

Input by civil society to the EASO Annual Report 2019

Fields marked with * are mandatory.

The production of EASO's *2019 Annual Report on the Situation of Asylum in the European Union* is currently underway. The yearly [annual 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 organizations, the UNHCR and researchers. To this end, we invite you to submit information on developments in asylum law, policy or practice in 2019 (and early 2020) by topic as presented in the online survey.

Please note that the EASO Annual 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. It is preferred to provide your submission in bullet points to facilitate drafting.

All submissions are publicly accessible. For transparency, 2019 contributions will be published on the EASO webpage. Contributions to the 2018 annual report by civil society organisations can be accessed [here](#). 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 EASO annual report is subject to terms of reference and volume limitations. Submissions may be edited for length and clarity or may not be included in the final report. Contributions from civil society organisations feed into EASO's work in multiple ways and inform reports and analyses beyond the annual report.

Please complete the online survey and submit your contribution to the 2019 annual report by **Thursday, 12 March 2020**.

[Instructions](#)

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

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

- New developments and improvements in 2019 and new or remaining challenges;
- Changes in policies or practices, transposition of legislation or institutional changes during 2019.

Please ensure that your responses remain within the scope of each section. Do not include information that goes beyond the thematic focus of each section or is not related to recent developments.

Contributions by topic

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)

Access to territory

The situation at the border, especially in Ceuta and Melilla, makes it difficult for migrants to access Spain's soil. Moreover, the recent judgement (link 1) by the European Court of Human Rights (ECtHR) that allows for implementing pushbacks at the Melilla wall will further hinder not only entrance, but also access to the international protection procedure by potential refugees. Migrants, including refugees or victims of human trafficking may not be identified and will not have their needs properly assessed at the border, as immediate removals, which have been taken place regularly in those locations, are now endorsed by the Court. Those expulsions may violate, whether directly or indirectly, the core principle of non-refoulement. The decision concludes that pushbacks are not a violation of the European Convention on Human Rights if there are effective legal avenues by which migrants can ask for asylum. However, third parties pointed out, including the Council of Europe [paragraph 58 of the decision], that "persons from sub-Saharan Africa (...) do not have access to the asylum procedure" because they are "effectively prevented by Moroccan authorities from approaching regular border crossing points".

Those migrants who are able to apply for asylum in Ceuta or Melilla receive an identification card that states that it is not valid to enter mainland Spain. Their freedom of movement is therefore thwarted and they are forced to stay in those cities.

Stateless persons without a humanitarian travel document cannot enter Spain, and neither can they apply for the stateless statute at the border. Stateless persons who applied for the statute may encounter problems when, upon leaving the country for a short stay abroad, they return to Spain with their applicants' identification cards. There have been cases in the airports of Alicante and Valencia in which the police have prevented stateless persons from entering the territory.

Yemenis are now required to enter Spain with a transit visa if they want to apply for asylum at the border crossing points at the Spanish airports (link 2). That nationality joins a list of twenty-six more (link 3) whose holders need a transit visa for the same purpose.

Access to the procedure

Pushbacks effectively prevent the exercise of the right to asylum. As we pointed out above, the endorsement of such practices by the ECtHR will now restrict access to the procedure for thousands of migrants. We have also referred to the limitations to apply for asylum imposed by Moroccan authorities to sub-Saharan

nationals who want to cross the Spanish border through the legal means available. The right to asylum cannot be ensured and, therefore, Spain's obligations cannot be complied with, if pushbacks and other limitations are accepted practices at the border.

The law allows potential refugees to seek asylum at Spanish Embassies of countries where they are not nationals. However, the legal provision is not further developed by an implementing regulation, and a circular letter [paragraph 38, N.D. and N.T. v. Spain] addressed to all Spanish ambassadors limits its scope. Moreover, the Office of Asylum and Refuge (OAR) acknowledged that the number of asylum applications submitted at embassies (1,649 between 2014 and 2018) are all "family extension applications" (link 4, page 32).

Migrants, including asylum seekers, have little to no knowledge of the international protection procedure. Information about it (as well as on their right to a lawyer and an interpreter) is not usually provided at the different public offices where applications must be submitted. Migrants who are not assisted by NGOs are helpless and prone to have their right to asylum suppressed. Seeking asylum without a lawyer or NGO workers entails, on occasions, constant barriers by police officers in charge of registering asylum seekers. In several cities, a restricted number of tickets is provided each day for migrants to seek asylum (sometimes, 10 tickets are given, and it is not uncommon for officers to give only 5 or even 0 tickets for migrants to apply for asylum). In some places, we have witnessed officers requesting translated evidence in order to register the person, and other burdensome requirements (being registered with the City Register as a resident). We have also seen cases where officers have applied a sort of third safe country filter arbitrarily and without the power to do so in order to prevent certain nationals from applying.

There is no standardized registration procedure in place across Spain. Many locations (for example, Alicante, Almería, Barcelona, Mérida, Murcia, and Sevilla) implement a double-appointment practice whereby potential asylum seekers need to ask for an appointment in order to get an appointment to have an interview and their case reviewed. With no registration being made, asylum seekers are not documented as such and, therefore, subject to removal.

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

Access to information

As mentioned above, information on the procedure is mainly provided by civil society organizations and not always by the competent bodies to register and conduct the asylum interviews. Asylum seekers often find themselves within a procedure without knowing their rights, including their fundamental rights to legal assistance and an interpreter, nor their obligations, such as their duty to notify any change of their postal address to receive notifications. At Immigration Detention Centers (CIE) and Immigrant Temporary Stay Centers (CETI), migrants are not usually informed on their right to international protection nor on the rights and obligations it entails.

Access to legal assistance: on occasions, at the border, where legal aid is mandatory, asylum seekers do not enjoy the benefit of a lawyer during the interviews. In mainland Spain, where legal assistance is not mandatory, but it is in any case a right, asylum seekers do not know they are entitled to it unless they are informed by NGOs. These organizations offer free legal advice to asylum seekers during the whole procedure, including interviews, but those not assisted by NGOs lack adequate legal assistance.

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)

Asylum seekers lack adequate interpretation services provided by the competent bodies to conduct asylum interviews. There is no specific training on international protection for interpreters, and they are not required to be properly qualified for that task. On occasions, they are judgmental and question asylum seekers'

credibility, acting more against them than assisting them and the authorities who are interviewing them. We have reported cases of such malpractice, but usually no measures are taking in order to prevent those interpreters from being involved in further interviews.

Many minority languages (and in some cases, some more widely-spoken ones such as Bambara) lack interpreters and interviews are either done in similar languages or non-native languages such as French in case of sub-Saharan applicants. Sometimes, there is a lack of interpreters available, so interpretation for some interviews is done by telephone. It all undermines the quality of the whole process.

At the border, interpretation is even more problematic. The lack of training and neutrality is noteworthy. Often, when interpretation cannot be provided, the person concerned is documented as an asylum seeker who has already been interviewed, and whose case has been declared admissible by the Office of Asylum and Refuge (OAR), but no interview has in fact ever been conducted because of lack communication between the interviewer and the asylum seeker. There is no case to be processed nor reviewed by the OAR, so their right to due process is curtailed, as no facts or arguments to base their claim were ever made. Such interviews and, therefore, the whole process, is automatically void, unless a second interview is granted in due time by the OAR.

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

We deal with few cases where Dublin III is applied. When it is applied, it is done arbitrarily and the persons concerned are charged with the travel costs. We come across some difficulties when trying to reunite family members with relatives who are asylum seekers in other Member States.

The available data shows that Spain accepted 8,381 petitions and rejected 3,201 within the framework of the Dublin procedure (link 5); the figures are higher than in 2018 (5,394 accepted and 1,744 rejected) (link 4, 85).

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

Border procedure: at Immigration Detention Centers (CIE) and Immigrant Temporary Stay Centers (CETI), the staff is not adequately trained and timeframes are short. Legal assistance is provided for by public defenders, who are called on the same day of the interview, so they have no time to prepare it and they have not had the chance to see the asylum seeker beforehand. Apart from such short notice, public defenders (except for the ones in Madrid) are immigration lawyers and are not trained on international protection

Admission procedure: almost all claims are admitted (roughly 99.97% -link 5-) to be examined by the Office of Asylum and Refuge, even if they do not meet the criteria as set forth in the law. We think that properly applying the rules would decrease the number of pending asylum applications as it would somehow filter the ones made by persons without clear needs of international protection. However, such measures should be implemented only if full guarantees are in place during interviews (legal assistance, trained interpreters and interviewers, respect for privacy, etc.). The same rationale should be applied to the fast-track procedure that reduces the timeframe (from six to three months) for reviewing applications.

Other schemes: Royal Decree 1325/2003, which transposes Directive 2001/55/CE on temporary protection is not applied even at this moment of exponential increase of people seeking international protection in Spain. However, de facto, it is. Venezuelans are being granted protection on humanitarian grounds following a country-specific criterion. These persons have a residence permit by virtue of article 125 of regulation that implements the Immigration Law (link 6). Taking into account that the same provision is applied in cases of temporary protection, and the fact that humanitarian grounds were not designed to be granted on a country-specific basis, we can conclude that temporary protection is de facto being applied through other means.

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)

Access to the reception system

There were over 118,000 applications submitted in 2019, and more than 120,000 pending at the end of the year. The Reception System has roughly 10,000 places, so access to this system is difficult, if not impossible in certain cases, and beneficiaries may need to wait several months to enter. Many are rough sleepers and are residentially excluded (link 7-8). Local social services in Madrid have collapsed (link 9). Our casework suggest similar patterns in different locations across the country. This creates legal uncertainty and may have a negative impact on their asylum applications. The lack of available places means that asylum seekers need to move constantly to find accommodation. The address provided to the Office of Asylum and Refuge (OAR) for notification purposes does not usually match the one where applicants are at the time when they are asked to submit documentation. The lack of response results in the dismissal of applications. The high increase in the number of asylum seekers led the Government to allocate places within the Humanitarian Assistance Program (designed for undocumented migrants arriving at the coasts, with limited coverage of their basic needs for up to six months) (link 10). Those asylum seekers who enter this program do so in the same manner as the undocumented migrants this scheme is designed for, and therefore fare far worse than the ones within the Reception System (shorter period of assistance; no integration pathways can be implemented and teams often lack specialized services, such as lawyers, psychologists, etc.). Their asylum applications cannot be properly assessed by lawyers and they usually lack adequate information and assistance if they want to include new facts and evidence to their claims.

Integration

Employment and training: asylum seekers do not enjoy a work authorization during the first six months after their interviews, and that hinders integration efforts from the very beginning.

Healthcare, education and social services: access to these services is also difficult due to the lack of knowledge on international protection by professionals, and also because of the limited validity of the ID issued to asylum seekers (six months). As an example, in Salamanca, asylum seekers are usually denied appointments with doctors unless they show they have been registered as city residents for the previous three months (most of them cannot meet the requirements by the city registry, such as holding a valid passport).

Documentation

Beneficiaries can stay in the program as long as they are documented with an ID. If their documents expire, they are entitled to have them renewed. However, renewals may take up to six months in Madrid -six months is the period of validity of those documents- (delays of up to seven months are reported in Cáceres, Extremadura). In the meantime, grants to cover their basic needs are suspended unless the competent body produces a written statement asserting that the renewal will be granted within a specific timeframe; unfortunately, that does not happen often. This issue does not only affect services within the Reception System or local social services as mentioned above. Those asylum seekers who are working and cannot show their employers their new cards, even if they are given an official statement declaring that the renewal will take place, may have problems securing their job; also, if grants are suspended, they may not be able to pay the rent if they are in the second stage of the program in which beneficiaries are no longer accommodated at reception apartments managed by organizations: they are given a fixed amount to pay the rent if they cannot afford it, but if their document has expired, they are unable to pay landlords.

Other issues

Excessive bureaucracy: usually, the staff employed within the Reception System spends more time dealing with documentation and expenditure justification required by funders than implementing actions for beneficiaries. This problem is not new (link 11, 41).

Stateless persons: persons seeking the stateless statute and those already recognized as stateless persons by the competent body are not entitled to enter the Reception System during the pre-stage phase of the program and are only allowed to do so at the first stage. They also lack a work authorization and do not have the right to stay in Spain during the procedure: a stay permit may be granted (link 12). The Spanish National Police denies this document to those who have submitted late applications, those who are also asylum seekers and those who are not currently in Spain. Granting this ID is essential, as it means that their holders have been granted the right to stay in Spain. Although the regulation states that such right may be granted, all the rights (including due process) and safeguards provided to applicants of the stateless statute can only be ensured with a stay permit.

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)

Even if detention pending removal is thought to provide effectiveness to the process and that holding migrants in detention should be used as a last resort and only when such measure is feasible and likely to happen, stateless persons can still be detained. Although no stateless persons were detained according to Spanish National Police as of 10 October 2019 (as a response to our information request through the government's transparency portal), the fact that their detention is legally conceived goes against the principles in which migration detention is based (last resort and likelihood) and further increases the vulnerability of stateless persons.

It is worth mentioning a Supreme Court decision (links 13-14) that may hinder detainees' right to asylum. In a case involving a person who was detained pending his expulsion and who applied for asylum at the Immigration Detention Center (CIE), the Court observed that those migrants who seek asylum for the sole purpose of preventing their expulsion are evading the law and, therefore, the Law on Asylum must not be applied, including its rights and guarantees. Moreover, the judge urged the competent body within the Ministry of the Interior to act against those who induced or collaborated with the applicant during the process. This judgement may have set a dangerous precedent.

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)

Interviews

Interviews are in most cases the sole decisive factor when examining an asylum application. Therefore, interviews must be conducted observing all guarantees (adequate information, environment, legal assistance, interpretation, legally trained and culturally sensitive staff, respect for the applicant's privacy, gender mainstreaming, etc.). However, they are often poor and unsatisfactory because of a clear disregard for such safeguards. Within our casework, we encounter cases where no legal assistance was provided at border procedure when such measure is not only a right, but mandated as a requirement by law (link 15); applicants are not informed about the procedure neither on their rights and duties; interviews lack adequate interpretation (many languages are not available and interpreters are not properly trained and do not need to have any specific qualifications); sometimes, police officers who conduct the interviews reject applicants' evidence and force them to tell their story in brief. Many are not given copies of their interviews.

Timeframe

According to the Law on Asylum, the Office of Asylum and Refuge (OAR) decides upon asylum applications within a period of six months (three for the fast-track procedure). However, that is virtually never complied with in practice. The decision-making process does not follow a first in, first out basis, which hinders the work of organizations who legally assist hundreds of asylum seekers. With no chronological order to follow, lawyers are not able to keep all their cases up to date.

OAR

The OAR is understaffed, which undermines the quality of their assessment of international protection claims, and makes it more difficult for applicants, lawyers and organizations to reach instructors (for example, to ask for copies of interviews not given to applicants by police officers).

Lawyers do not know how evidence is assessed by the OAR (no reference is made by decisions to the evidence produced during the procedure) and standard reasonings that do not address the individual case create a sense that applications are not properly examined. The third safe country concept to reject applications is an obstacle to the adequate assessment of individualized claims. The OAR delays cases with clear international protection needs, and they take long to notify positive decisions. However, the latter is unfortunately not common, as the recognition rate is among the lowest within the EU (5%, well below the EU average of 30%) (link 16).

Other issues

Among other competent bodies, police stations are usually responsible for registering applicants and conducting asylum applications. They do not have the power to grant or reject applications, neither the authority to deny the right to seek asylum. However, some officers act as if it were their right and duty to limit the number of applicants from being registered: at different locations, just a few tickets are given each day to apply for asylum (sometimes, zero). Migrants who want to ask for asylum and do so without the assistance of lawyers or organizations may be rejected because of numerous reasons (not providing certified and translated copies of their claims, being from a third safe country according to police officers, or coming from a country with a low recognition rate). We have witnessed such behavior for some time. We know police stations and the competent bodies are understaffed, but human rights must be observed and facilitated at all times.

Moreover, to lodge their claims several locations require applicants to be residents and produce evidence to support it (a document issued by the City Registry). Such is the case in Algeciras, Alicante, Alzira (Valencian Community), Barcelona, Cartagena (Region of Murcia), Ciudad Real, Huelva, Lorca (Region of Murcia), Mérida, Molina de Segura (Region of Murcia), Cáceres (Extremadura), Olot (Catalonia), Seville, Soria, Teruel, Torrepacheco (Region of Murcia), Valencia and Saragossa. However, one basic requirement to register is to hold a valid passport, something most applicants cannot meet.

Stateless persons do not enjoy a procedure with the same safeguards as those of the international protection one. They do not have the right for an interview, and they must submit their claim in a written form. Critically, they do not have the right to legal assistance in first instance. Also, in terms of reception, they are excluded from the pre-stage known as phase zero of the Reception System, and they cannot be admitted to the second phase unless they are issued an ID (green card) recognizing them as stateless statute applicants. For the first phase, producing a copy of the application is enough to be granted to the system. If they are not given a green card, which is often the case, their integration, already hindered by their lack of a work permit, is completely narrowed down. However, this is an administrative practice not provided by law, so it can and should be changed.

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

Appeals do not have automatic suspensive effect, which means that residence and work authorizations are no longer valid. Applicants lose their jobs and their right to have one, as well as their right to stay. All integration and reception measures and actions are stalled.

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.

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

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 ecoi.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.

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)

The Law on Asylum states that vulnerable persons should have their specific needs taken into account, and lists categories persons affected by a vulnerable situation, such as minors, unaccompanied minors, disabled persons, pregnant women, victims of gender-based violence or human trafficking, etc. Although the list is not exhaustive, the administration is too narrow in its interpretation, and it should include illiterate persons, stateless persons, people who lack the necessary language skills to communicate, among others. The authorities should also bear in mind article 21 of the Reception Directive (2013/33/UE) and recital 29 of the Procedures Directive (2013/32/UE) where serious illnesses, mental disorders and gender identity are included within the context of vulnerabilities. However, the way in which their specific situation must be addressed is left to an implementing regulation that is yet to be passed. Therefore, there is no special procedure in place regarding vulnerable persons.

There is lack of special places within the Reception System to address vulnerable persons, such as those with mental disorders, those who are victims of gender-based violence or human trafficking, or the elderly, and there is a lack of specialized training in this regard in the teams that manage the system.

The situation of unaccompanied minors has hit the news and has affected negatively their status in Spain, as reported and condemned by the Ombudsman (link 17) due to the hate speech, racist and xenophobic remarks by far-right movements during the political campaigns (two general elections in 2019). According to the Ombudsman, they are the most vulnerable among the vulnerable. But not only this Spanish institution has voiced its concern regarding unaccompanied minors in the country. The Committee on the Rights of the Child (links 18-21, and 14) stated that Spain violated the human rights of minors in three separate decisions that point to a widespread and systemic abuse of minors who are subject to age determination procedures: they are presumed to be adults and are for that reason detained at Immigration Detention Centers with adults, authorities have a complete disregard for official documents from their countries of origin that expressly state their status as minors, and for that reason are tested through a procedure that is not reliable due to its wide margin of error (this has already been reported by the Committee on previous decisions against Spain). The children's best interests are not observed in these cases.

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)

Beneficiaries of international protection

The new government's handbook to manage the National Reception System restricts reception rights to refugees and persons who have been granted subsidiary protection. According to the new document, beneficiaries of international protection in Spain can enter the system in the following cases: (1) being already in the reception system; or (2) resettled refugees, reunited family members and persons to whom the refugee status of a relative has been extended (ref 1, 17 – no link available). That leaves many refugees out: those who entered Spain with enough economic resources to support themselves and their relatives, but whose financial means have been reduced significantly; persons who ignored the existence of this system upon applying for the statute, etc.

Asylum seekers

The protection granted asylum seekers and the benefits of the Reception System for those, as well as for refugees and stateless persons are limited because of a lack of knowledge of the competent bodies responsible for providing basic social services (healthcare, training, education, etc.).

Employment and training: training courses are usually limited and access to the labor market is often difficult (discrimination against migrants, employers' distrust of documentation with limited validity); degree recognition involves meeting burdensome criteria, so persons are forced to be employed in unskilled work lacking by job insecurity.

Education: integration measures in the educative field are non-existent. Asylum seekers, as well as migrants in general, lack free and available Spanish courses for adults.

Housing: asylum seekers are victims of serious discrimination in this field. The price of rent has skyrocketed in Spain in recent years, and asylum seekers cannot afford adequate housing. When they do, they are sometimes prevented from renting by racist and xenophobic behavior of landlords.

Documentation: as it was aforementioned, the lack of proper documentation is a main concern that has been exacerbated during 2019. Before 2019, asylum seekers were issued an identification document (white sheet of paper) stating that their interviews had been conducted and that their case was pending admission. Once admitted (within one month), they were issued a new document (known as red card) that recognized them as asylum seekers whose case was being examined by the OAR. However, applicants now receive that white document that expires in six months. Red cards are now issued six months after their applications have been lodged. If there were problems with red cards (cardboard IDs with personal information that resemble old IDs) because of the distrust such document generated, the situation is even worse now. Banks, public administrations and social services put up barriers against asylum seekers because of the weakness of their documentation. That has not improved with the new system. Also stated above, but worth stressing it again, is the fact that documentation renewals take long to be processed, leaving asylum seekers several weeks without a valid ID, becoming therefore de facto undocumented migrants.

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 OAR in that regard.

13. Return of former applicants for international protection

Appeals have no automatic suspensive effect and interim measures are often rejected (they are only admitted on grounds of urgency, such as an imminent enforcement of a removal decision, being held at an Immigration Detention Center (CIE), or being at a border crossing point). Therefore, appellants are not protected against removal and cannot exercise their right to due process if they are deported. Stateless persons can be removed at any time, as there is no protection against refoulement for them. We have also reported cases where stateless persons who applied for the stateless statute had traveled abroad and were prevented from reentering Spain. Those persons were holders of the green card, the ID issued to those stateless persons seeking to be recognized as such. Even if their cards were valid and issued by a Spanish authority granting them the right to stay, the police officers at the border crossing points in the airports of Valencia and Alicante implemented removal measures against these applicants. Fundación Cepaim implements projects on voluntary assisted-return and reintegration and we think they should be given priority and adequate budgetary allocation in order to promote the sustainability of these programs in the long run. With these projects, the integration measures and results are valued and can be used to share experiences, skills and good practices that can be used as tools in the migrants' countries of origin. That benefits not only them, but also their relatives, and the society of origin.

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 casework indicates that resettled family units of Syrian origin who entered the Reception System in 2019 all left the system in order to leave with relatives in Spain or abroad, and 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, etc.). Private or community-based sponsorship programs are a great initiative and they have already been implemented as pilot projects in the Basque Country (link 22). However, these projects should never be used to replace Spain's international obligations.

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

No data has been published in 2019 regarding the number of persons relocated in compliance with the EU agreement on relocation of asylum seekers.

16. National jurisprudence on international protection in 2019 (please include a link to the relevant case law and/or submit cases to the [EASO Case Law Database](#))

Freedom of movement

The Madrid Supreme Court of Justice (links 23-25) concluded that the inscription "Valid only in Ceuta/Melilla" in the red cards issued to asylum seekers who have lodged their applications in Ceuta and Melilla implies a restriction on the free movement of asylum seekers within the whole territory of Spain that is not provided by the Law on Asylum. Therefore, the phrase should be removed.

Subsidiary protection

The National High Court (link 26) observed that, although the Law on Asylum uses the term 'refugee' when referring to resettlement schemes, it allows for resettled persons who are beneficiaries of subsidiary protection. However, this judgement has been appealed before the Supreme Court.

The same Court (link 27) dealt with a case of an underage Afghan national who was granted subsidiary protection and who appealed the decision that rejected his claim for refugee status. The Court found that the reasoning behind such decision was vague and that there were elements that sustained a well-founded fear of persecution that amounts to the need of international protection in the form of refugee status.

In addition, the same judicial body (link 28), dealing with a case of naturalization, stated that, generally, migrants can naturalize after ten years of continuous and permanent residence in Spain, and that the timeframe is reduced for refugees (5 years). The Court concluded that 5 years should also be the required time for beneficiaries of subsidiary protection, as that period operates for beneficiaries of international protection, which includes both (asylum and subsidiary protection).

Human trafficking

The Administrative Court no. 1 of Valladolid (link 29) ruled on a case where a potential victim of human trafficking was issued an expulsion order with an entry ban. The Court observed that the person concerned was found by the police at an apartment when they were searching for potential victims of human trafficking within an operation against a prostitution ring. However, he was not given any information on their rights as potential victims of human trafficking or on his right to ask for international protection. The police found that he belonged to the LGTBIQ+ community and that was threatened and persecuted in Colombia. The authorities violated his rights since they did not implement the specific protocol for potential victims provided by the Immigration Law.

Applying for asylum at Immigration Detention Centers (CIE)

This decision (link 15) was summarized in question 7. Nonetheless, we reproduce here its main points. A migrant was detained pending his expulsion and applied for asylum. The Court found that he evaded the law in order to stop the removal proceedings, so he could not benefit from the rights and guarantees set forth by the Law on Asylum. The judge further added that those who collaborated with the migrant should be reprimanded by the Ministry of the Interior.

17. Other important developments in 2019

The Law on Asylum is inefficient and does not address the new migration and asylum context. It also lacks an implementing regulation since it was passed. However, the news of a law proposal on asylum to restrict the rights of asylum seekers and refugees has hit the headlines (link 30). It is expected that a new Law on Asylum will be passed during this parliamentary term (2019-2023).

Venezuelan asylum seekers were granted protection on humanitarian grounds, following an instruction by the Ministry of the Interior from March 2019 (link 31).

The number of asylum applications increased from 54,065 (2018) to 118,264 (2019). The recognition rate suffered a decrease regarding refugee status (5% in 2018 and 3% in 2019), but it dropped significantly in terms of international protection (29% in 2018 and 6% in 2019), whereas no humanitarian grounds were granted in 2018 and up to 65% of all decisions in 2019 did so (99% to Venezuelans).

It is worth pointing out that no residence permits had been granted on humanitarian grounds before 2019. Venezuelans are the nationals who benefited the most out of this measure. However, 109 persons of other nationalities who were also given such authorization (link 5). It is important to remark that persons within the Reception System have an edge over the rest, as they are assisted by lawyers working at civil society organizations that have the possibility to indirectly intervene at the Interministerial Committee on Asylum and Refuge (CIAR) (for example, contacting the UNHCR, which acts in an advisory capacity at its meetings).

This body reviews the proposal by the Office and Asylum and Refuge (OAR) and transfers its own position to the Ministry of the Interior, the competent authority to grant or reject applications. Therefore, civil society organizations managing the National Reception System have had the chance to successfully advocate for humanitarian grounds to be accepted in order for some asylum seekers to have a residence permit granted.

Data

2019

Refugees: 1,660 (link 5)

Subsidiary protection: 1,569 (link 5)

Humanitarian grounds: 35,237 (link 5)

Rejections: 14,939 (link 5)

Recognition rate (international protection): 6%

Recognition rate (refugee status): 3%

Recognition rate (some sort of protection): 72%

2018

Refugees: 620 (link 4, 73)

Subsidiary protection: 2,558 (link 4, 76).

Humanitarian grounds: 0 (link 4, 77).

Rejections: 7,454 (link 32).

Recognition rate (international protection): 29%.

Recognition rate (refugee status): 5%

References and sources

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

Link 1 – EctHR, N.D. and N.T. v. Spain (13 February, 2020): <https://bit.ly/2TWIped>.

Link 2 – Transit visa requirement for Yemenis (1 December, 2019): <https://bit.ly/33cLVFQ>.

Link 3 – List of countries whose nationals are required a transit visa (27 January, 2020): <https://bit.ly/2xwdfmJ>.

Link 4 – Oficina de Asilo y Refugio, Asilo en cifras 2018: <https://bit.ly/39CEaey>.

Link 5 – Ministry of the Interior. Avance de datos de protección internacional, aplicación del Reglamento de Dublín y reconocimiento del estatuto de apátrida. Datos provisionales acumulados entre el 1 de enero y el 31 de diciembre de 2019: <https://bit.ly/3392T7l>.

Link 6 – Royal Decree 557/2011 enacting the implementing regulation of the Immigration Law: <https://bit.ly/2Q4HF5A>.

Link 7 – El País (24 November, 2019). Un sistema desbordado deja sin techo a los refugiados: <https://bit.ly/2vdg779>.

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Link 9 – 20minutos.es (22 November, 2019). La llegada de 41.500 refugiados colapsa los servicios sociales de Madrid: <https://bit.ly/2v8lpiW>.

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Link 11 – ECRE & UNHCR (January 2019). Follow the Money II. Assessing the use of EU Asylum, Migration and Integration Fund (AMIF) funding at the national level 2014-2018: <https://bit.ly/2Q5HM18>.

Link 12 – Royal Decree 865/2011 enacting the stateless determination procedure (article 5): <https://bit.ly/2xozwCB>.

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Link 14 – Revista XDS 10 (December 2019): <https://bit.ly/3aOK38S>.

Link 15 – Supreme Court decision no. 3186/2013 (17 June 2013): <https://bit.ly/39II0nE>. The Court found that the lack of such assistance is unlawful and leaves applicants defenseless, even when applications are not submitted at border crossing points; that is, even when such right is not mandatory (point of law no. 5, page 4).

Link 16 – El País (4 February 2020). España se sitúa ya a la cola de la UE en las concesiones de asilo: <https://bit.ly/2TTMVug>.

Link 17 – El País. El Defensor del Pueblo alerta sobre la xenofobia contra los menores inmigrantes desatada en campaña: <https://bit.ly/2TQMeSk>.

Link 18 – Committee on the Rights of the Child. Communication no. 17/2017 (18 September 2019) [CRC/C/82/D/17/2017]: <https://bit.ly/3aM6vPG>.

Link 19 – Committee on the Rights of the Child. Communication no. 27/2017 (18 September 2019) [CRC/C/82/D/27/2017]: <https://bit.ly/3aJKZew>.

Link 20 – Committee on the Rights of the Child. Communication no. 16/2017 (31 May 2019) [CRC/C/81/D/16/2017]: <https://bit.ly/2vOWhzs>.

Link 21 – Committee on the Rights of the Child. Communication no. 22/2017 (31 May 2019) [CRC/C/81/D/22/2017]: <https://bit.ly/2Izs8qB>.

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Link 32 – Ministry of the Interior. Avance de datos de protección internacional, aplicación del Reglamento de Dublín y reconocimiento del estatuto de apátrida. Datos provisionales acumulados entre el 1 de enero y el 31 de diciembre de 2018: <https://bit.ly/2TITSzj>.

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

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