



## Input by civil society to the EASO Annual Report 2016

EASO has started production of the Annual Report on the Situation of Asylum in the European Union 2016, in line with Article 12 (1) of the EASO Regulation. The report aims to provide a comprehensive overview of important asylum-related developments at EU and national level, and the functioning of all key aspects of the Common European Asylum System (CEAS). The report will be finalised by collecting information from EU+ countries, civil-society stakeholders, UNHCR and other relevant sources on main developments in asylum policies and practices of EU+ countries in 2016.

Previous reports can be consulted on EASO's website: <https://www.easo.europa.eu/information-analysis/annual-report>

We would kindly like to ask you to provide your **observations**, - preferably bullet points to facilitate further processing of your input - **on developments in asylum law or practice in 2016 (and early 2017) in the areas listed below, reflecting the usual structure of the report**. Observations may concern national practices of specific EU+ countries or the EU as a whole.

The EASO Annual Report will not describe the national asylum systems in detail but present key developments in 2016, including **improvements and new/remaining concerns**. The topics listed below reflect the structure of chapter 4 of the EASO report on the 'Functioning of the CEAS'. We kindly ask all contributors to provide brief summaries only on those topics/issues that have seen important **improvements/deterioration as well as new concerns or where previous relevant concerns remained in 2016**.

Please bear in mind that the EASO Annual Report is a public document. Therefore, your input should be, whenever possible, supported with references to written sources to ensure transparency. That can be done by providing links to any documents such as position papers, important press releases, studies, comments, input to the other reports, public statements to government programs, etc.

While EASO endeavours to cover all relevant developments and strives to include as many references as possible, the final content of the EASO Annual Report remains bound by its terms of reference and volume. Therefore, while all contributions are gratefully received and recognised, EASO may edit contributions for length and clarity and use the submissions to best serve the objective of the Annual Report: to improve the quality, consistency and effectiveness of the CEAS.

Please provide your input by filling in this document (with attachments if required) and emailing it to [ids@easo.europa.eu](mailto:ids@easo.europa.eu) **AND** [consultative-forum@easo.europa.eu](mailto:consultative-forum@easo.europa.eu) **by 20 February 2017**.

Within the areas, please highlight the following **type of information**:

- NEW positive developments; improvements and NEW or remaining matters of concern;
- Changes in policies or practices; transposition of legislation; institutional changes; relevant national jurisprudence.
- Please use the topics listed below as a guide to providing input for each section. **DO NOT** provide information unrelated to relevant new developments.

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### 1) Access to territory and procedure

- The regular practice of pushback at the border that was legally authorized through Law Organic 2/2015 hasn't yet been amended, thus preventing people from applying for asylum at the border fence.
- During 2016 and past weeks of 2017, the number of arrivals by boat to Spain have increased due to the difficulties in other migration routes. Crossing the border from Morocco to Spain continues to be difficult for black African asylum seekers.
- There are still difficulties in applying for asylum in detention centers. The request is left in a mailbox and no copies are given to inmates if they have requested it.

### 2) Access to information and legal assistance

### 3) Providing interpretation services

### 4) Dublin procedure

### 5) Specific procedures (border, accelerated, admissibility)

- The procedure provided for in Law 12/2009 has not yet been developed. In the case of the border with Ceuta and Melilla, a "mixed" procedure is being followed that convened between the one planned for the border and the territory that does not have legal support. Asylum seeker are still within the Temporal Center for migrants (Centro Temporal de Estancia para inmigrantes) waiting for the interview.

### 6) Reception of applicant for international protection:

- During 2016, the number of civil servants in the Asylum and Refugee Office (Oficina de Asilo y Refugio) increased, but deadlines for resolving procedures have not decreased. In some case, the delay exceeds two years.  
[https://www.defensordelpueblo.es/wp-content/uploads/2016/07/Asilo\\_en\\_Espa%C3%B1a\\_2016.pdf](https://www.defensordelpueblo.es/wp-content/uploads/2016/07/Asilo_en_Espa%C3%B1a_2016.pdf).  
[http://politica.elpais.com/politica/2016/06/15/actualidad/1465991060\\_784745.html](http://politica.elpais.com/politica/2016/06/15/actualidad/1465991060_784745.html).
- The number of people who manage the reception of refugees in the Ministry of Employment also increased.
- The "shelters" for refugees managed by the NGO were increased but still insufficient for the number of people who have applied for asylum in 2016.
- The first nationality in the number of applications during 2016 has been that of Venezuela, with a kind of applicant that does not fit the reception system as rigid reception as the Spanish that includes three phases. It would be advisable in some cases to start in Phase 2 rather than the Phase 1 reception system.
- On the other hand, there has been an increase in the number of requests from Central American citizens who are fleeing from gang violence and who have a very vulnerable profile because they lack economic support.

### 7) Detention:

- We continue to find people in detention centers (Centros de Internamiento de extranjeros) who have not been able to apply for asylum because once they arrive in Spain they are detained and interned.  
<http://www.socialjesuitas.es/documentos/send/4-migraciones/113-informe-cie-2015> (pag 17).

#### 8) Procedures at First instance:

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#### 9) Procedures at Second Instance:

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#### 10) Availability and use of Country of Origin Information:

In the past, OAR instructors were specialized by country. We do not know how it is done at the moment

#### 11) Vulnerable applicants:

- The number of applications for unaccompanied minors remains low. Further information on the possibility of requesting asylum should be provided.
- For the first time, in 2016 the Minister of Interior granted asylum to victims of trafficking.

#### 12) Content of protection – situation of beneficiaries of protection

- The reception conditions directive is still not transposed into domestic law.

#### 13) Return of former applicants for international protection

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#### 14) Resettlement and relocation

- Until 16 February 2017 Spain had relocated to 811 and resettled only 289 people when Spain's commitment amounts to almost 18,000 refugees  
<http://www.interior.gob.es/documents/10180/6865255/Cuadro+de+llegadas+de+refugiados+a+Espa%C3%B1a+%28actualizado+a+16-02-2017%29.pdf/391a0d9e-f9ea-43fc-8b22-aa6da404ffd4>.
- On 30 December 2016, the Spanish government approved the number of persons to be resettled under the resettlement program provided for in Spanish legislation  
<http://www.lamoncloa.gob.es/consejodeministros/referencias/Paginas/2016/refc20161230.aspx#Refugiados>.

#### 15) Other relevant developments

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