls and police intervened on 942 occasions to stop people trying to illegally enter Spain by boat; 9,794 people were detained at the Strait of Gibraltar, and 9,382 at the Canary Islands.

29. Other developments in refugee policy

Royal Decree 1325/2003 of 24 October 2003, which contains the temporary protection regulation in the case of a mass influx, has lowered the existing standards in relation to applications lodged by displaced persons. Prior to the transposition of the Council Directive 2001/55/EC into Spanish legislation, a person did not have to be part of a specific group of displaced people to be considered for temporary

protection; applications submitted by persons arriving to Spain and applying for asylum on their own were considered on an individual basis.

POLITICAL CONTEXT

30. Government in power during 2003

The Partido Popular (right-wing party) was in power in 2003.

31. Governmental policy vis-à-vis EU developments

The main concerns of the Spanish government during 2003 were to regulate conditions of entry via legal channels for third-country nationals; to fight against illegal immigration, organised crime and trafficking in human beings; and to adapt Spanish legislation to the EU guidelines.

The Spanish Government stressed the importance of the EU meetings at Thessaloniki (19-20 June 2003) and Brussels (16-17 October and 12 December 2003) for the development of a EU common asylum policy.

32. Asylum in the national political agenda

Asylum is not an issue in Spain *per se*. The main concern for the Spanish government is the control of migration flows and combating illegal trafficking networks.