

LABOUR AND SOCIAL JUSTICE

MANAGEMENT OF IMMIGRATION, ASYLUM AND INTEGRATION IN SPAIN

Gemma Pinyol-Jiménez
with the assistance of Sílvia Caraballo

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Since the late 1990s, Spain became a country of immigration rather than emigration. With intense migration flows from a variety of origins, a capacity to attract labour based mainly on the construction and service sectors and a vague integration model, Spain can be viewed as a unique case in terms of its immigration management system.



The Covid-19 pandemic, the humanitarian crises caused by conflicts in Syria and Ukraine and the situation in Venezuela have laid bare some changes in both migration management and asylum. In turn, integration and inclusion seem to have disappeared from public debate, while the anti-immigration discourse, absent during the economic crisis of 2008, has come roaring back thanks to the extreme right-wing parties, following the path of other EU countries.



This report provides an overview of immigration and asylum management systems and policies, as well as integration and inclusion actions in Spain over the last two decades with the aim of identifying key issues that may be of interest to an international audience.

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Executive summary

In the late 1990s, Spain became a country of immigration rather than emigration. In an accelerated process, from 2000 to 2009, it received the highest number of immigrants in the whole European Union (EU). With intense migration flows from a variety of origins, a capacity to attract labour based mainly on the construction and service sectors and a vague integration model, Spain can be viewed as a unique case in terms of its immigration management system. From late 2010 to the present day, immigration policy has proceeded without any radical changes, despite the context of economic crisis and several changes in government. The Covid-19 pandemic, the humanitarian crises caused by conflicts in Syria and Ukraine and the situation in Venezuela have laid bare some changes in both migration management and asylum. In turn, integration and inclusion seem to have disappeared from public debate, while the anti-immigration discourse, absent during the economic crisis of 2008, has come roaring back thanks to the extreme right-wing parties, following the path of other EU countries.

- Migration dynamics in Spain are clearly bound to fluctuations in the job market. In general, flows wax and wane with economic cycles. The 2008 crisis entailed a break in the number of migrant entries, while the Covid-19 pandemic dampened the recovery of the migration dynamic that was taking place from 2018 onwards. Once the pandemic mobility restrictions were eased, migration flows have been recovering, although affected by a different context in which the war in Ukraine and the crisis in Venezuela play a key role, particularly in terms of their impact on the asylum system.
- From 2000 onwards, the main migration management structures and instruments were set up, focusing on border control issues. These structures included the Sector-based Conference on Immigration and the Tripartite Labour Commission on Immigration, a government advisory body working with the main trade unions and business organisations. Instruments include a border control system, bilateral agreements with the countries from which people emigrate regarding workforce or readmission, quota systems, etc.
- From 2005 onwards, following the events in Ceuta and Melilla when hundreds of migrants attempted to enter Spain simultaneously, and what became known as the ‘cayuco crisis’, immigration policy became more decisively bound to foreign policy, particularly regarding the need to strengthen cooperation with sending countries.
- The focus on irregularity in public discourse, both by political leaders and by the media and social organisations, has ended up distorting perceptions about migration and has affected resources intended for various management instruments. For example, the resources earmarked for preventing irregular immigration at the border have been substantially greater than those for instruments and mechanisms used to control irregularity on Spanish soil. The last extraordinary regularisation process took place in 2005 and was applauded by many Spanish and international players, although harshly criticised by their European partners.
- Having become a destination country, Spain’s integration policies became more relevant and visible. Particular attention was paid to the role of local authorities, the rights of (irregular) migrants and the management of cultural diversity, among other matters. Although it was not designed as a migration instrument, the municipal register of inhabitants has played a key role in integrating the foreign population into Spain.
- A lack of integration indicators hampers the process of assessing and improving public policies and the conditions for the immigrant population to take part in key fields such as education, employment, health and housing.
- The rise of hate speech requires greater action to fight discrimination and promote equality.

1

INTRODUCTION

It took little more than a decade, during the 1990s, for Spain to become a country of immigration rather than emigration. In a fast process that brought it into line with traditional European countries of immigration, during the 2000-2009 period (Arango, 2013), Spain received some of the highest numbers of immigrants in the whole European Union (EU). With intense migration flows from wide-ranging origins, a capacity to attract labour based mainly on the construction and service sectors, and a vague integration model, Spain can be viewed as an original case in terms of its immigration management system. From late 2010 to the present day, immigration policy has proceeded without any radical changes, despite the context of economic crisis and several changes in government. However, the Covid-19 pandemic and humanitarian crises caused by conflicts in Syria and Ukraine brought to light some changes in both migration management and asylum procedures. Furthermore, while the topic of integration and inclusion seems to have vanished from public debate, the anti-immigration discourse nurtured by the far right has made a strong showing in Spain, in the wake of other EU countries.

This report provides an overview of immigration and asylum management systems and policies, as well as integration and inclusion actions in Spain over the last two decades with the aim of identifying key issues that may be of interest to an international audience.

This is an updated version of the report Immigration and integration management in Spain first published by FES Madrid in December 2018.

2

CONTEXT

In the late 80s and early 90s, like other countries in southern Europe, Spain's job market was not well regulated, and its borders were barely protected. Until it joined the European Economic Community in 1986, Spain saw itself as a country of emigration. However, over the last 30 years, it has become a country of immigration with specific features when compared to the countries around it. Firstly, due to the intensity of the migration flows reaching the country until well into the 2000s. Secondly, due to the diversity of their origins. Thirdly, due to the capacity of absorption of its job market during these initial decades, both formally and informally; and finally, because of the relative social peace that has characterized this incorporation of foreign population in Spain, which surprised the different Spanish administrations with little foresight and limited initial capacity to react. **(Figure 1)**

2.1 IMMIGRATION TO SPAIN: FACTS AND FIGURES

Changes in the Spanish migratory balance between 1940 and the present day clearly indicate the exceptional nature of the period between 1991 and 2009: in this time frame, figures topped 600,000 persons for six consecutive years. In the years following the 2008 crisis, however, the foreign population living in Spain began to drop. This was partly due to naturalisation processes (that prise as permanent residency increases) and in part to an increase in the emigrant population, both Spanish and foreign ('return migration' in some cases). For example, in 2013 almost half a million people left Spain, of whom almost 80,000 held Spanish nationality. This downward trend changed from 2018 onwards, as the recovery from the economic crisis of 2008-2014 began, demonstrating the correlation between the expansive and recessive phases of the Spanish economy and migration flows (Pinyol-Jiménez & Pérez Ramírez, 2022). Economic recovery brought an increase in new entries, as can be seen in the register of inhabitants, with figures reaching pre-crisis levels in 2019, according to the National Statistics Institute (Instituto Nacional de Estadística, INE). This growing trend was halted by the Covid-19 pandemic and the mobility restrictions set in many countries, including Spain, to stop the virus from spreading in 2020-21. The impact of the Coronavirus crisis entailed a considerable drop, although less sudden than the impact of the economic crisis in 2008, as shown in **Figure 2**.

In recent decades, the foreign population increased from 637,085 in 1998 to 5,736,258 in 2012 and to 4,734,681

foreign nationals in 2018. In 2022, the provisional data on the resident foreign population collected by the INE was 5,440,148 for 2021, of which just over one and a half million were nationals of another EU Member State.¹

Non-EU immigrants residing in Spain come mainly from Africa and Central and South America. The main countries of origin are Morocco, Ecuador and Colombia, as well as China. In general terms, there is a significant gender balance among the foreign population residing in Spain, although this parity is not maintained equally in all national collectives.

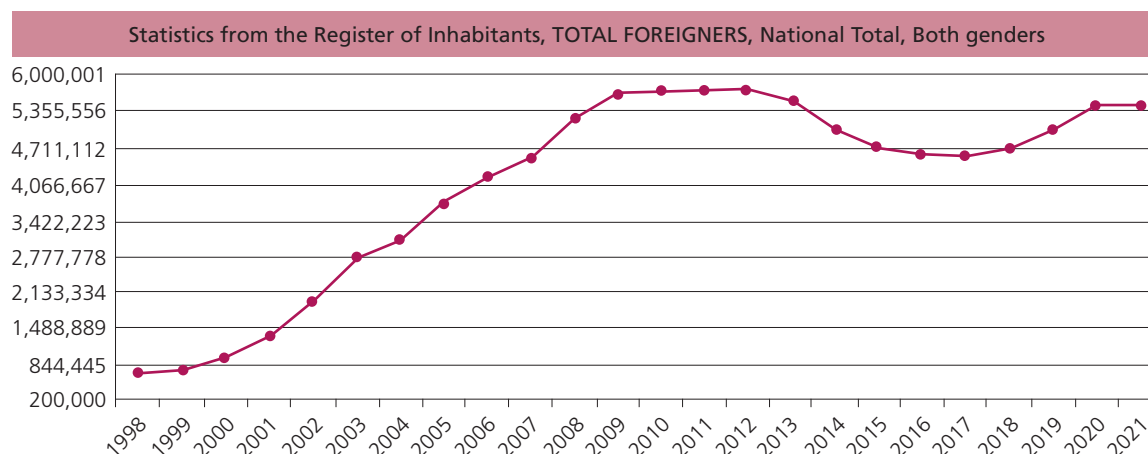
Since the beginning of the new flow dynamic that started in 2018, the Americas have become the main origin of the foreign population (50.1% of the total of new census entries in 2019), who come particularly from countries like Colombia and Venezuela. There has also been an increase in the number of people from Nicaragua, Honduras and El Salvador. Europe remains one of the main sources of migration to Spain. The majority of these immigrants come from EU Member States (67%) although the main sending country in 2020 was the United Kingdom, whose nationals are now counted as non-EU members after Brexit came into force. Using data from 2020, migration from Africa remains mainly from Northern Africa. Moroccan citizens represent around 67% of total arrivals from this continent. The second place is held by Algeria. Although in relative terms the West Africa region is not the most significant, it is the second most important on the continent. Asia is the origin of 7.1% of foreign residents in Spain (2020). Pakistan and China lead the immigration flows from that continent. **(Figure 3)**

Migration dynamics in Spain are bound to fluctuations in the job market. The Covid-19 pandemic affected the recovery seen from 2018 onwards, after the 2008-2014 economic crisis, mainly due to the mobility restrictions. Once these restrictions were eased, the flows began to recover, although in a different context, where the war in Ukraine plays a key role, although as yet unclear in terms of migration.

Irregular arrivals at the southern Spanish border, both on the coast of Andalusia and the Canary Islands, represent an exception to the drop in migration flows during the pandemic.

¹ Instituto Nacional de Estadística (INE): <https://www.ine.es/jaxi/Datos.htm?path=/t20/e245/p08/10/&file=02005.px>

Figure 1
Foreigners living in Spain, 1998-2021



Source: INE.

The volume of arrivals increased in 2020 and 2021, with a 29% rise between 2019 and 2020 (Ministry of the Interior, 2021). The difficulties of the route, particularly when heading for the Canary Islands, may indicate that the mortality dynamics that turned the Mediterranean into one of the most dangerous and lethal borders in the world may have extended to the Eastern Atlantic (APDHA, 2022). Section 2 offers more detailed information on this matter.

Another unusual flow in Spain has been the arrival of persons who require international protection (IP), as explained in section 4. It is worth noting that the profiles of people applying for IP in Spain differ from the equivalent in most of its European partners. Thus, while in other European countries the nationalities that stand out include Syria, Yemen or Iraq, in the case of Spain, most applications come from countries in Latin America (Colombia or Venezuela in particular) according to the Asylum and Refugee Office (Oficina de Asilo y Regugio, OAR). These circumstances explain why most of the people who receive some form of international protection in Spain obtain it for humanitarian reasons, while far fewer receive subsidiary protection (SP) or refugee status.

2.2 AN APPROACH TO SPANISH IMMIGRATION AND ASYLUM LEGISLATION

Before joining the European Economic Community (EEC) in 1986, Spain did not have an immigration law or even an immigration policy as such. In 1985, as a prerequisite to joining the then-EEC, the first immigration law was enacted, when Spain was still an emigration country. Organic Law 7/1985 on the rights and freedoms of foreigners in Spain did not raise any public or parliamentary debate: it came about to satisfy the concerns of Spain's new EEC partners, particularly as a country with a specific geostrategic position and relations, especially due to its role in the Mediterranean and its ties with Latin America. Figures confirm that when Greece, Portugal and Spain joined the EEC in the 1980s, they became transit countries, gateways to the traditional European countries of immigration, and eventually countries of destination themselves (Arango, 2013).

Less than two decades after the first immigration law, Spain had become a country of immigration with heterogeneous flows. The magnitude and speed of growth and the diversity of origins were the main features of this process. The 2000-2001 period is known as the 'discovery of immigration' in Spain (Zapata-Barrero, 2003). Over the last few years, this has become a hot topic in society and the media, particularly when it touches on labour rights and undocumented workers (Izquierdo, 2006).

The gradual process of becoming a country of immigration led the Spanish government to provide a legal framework to address this phenomenon and implement instruments to organise it. This led to the 1986, 1991 and 1995 regularisation campaigns, legalising around 150,000 people (Aguilera Izquierdo, 2006). There was an additional reform of the migration laws in 2000 that led to regularising the situation of around 400,000 people up to 2001. Between 2000 and 2004, the conservative Partido Popular modified the migration rules sev-

Figure 2
Migratory balance in Spain 2008-2021



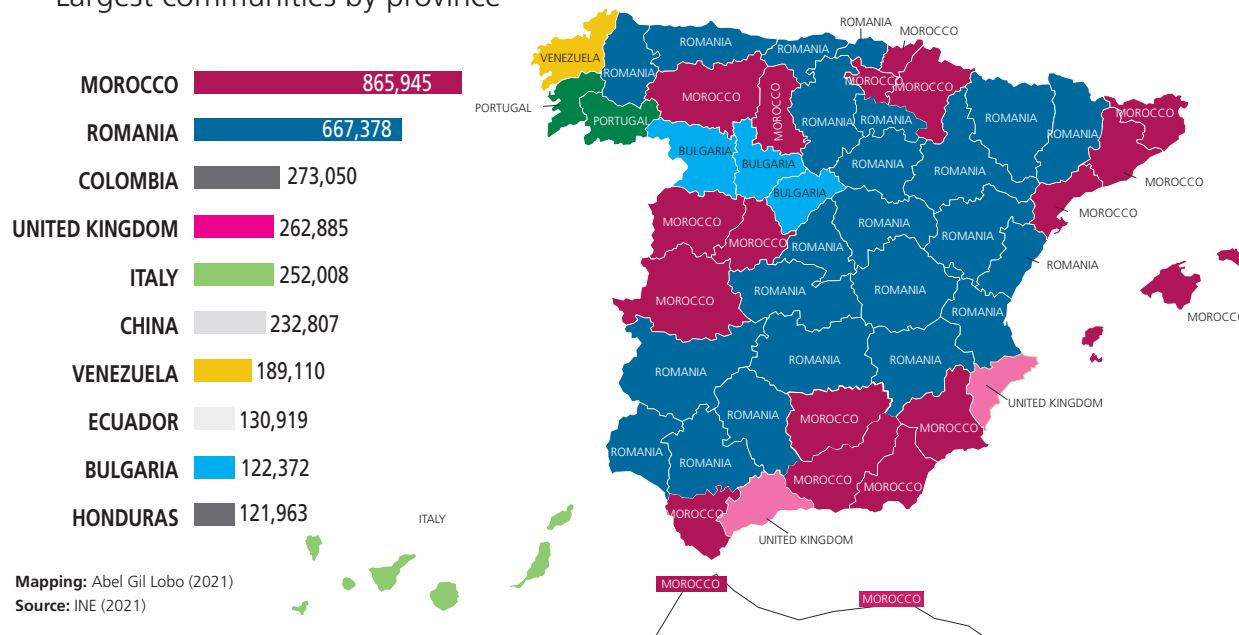
Source: INE.

Figure 3

Main foreign nationalities by province in Spain, 2020

Immigration in Spain

Largest communities by province



Source: El Orden Mundial

eral times and approved two different immigration laws in the same year.

The approval of Organic Law (OL) 4/2000 represented the re-definition of the Spanish migration model. For the first time, a minimum catalogue of rights and freedoms (Title I) was offered to foreigners living in the country (including those in an irregular administrative situation), that was cut back in OL 8/2000 but restored in OL 2/2009 by including the modifications provided by the constitutional law². Title II focuses on the legal regime for foreigners (visas, entry and residency requirements, etc.) while Title III covers immigration offences and its sanctioning regime. Finally, Title IV talks about the cross-discipline, multi-level coordination between different public administrations and includes setting up three important instruments for the decision-making and drafting process concerning migration policy in Spain: the Foro para la Integración Social de los Inmigrantes (Forum for the Social Integration of Immigrants), the Comisión Laboral Tripartita (Tripartite Labour Commission) and the Observatorio Español del Racismo y la Xenofobia (Spanish Observatory on Racism and Xenophobia).

From 2000 onwards, the main administrative structures were set up to manage immigration (mainly related to border control issues); bilateral agreements were signed with third countries (concerning readmission and workforce flows); the quota system was devised to manage flows for work purposes; and

the External Surveillance Integrated System (Sistema Integrado de Vigilancia Exterior, SIVE) was set up to control Spain's southern border. Furthermore, having now become a destination country, integration policies became more relevant and visible in Spain. Special attention was paid to the role of local authorities, the rights of (irregular) migrants and the management of cultural diversity, among other matters, eventually consolidating the issues that, with different nuances and intensities, have remained on the Spanish migration agenda for the last few decades:

- The need to design (and reinforce) mechanisms to promote regular migration flows (system of quotas, contracting at origin, pilot scheme for work visas, etc.).
- The fight against irregular migration (particularly focused on protecting maritime borders).³
- The need to collaborate with third countries (mainly –but not only– to avoid flows of irregular migration, including readmission agreements, technical support, etc.).
- Strengthening the asylum system.
- Integration of the migrant population into Spanish society and their participation in the job market.

Currently, this entire governance framework is upheld by Organic Law 2/2009, a reform of Organic Law 4/2000 on

² Following Sentence 236/2007 of 7 November. BOE no. 295, of 10 December 2007 and Organic Law 2/2009.

³ Using the expression 'fight against irregular immigration' can have negative connotations that turn immigration into a security issue (Pinyol-Jiménez, 2019). It is nevertheless used in this report because this is the term used in Spanish legislative documents (please see OL 4/2000). It should be noted that in Spain, the use of 'irregular' is applied prior to the EU documents, which at that time still used the concept (criticised by the United Nations and the European Union itself) of 'illegal immigration'.

foreigners' rights and freedoms in Spain and their social integration. In the same way, this is supported by the Royal Decree 629/2022, modifying the Regulation of Organic Law 4/2000, after its reform by Organic Law 2/2009, approved by Royal Decree 557/2011. The following sections explain the changes in this legal framework.

There are wide-ranging competences on flow management and integration policies in state, regional and local governments, which reflects the relationships between the different levels of government. Border control, admission policies, nationality, asylum and the general framework are the exclusive responsibility of the Spanish parliament and government. At the central level, the competences for migration and asylum are mainly distributed among three ministries: the current Ministry of Inclusion, Social Security and Migration, the Ministry of the Interior and the Ministry of Foreign Affairs. The main body responsible for managing immigration is the Secretary of State for Migration,⁴ which depends on the Ministry of Inclusion, Social Security and Migration. The territorial organisation in Autonomous Communities⁵, and the local authorities at different levels, influence policies related to integration. Competences pertaining to social services, education, health, housing, etc. have been decentralised to the Autonomous Communities, which work on them with the Town Councils, also involved in social action, urban development, etc. Non-governmental organisations (NGOs) also have a role to play, as they provide services or work alongside various administrations. All these levels and agents offer a rich, complex context in which to manage immigration, with a clear need for multi-level, intersectional cooperation to ensure its adequate development.

Finally, it is worth noting that Spain has actively participated in building the European immigration and asylum policy because of its geostrategic position and external European Union border, among other factors. However, the approval of the new Migration and Asylum Pact in September 2020 shifted the position in this respect. This European Commission document determines the work agenda for the next few years in these matters and seeks to bridge gaps such as the lack of solidarity among Member States, ineffective return policies or the differences between the various national asylum systems, among other matters. Furthermore, the new Pact determined a pre-entry screening assessment system that is applicable to all nationals of third countries who enter European territory irregularly. It aims to quickly determine which persons can be subject to international protection processes and which cannot. This point is important for Spain as an external border. Consequently, the Ministers of the Interior for Spain, Italy, Greece, Cyprus and Malta made a joint declaration in March 2020 (La Moncloa, 2020) in which they called for a better balance of responsibilities among Member States based on solidarity and commitment, highlighting that, in its current format, *"the Pact does not offer sufficient guarantees to frontline Member States."*

⁴ The rank of Secretary of State (SS), lost during the 2012-2018 period, has now been recovered and renamed SS for Migration. It was formerly known as the Secretary of State or Secretary General of Immigration and Emigration. The Ministry that it depends on was previously called the Ministry of Work, Migrations and Social Security.

⁵ An autonomous community (Spanish: *comunidad autónoma*) is the first-level political and administrative division, created in accordance with the Spanish Constitution of 1978, with the aim of guaranteeing limited autonomy of the nationalities and regions that make up Spain.

3

FLOW MANAGEMENT POLICIES

There is general consensus that the Spanish migration model is tightly bound to the needs of the job market (Aja, Arango & Oliver, 2009). Economic growth in the 1990s stimulated intensive (and relatively unskilled) job sectors, such as tourism and construction. Between 1994 and 2004, Spain created more than 6 million jobs, 2 million of which were held by foreigners. The Spanish economic boom came to an abrupt halt in 2008, with the start of a recession that dramatically changed the economic panorama. Instruments for managing migration flows have been bound to this situation, but have also been complemented by others to address irregular immigration and the role of migration in relations with third countries.

The aim of this chapter is to identify these migration management policies, instruments and actions with a diachronic view of four periods. This includes two specific sections that examine the link between migration flows and the job market and analyse the pre-eminence of the struggle against irregular immigration.

3.1 A DIACHRONIC PERSPECTIVE

Four time periods can be distinguished in the development of policies, instruments and actions to manage migration in Spain. There is an initial period (2000-2004) when the main migration management instruments were developed. This is followed by a second period of consolidation and expansion (2005-2008) and a third period of rest for most of the implemented instruments (2008-2018). The last period, from 2019 to the present day, includes the impact of COVID-19 and the war in Ukraine. This last period harbours many unknowns because it is still early days to assess the complex consequences of this conflict on European economies.

3.1.1 The initial period: 2000-2004

In this initial period, basic instruments were developed that bound immigration policy to the job market (contingent and bilateral workforce agreements) and to border control (External Surveillance Integrated System, SIVE, and readmission agreements). In 2004, the central administration unit in charge of immigration was moved from the Ministry of the

Interior to the Ministry of Labour, showing the important link between migration flows and job market needs.

Bilateral agreements were signed with Ecuador and Colombia and with other main countries of origin such as Morocco, Dominican Republic, Bulgaria, Poland and Romania. This so-called first generation of agreements was marked by the provision of preferential information on labour demands in the Spanish market (quota system); the protection of foreign workers' rights; the prevalence of temporary work offers and voluntary return. In turn, repatriation and readmission agreements were signed with Nigeria (2001), Guinea Bissau (2003) and Mauritania (2003). (**Table 1**)

Furthermore, from the vantage point of its European Union presidency, in 2002 Spain demonstrated its intention to put immigration topics on the EU agenda. The government devoted part of the European Council of Seville that year to articulating the line of work focusing on 'the fight against irregular immigration', compiling concerns expressed in the former Councils of Tampere (1999) and Laeken (2001). The then president of the European Commission, Romano Prodi, expressed his satisfaction with the Spanish government's decision to put this topic on the table and mentioned that the Spanish issues matched European concerns.⁶ Despite this initial support, it quickly became clear that neither the European Commission nor some European partners sided with the Spanish government in its attempt to link migration and development. The Spanish proposal consisted of sanctioning countries that refused to cooperate with the European Union in the fight against irregular immigration (negative conditionality). However, the Member States preferred to explore positive conditionality lines that opted for improving cooperation with countries that work on managing irregular flows.

3.1.2 Consolidation period: 2005-2008

Between 2005 and 2008, new formulations and actions were developed to manage entry flows, as were the mechanisms

⁶ Speech by Romano Prodi, president of the European Commission, before the European Parliament, "Priorities for Seville: better regulation and immigration," Strasbourg, 12 June 2002. It can be consulted at http://europa.eu/rapid/press-release_SPEECH-02-278_es.htm

Table 1
First and second-generation bilateral agreements (2000-08)

Date	Country	Type
21/05/2001	COLOMBIA	Agreement on management of labour migration flows
29/05/2001	ECUADOR	Agreement on management of labour migration flows
17/12/2001	DOMINICAN REPUBLIC	Agreement on management of labour migration flows
23/01/2002	RUMANIA	Agreement on management of migration flows
21/05/2002	POLAND	Readmission agreement
07/02/2003	GUINEA BISSAU	Readmission agreement
01/07/2003	MAURITANIA	Readmission agreement
28/10/2003	BULGARIA	Agreement on management of migration flows
07/11/2003	SWITZERLAND	Readmission agreement
23/12/2003	MOROCCO	Report on minors
18/02/2004	ALGERIA	Protocol on movement of people
06/07/2004	PERU	Cooperation on migration topics
06/02/2006	MACEDONIA	Readmission agreement (ad referendum)
12/09/2006	MAURITANIA	Extradition agreement
09/10/2006	GAMBIA	Cooperation agreement regarding migration (ad referendum)
09/10/2006	GUINEA	Cooperation agreement regarding migration (ad referendum)
10/10/2006	SENEGAL	Cooperation agreement regarding migration
23/01/2007	MALI	Cooperation agreement regarding migration
20/03/2007	CAPE VERDE	Cooperation agreement regarding migration
10/05/2008	NIGER	Cooperation agreement regarding migration

Source: Pinyol-Jiménez (2008).

to integrate the immigrant population in Spain. From 2005 onwards, and after the events in Ceuta and Melilla when hundreds of migrants attempted to enter Spain simultaneously and what became known as the 'cayuco crisis', immigration policy became more decisively bound to foreign policy, with a particular emphasis on the need to strengthen cooperation with sending countries and bringing aspects of development cooperation and technical cooperation into this dialogue. An extraordinary regularisation process took place, bound to pre-existing labour relations, which was applauded by many actors in Spanish civil society but harshly criticised by their European partners. Over the same period, key instruments were also developed in favour of integrating immigrants, using economic resources to support work developed locally and regionally (Fund for the Integration, Reception and Education of Immigrants⁷), and strengthening civil society with calls for subsidies to develop programmes aimed at immigrants from third countries. See section 4 of this report.

Between August and October 2005, the autonomous cities of Ceuta and Melilla saw attempts to enter Spanish territory by hundreds of people –mostly of Sub-Saharan origin– attempting to cross the border fences with Morocco. In these various attempts, several people lost their lives due to shots fired by the Moroccan police force. After the fence crisis and increased collaboration with Morocco, plus the implementation of the External Surveillance Integrated System (SIVE) throughout the Mediterranean area, the access route for irregular flows to

Europe moved southwest. From the south of Morocco, but also from Mauritania, Senegal and even parts of Mali, Guinea or Gambia, boats known as 'cayucos' were leaving, following routes which, in some cases, had begun in Central African and Asian countries, heading for the Canary Islands.

The so-called 'cayuco crisis' meant that from 2006 onwards, the Spanish government began a series of actions with Sub-Saharan African countries and also boosted certain actions from the European Union in this respect. A migration diplomacy developed that would culminate with the Action Plan for Sub-Saharan Africa 2006-2008⁸ internally and, internationally, with the Conference of Rabat in 2006 on migration and development organised with France and Morocco. The second conference, which took place in Paris in 2008, consolidated the so-called Process of Rabat as a place for discussion, debate and exchange on migration issues in the Euro-African space. (Figure 4)

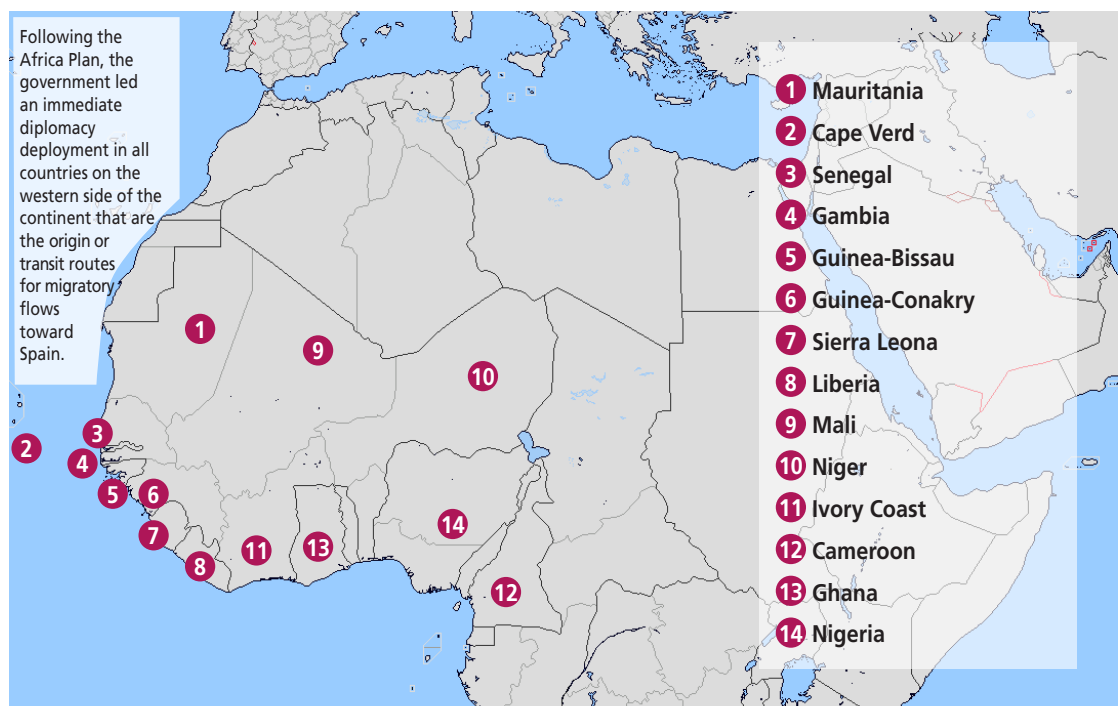
The idea was to strengthen bilateral relations with third countries for migration (both transit and origin), offering a new model of cooperation agreements for migration. Consequently, as mentioned previously, a series of bilateral agreements were made on migration matters, compiled in Table 1.

These 'second-generation' agreements included a comprehensive approach to migration phenomena, and proposed, in addition to managing labour migration flows (through a quota system), the readmission clause (cooperation in the

⁷ Fondo para la Integración, Acogida y Refuerzo Educativo de los Inmigrantes.

⁸ Ministry of Foreign Affairs (2006) Africa Plan 2006-2008. General Directorate of Foreign Communication.

Figure 4

The Spanish migration 'diplomacy' with Sub-Saharan Africa

Source: Africa Plan 2006-2008.

Box 1. The Africa Plan, a regional framework for relations with countries of origin

The Africa Plan, with a first edition running from 2006 to 2008, was an initiative by the Spanish government to promote better cooperation in migration flow management and the fight against illegal people-trafficking with countries from the Sub-Saharan region. The plan was the response to the so-called 'cayuco crisis', which, in 2006, turned the Canary Islands into a destination for irregular flows from countries such as Senegal, Mali or Mauritania, among others, that thus far had been using the Moroccan route to gain entry to Spanish soil. The Africa Plan was articulated through so-called 'second generation' agreements that combined immigration and development policies, and included elements of technical cooperation with third countries, along the lines of the Euro-Mediterranean Association Agreements.

Over three years, the Africa Plan was implemented through various lines of action:

- a) Reinforcing Spanish political and institutional presence in Africa. Strengthening the diplomatic, development cooperation and security aspects in relations with these countries, strengthening Spain's institutional presence in Western Africa. Encouraging visits and political contacts; setting up Embassies, Technical Cooperation Offices and Trade Offices and reinforcing the Home Office Attaché offices.
- b) Encouraging cooperation with African countries when regulating migration flows. Migration Cooperation and Re-admission Agreements; multilateral cooperation (Euro-African Ministerial Conference on Migration and Development in Rabat).
- c) Spanish participation in strengthening democracy, peace and security in Africa.
- d) Spain's contribution to the fight against poverty and the development agenda in Sub-Saharan Africa.
- e) Active participation in the European Union Strategy for Africa.
- f) Promotion of commercial exchanges and investment by means of Official Development Assistance (ODA), funds for feasibility studies and strengthening the network of economic and commercial offices.
- g) Strengthening cultural and scientific cooperation. Cultural cooperation through Casa África (the House of Africa).

fight against irregular migration) and promoting voluntary return, the commitment to work on integrating migrant workers into the job market (training courses, etc.) and the receiving society; fighting people-trafficking and smuggling; and binding migration to development (technical cooperation, projects, etc.). In this context, Framework Agreements on Migration Cooperation and Readmission were signed with Gambia, Guinea, Cape Verde, Mali, Niger and Guinea Bissau; an Agreement to encourage legal migration with Mauritania and an Agreement to prevent illegal (*sic*) immigration of unaccompanied minors with Senegal.

3.1.3 The 'rest position' and quasi-recovery period: 2008-2018

The third period began with the economic crisis of 2008 and stood out for combining immigration dynamics (in a context of reduced flows) and emigration dynamics (Elias, 2011). The impact of the fall of Muammar el Gaddafi's regime in Libya and the war in Syria brought the issue of forced mobility into the public debate. During this period, the abrupt reduction of entry flows explains the progressive abandonment of coordinated management mechanisms with the countries of origin, and the development of instruments linked to contracting immigrants and the needs of the labour market. The migration dynamic in this period is mainly characterised by entries due to family reunification and the increase of applications for asylum.

From 2014 onwards, the flow of first residence permits increased, particularly for reasons of family reunification (Mahía, 2016). In 2017, the figures show how these awards were maintained for work reasons and non-lucrative residence authorisations were also stabilised, each with very different national origins. (Figure 5)

Therefore, while family reunification mainly involved Chinese and Moroccan nationalities, non-lucrative residence is requested by people from Russia and the United States. In 2017, 198,356 temporary residency authorisations were granted to foreigners in the general system, which meant an increase of 2,708 (1.4%) in 2016. Of those, nearly half were renewals and modifications and 32.7% were initial permits.

This period also saw the start of a progressive process of dismantling policies and actions intended to integrate immigrants by the central government. Initiatives such as the Fund for Integration⁹ disappeared, and the Government's Delegated Committee for Migration Affairs was weakened. In this long period, which extends to the present day, the structures and framework regulating immigration in Spain have remained the same, although there has been a very significant change in the public narrative context. Attention is still focused on the phenomenon of irregular immigration, although

the discourse is now tougher and more security-focussed than in previous periods.¹⁰ The xenophobic narratives normalised in many countries in the European Union, from which Spain had remained relatively distant, have entered public discourse through extreme right-wing political parties such as Vox or some leaders of the mainstream parties (see Note 4).

3.1.4 A truncated recovery period: COVID-19 and war in Ukraine (2019-)

The COVID-19 global pandemic had a great impact on mobility. In April 2020, 93% of the world's population lived in countries with some type of mobility limitation (Connor, 2020). The European Union Member States also imposed restrictions. They did this individually at first and subsequently, all European countries coordinated these restrictions from 20 March 2020. The free circulation of people, a mainstay for the European Union, would not return to relative normality until May 2022.

In this context, the Spanish Government gave a series of instructions intended to prevent mobility restrictions from affecting the temporary residence permits of certain groups of foreigners.¹¹ Measures were put in place for anyone in Spain on a short-term visa for tourism, business trips, etc. which might run out. Conditions were made more flexible to apply for residency on the basis of social roots and family reunification to prevent foreigners with work permits and temporary residence who lost their jobs from becoming irregular for administrative purposes. Virtual administration was also implemented to make it easier to renew documentation without having to go to an office. For people in need of international protection who were in the reception system, deadlines were offset to guarantee that their files did not expire, thereby keeping them within the protection system. (Figure 6)

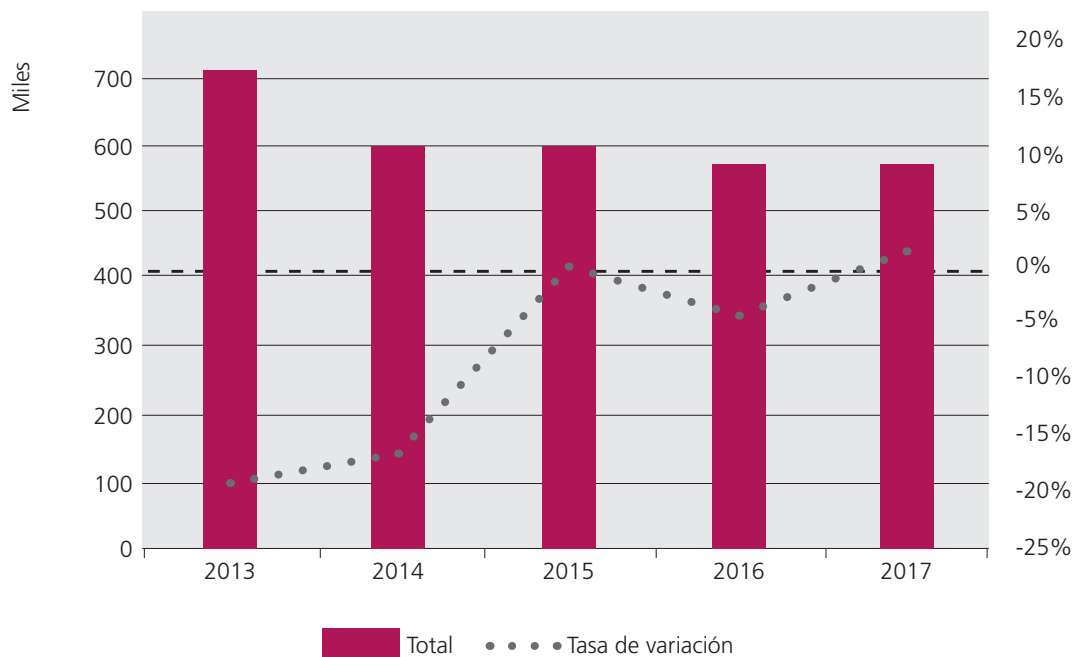
The pandemic also had an impact on the farming sector, highly dependent on the temporary foreign workforce that could not get to Spain. The government looked for ways of offering job opportunities to foreign minors and young people (from the age of 16 up) living in Spain and granted work and residence permits for at least two years to migrant minors without family references in Spain (between 16 and 18 years of age). The healthcare sector also required additional workforce. Procedures were thereby accelerated to recognise the qualifications of foreign health professionals who were living in Spain. Figure 7 shows the main nationalities corresponding to residence permits in 2020.

¹⁰ The National Security Strategy, for example, prioritises managing (irregular) migration flows. See the Spanish Cabinet Office, Organisation of Migration Flows. Department of National Security: <http://www.dsn.gob.es/es/sistema-seguridad-nacional/qu%C3%A9-es-seguridad-nacional/%C3%A1mbitos-seguridad-nacional/ordenaci%C3%B3n-flujos>

¹¹ These instructions can be consulted on the Immigration website at <https://inclusion.seg-social.es/web/migraciones/instrucciones>

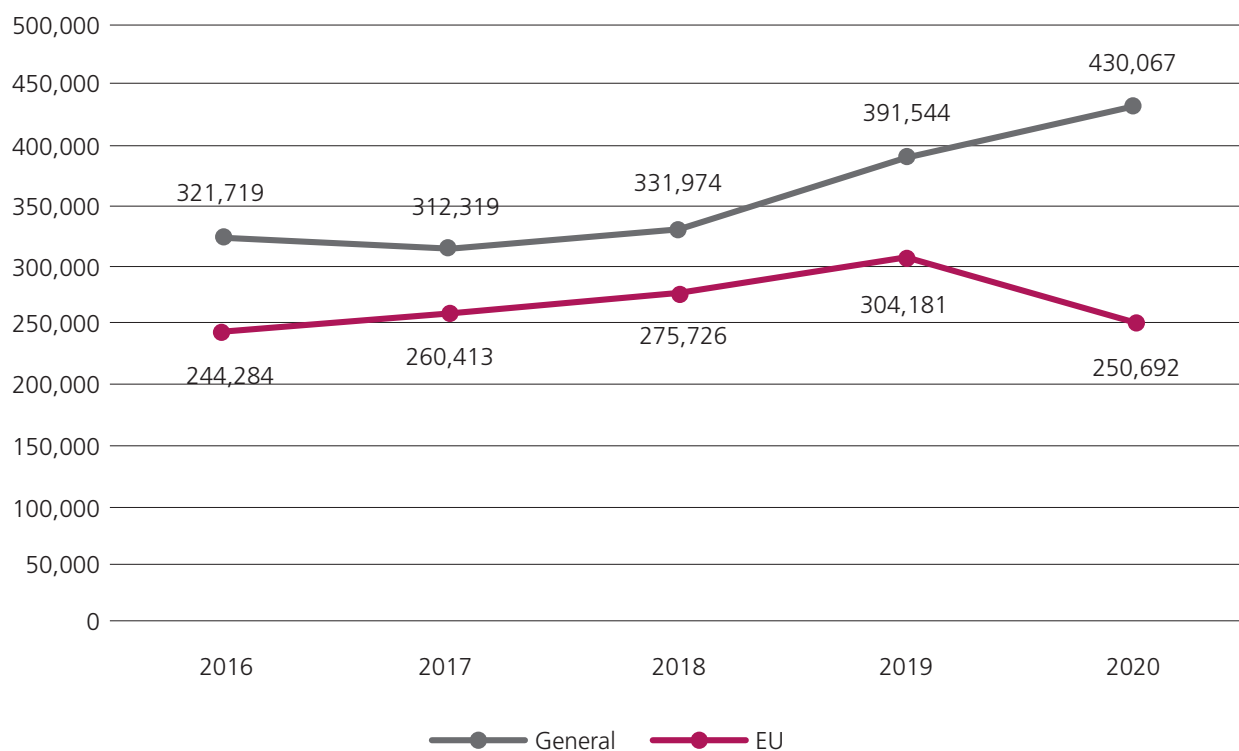
⁹ Fondo de Apoyo a la acogida y la integración de los inmigrantes.

Figure 5

Annual evolution of the flow of residence permits awarded to foreigners 2013-2017

Source: Permanent Observatory on Immigration – Flow of Residence Permits Awarded to Foreigners 2017 (published in November 2018).

Figure 6

Annual evolution of the flow of residence permits awarded to foreigners 2016-2020

Source: Immigration Portal, Secretary of State for Migration.

Figure 7

Residence permits awarded to foreigners. Main nationalities, 2020

Venezuela 100,938	China 15,749	Argentina 12,489	Dominican Republic 11,266
	Honduras 17,266	Peru 13,347	Paraguay 11,696
	Pakistan 18,347	Brazil 13,594	Russia 13,481
Morocco 113,852	Romania 24,882		Italy 24,630
	United Kingdom 63,902		Colombia 28,411

53% of residence permits issued in 2020 correspond to women and the average age of the beneficiaries is 33.

Source: Immigration Portal, Secretary of State for Migration.

On the other hand, there was an upturn in irregular arrivals of boats to the Canary Islands despite mobility limitations when borders were closed. The government set up the Plan Canarias to receive these people. First, they were put up in hotels, empty due to the pandemic, or in Centres for the Temporary Assistance to Foreigners (Centros de Atención Temporal a Extranjeros, CATE) where they could stay for no more than 72 hours. This was a particularly complicated time,¹² and the Ombudsman carried out a focus study on the situation in the islands which demonstrated the need to provide better guarantees for fundamental rights and to avoid precarious conditions and overcrowding as had been experienced (Ombudsman, 2021). In this context, readmission agreements were signed or reactivated with countries such as Senegal or Mauritania.

Nor was the situation easy in Ceuta and Melilla, where lack of mobility also affected overcrowding of the Immigrant Temporary Stay Centres (Centro de Estancia Temporal para Inmigrantes, CETI). Furthermore, in May 2021, there was a massive influx of people through Ceuta, mainly minors, as the Moroccan police stood by passively. The Spanish authorities interpreted this as a reaction to the diplomatic crisis which had arisen between the two countries due to the arrival in Spain of the leader of the Polisario Front to receive medical treatment. Many of these people are considered to have been returned immediately without sufficient guarantees.¹³ In March 2022, there was also an attempt to scale the border fence in Melilla, that produced very violent images and caused the death of several migrants.

In February 2022, Russia's invasion of Ukraine caused more than six million people to leave the country (almost two million in the first ten days of the invasion). In this context, on 28 February, the European Commission presented a proposal to apply the international protection directive that sought to offer temporary protection to anyone who had left Ukraine from 24 February onwards, whether they were Ukrainian nationals and family members, legally resident third country nationals or stateless persons (and their families). Directive 2001/55/CE on temporary protection provided a series of harmonised rights in Member States such as access to work, education or healthcare, among others. On 4 March, the Justice and Home Affairs Council approved the implementation of the directive for Ukraine nationals and allowed each Member State to decide how to deal with all other people fleeing the conflict. In Spain, the government applied the directive to all people leaving the country and allowed Ukraine nationals already living in Spain to legalise their situation.

3.2 MIGRATION FLOWS AND THE JOB MARKET

Spain has been a country that has attracted large flows of people from other countries, above all for economic reasons, which explains why most of them are of working age. This has been a key factor to explain the high employment rate among foreigners, exceeding the rate for the native population. Fluctuations in participation in the Spanish labour market are greater among the foreign population than among the native population, and much more closely bound to the underlying economic context. In 1993, a quota system was set up as an initial attempt to create a mechanism to regulate migration flows. The system was set up with consensus and participation from the main economic players, although its implementation also encountered many obstacles. There were discrepancies between the real needs of the job market and the quantity of permits awarded (the quotas). This meant that many migrant workers sidestepped the quota system and sought job opportunities in the informal economy. Furthermore, because of the significant segmentation of the Spanish job market, 'new arrivals' in the job market (traditionally young people and women, and lately migrant workers) were given temporary contracts (González & Garrido, 2005).

¹² One example of this is the case of the port of Arguineguin (Gran Canaria) where more than 2,500 people were held for weeks in dreadful conditions without legal or interpreting services. Furthermore, many were returned to countries such as Mauritania without appropriate legal follow-up. However, the Provincial Court of the Canary Islands ruled in January 2022 that no irregular action had taken place in this process.

¹³ In February 2022, Contentious-Administrative Court number 1 of Ceuta determined that the Spanish authorities had omitted procedures when expelling migrant persons, who they put at a relevant risk. It ordered the re-entry into Spain of several expelled minors and the suspension of the immediate expulsion operation.

In 2000, the Spanish government devised the Global Programme for the Regulation and Coordination of Immigration in Spain (GRECO). This programme was structured to improve the quota system by approving immigrant admission criteria; specifying the number of seasonal workers required and setting up mechanisms to select and train workers in their countries of origin (Cachón, 2004). The quota system (also called contingent) was not a particularly useful instrument as it only amassed 30% of the country's demand for foreign labour. A general mechanism, the Shortage Occupation List (2009), drawn up by the Tripartite Labour Commission on Immigration –a government advisory body comprising the most representative trade union and business organisations– was brought in to help match demands for foreign labour with the needs of the national market and the labour supply (local and foreign) in the country. The List comprises professions for which the Public Employment Service finds it hard to fill job offers from employers when they wish to cover vacant positions. The List is drawn up at a provincial level every quarter and if a profession is included in it, this means that the employer can process a permit for a foreign worker to live and work in the country. During this period, return programmes were also initiated to support people, usually in a vulnerable situation, who wished to finish their migration period, helping them to return to their country of origin. However, despite these measures, the onset of the economic crisis in 2008 exacerbated the mismatch between supply and demand. **Figure 8** shows how the number of workers affiliated to Social Security has evolved since the year 2000.

In the 2010-2020 decade, coinciding with the economic crisis, no other instruments were developed apart from the Shortage Occupation List or the Special Unit for Large Companies and Strategic Sectors (UGE for its acronym in Spanish), which has also been processing authorisations since 2013 to make

it easier to enter and remain in Spain for economic reasons. This collective includes investors and entrepreneurs who join researchers, intra-company workers or workers of large business groups and their family members.

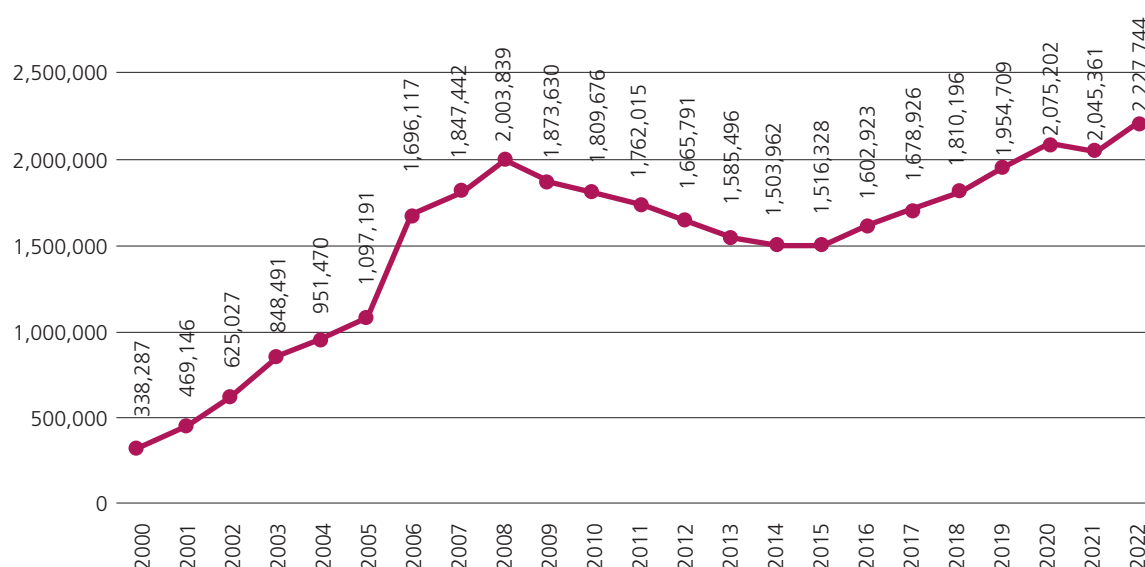
The economic crisis had a great impact on migration flows: after 2009, there was a sudden halt in immigration as reflected in the drop in the number of residence and work visas awarded, and in the number of work permits as shown in **Figure 9**.

The COVID-19 pandemic also had a greater impact on the foreign population. Between 2019 and 2020, unemployment recorded among this collective rose by 41.95% (43.5% in the case of non-EU citizens) almost double the increase among the population with Spanish nationality (22.9%). Foreigners were affected to a greater extent: they lost their jobs or their working conditions worsened, in some cases, because unemployment could suddenly make their situation irregular and in others, because conditions became more precarious, especially among migrants working in the domestic and care sector (Parella, 2021) and in the farming sector (Pinyol-Jiménez & Pérez Ramírez, 2022).

Regarding the behaviour of the foreign population in the job market, it is interesting to note that this is a population with a higher employment rate than the national figure, although it was also more affected by job destruction. Consequently, the employment rate among the migrant population in the economic expansion period grew proportionally to that of the Spanish population. However, in periods of greater job destruction, immigrant workers are the most affected by job loss, as shown in **Figure 10**.

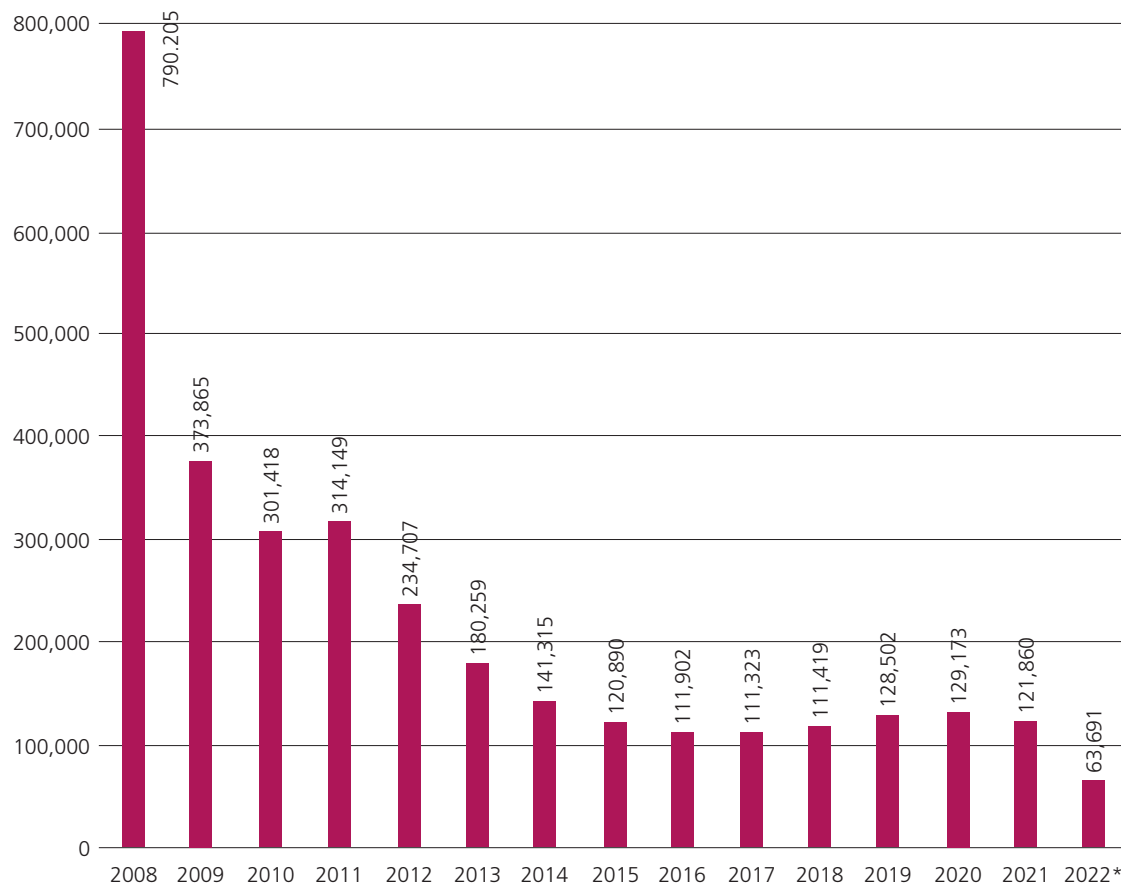
In general, most foreigners paying social security work in the service sector (81.08%) while the remaining number is

Figure 8
Foreign workers affiliated to Social Security 2000-2022



Source: Ministry of Work and Social Economy.

Figure 9
Work permits awarded to foreigners in 2008-2022



* January-June.
Source: Ministry of Work and Social Economy.

Figure 10
Employment rate by nationality 2010-2022 (First Quarter)



Source: Survey of Economically Active Population (EPA). INE.

divided among industry (9.11%), construction (8.53%) and agriculture (1.28%)¹⁴. Among other issues, the economic crisis caused a mass displacement of the foreign workforce from the construction sector (where the male population had been mainly concentrated) to the industry and service sector. The female population was mainly concentrated in the service sector from the start, with no significant sector changes.

As mentioned above, the activity rate of foreigners (74%) is greater than that of natives (57%). Fluctuations in the foreign population's participation in the Spanish job market, as seen in **Figure 10**, are greater than in the native population, and more closely bound to the underlying economic context.

As a general criterion, the model that Spain was seeking promoted binding entry and residence to a job, through instruments involving the Central Administration (consulting the Autonomous Communities)¹⁵ and the main labour agents through the Tripartite Labour Commission on Immigration.¹⁶ This intended to make it easier to bring the workforce in (and legalise any already present on Spanish soil) at times of high demand and operate in the opposite direction when the job market contracted, by slowing down the entry system. This mechanism has not worked as well as it might have done, because there are 'labour niches' which are not covered and therefore continue to attract irregular work. This affects mechanisms that regulate entry for work purposes, and because it has not served to significantly improve the use of exceptional work visas. In fact, binding immigrant entries to job market needs distorted how immigration policies were managed, particularly because private economic players have become poles of attraction for migration flows, as contractors, without considering the general state of the job market that new arrivals are joining. In this respect, immigration policy has been used as an instrument to resolve short-term demands for workforce, particularly in certain economic sectors, without considering aspects such as the impact of socially integrating these people in the local area.

This is precisely one of the issues that the 2022 Immigration Regulation reform seeks to correct.¹⁷ **The reform seeks to organise the entry system for foreigners into the Spanish job market, going beyond the Shortage Occupation List** as a means to contract foreigners. Work opportunities were expanded for foreigners already in the country for study,

training or a work placement, and the work permits were bound to residence permits. The reform also includes the creation of an Immigration File Processing Unit which, following the logic of the Special Unit for Large Companies, seeks to streamline and facilitate file processing (Pinyol-Jiménez, 2022). This reform can be understood as an attempt to redirect migration management and its impact should be evaluated in the near future.

3.3 THE PRE-EMINENCE OF THE STRUGGLE AGAINST IRREGULAR IMMIGRATION

Since it joined the European Union, Spain has been seen as a gateway for irregular immigration, particularly by sea. Although this is a significant, dramatic phenomenon in Spain, it is worth remembering that most of the population living irregularly in Spain entered regularly and became administratively irregular when they continued to live in the country beyond the time allowed on their visa (visa-overstayers). **Table 2** shows the number of applications in the regularisation processes in Spain.

To prevent irregular flows and deal with immigrants in an irregular situation already living in Spain, the various Spanish governments have worked with three main instruments: regularisation processes, returns and protection of the sea borders. Another element which should not be forgotten is the Schengen visa requirement, which was required, for example, for many Latin American countries from 2005 onwards. **Figure 11** shows the number of return orders and the rate of returns effectively carried out.

Because it only became an immigration country later on, regularisation processes in Spain took place decades after other European countries with a longer tradition of reception. The initial processes coincided with the first legislative steps and by the beginning of the 2000s, four regularisation processes had been implemented in Spain. The last of these was carried out in 2005: it was called 'normalisation' because it required immigrants to demonstrate the existence of a labour relation in Spain. On completion, around 600,000 people had been documented, which demonstrated both the deficiencies of

¹⁴ Permanent Observatory on Immigration (2016) Immigration and the job market. 2016 Report. https://inclusion.seg-social.es/documentos/2178369/2280849/Publicacion2018_32_Inmigracion_y_mercado_trabajo_2016.pdf/4bfc247f-1ed0-6d43-13c6-84cf73c5c64d?version=1.0&t=1676894994116&download=false

¹⁵ The Sector-based Conference on Immigration was set up in 2007, to prioritise strengthening intergovernmental cooperation. Made up of representatives of the governments of Spain and the Autonomous Communities, with some local government observers, it was considered a lost opportunity because it was poorly organised with few meetings.

¹⁶ This is a national collegiate organisation attached to the Secretary of State for Migration that facilitates dialogue between the Ministry of Work, Migration and Social Security and the most representative employer organisations and the trade unions regarding management of labour migration flows. See Order TAS/1713/2005. <https://www.boe.es/buscar/doc.php?id=BOE-A-2005-9715>

¹⁷ Please see <https://boe.es/boe/dias/2022/07/27/pdfs/BOE-A-2022-12504.pdf>

Table 2
Regularisation processes in Spain

Date	Applications	Accepted
1985-86	44,000	23,000
1991	130,000	110,000
1996	25,000	22,000
2000	244,327	152,207
2000 Reexamination	57,616	36,013
2001 Ecuadorians	24,884	24,352
2001 Rootedness	338,680	157,883
2005 Normalisation	691,655	578,375
Total	1,506,032	1,103,830

Source: Interior Ministry, Labour and Immigration Ministry

Box 2. The reform of the Regulation for unaccompanied migrant minors in Spain

The reform of the regulation of October 2021 intended to respond to the dysfunctional situation that made many young people suddenly illegal and at risk of social exclusion once their Administration guardianship came to an end. Before the reform, unaccompanied foreign minors were authorised to stay for one year, to be renewed every year. When this collective reached adult age, the lucrative residence rules applied to them, which did not enable them to work, and they had to prove minimum economic resources of 100% of the Public Indicator of Income for Multiple Effects for the first renewal (564.9 EUR) and 400% of this for the second (2,260EUR per month).

During the pandemic, one-off changes were made to improve the employment situation of this collective, recognising the right to work for minors from the age of 16, or facilitating a residence and work permit for previously tutored foreigners who went to work in the farming sector.

The 2021 reform sought to prevent these minors from reaching adult age without the proper documentation; to consolidate the right to access the job market from the age of 16; to extend the validity of the residence permits from 1 to 2 years and allow young people who had been previously tutored, aged between 18 and 23, to access a work permit and avoid this situation of sudden irregularity. To do this, the current regulation comprises three paths:

1. Documentation procedure when they are minors (article 196): The deadlines to prove the impossibility of return were brought forward from 9 to 3 months; the immigration offices will officially document once these 3 months have passed; it is established that residency authorisations will make it possible to work when the minor reaches 16 years of age; the first permit will have an initial validity of 2 years (and not 1) and the renewal permit will be valid for a period of 3 years; The paperwork to identify the minor will be simplified, removing the requirement for a document legalised by the consulate, replacing it with a report from the competent entity in the autonomous community.

2. Specific regime on reaching adult age (article 197, documented minors): A specific regime is set with no reference to non-lucrative residence, facilitating access to the job market, giving continuity to the permit they already had as minors; the Living Wage (Ingreso Mínimo Vital, IMV) is set as a reference to assess economic requirements; proof of sufficient economic resources is reduced ((the maximum amount that one would be entitled to receive is established at a one-person IMV and income is counted from work, the social security system and other quantities that may be received); reports on efforts to integrate, continuity of studies or training will be considered.

3. An independent regime on reaching adult age is created (article 198, documented minors): A new system is proposed to formalise the situation of young people who reach adult age with no documentation, to avoid sudden irregularity; requirements similar to the cases referred to in the previous articles are established; a transitory provision is also determined to take care of young people who were previously tutored and who are aged between 18 and 23 years of age and are undocumented, who will be eligible for the authorisation provided for undocumented minors who reach adult age (line 3).

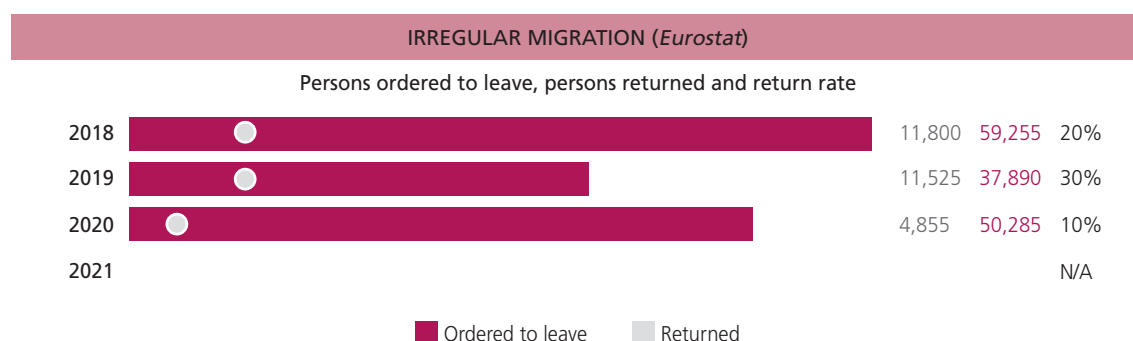
Although the reform has not been evaluated yet, the Secretary of State for Migration estimated that it might benefit around 15,000 people, of which 8,000 would be unaccompanied minors and 7,000 would be young people who are currently aged between 18 and 23 years old (Pinyol-Jiménez & Pérez-Ramírez, 2022).

existing instruments and the relevance of the irregular economy in Spain. The irregular economy issue became a priority for the new Ministry of Work and Immigration in Spain during this period. The directive that stipulates sanctions against employers of irregular workers fits the context in which this process was carried out. This regularisation process was harshly criticised by Spain's European partners, and the first proposal

for the European Pact on Immigration and Asylum in 2008 included the need to prohibit general regularisations.¹⁸

¹⁸ Council of the European Union (2008) Note 13189/08 ASIM 68 European Pact on Immigration and Asylum. Read the final version at <https://data.consilium.europa.eu/doc/document/ST%2013440%202008%20COR%204/ES/pdf>

Figure 11

Foreign population with a return order, effectively returned and return rate in Spain

Knowledge Centre on Migration and Demography, © European Union, 2021

Source: European Commission, Atlas of Migration 2021. KCMD.
<https://publications.jrc.ec.europa.eu/repository/handle/JRC127608>

Recent reforms of the Immigration Regulation have tried to avoid sudden irregularity, which became particularly important once the administration system ground to a halt during the COVID-19 pandemic. In this respect, the first reform of the Regulation in October 2021 aimed to facilitate the inclusion of unaccompanied migrant minors in Spain (See Note 2). In turn, the 2022 reform attempts to provide solutions for the situations of irregular residence that crop up in Spain, modifying some details of the existing reasons for settlement and including **training visas**. **Training visas provide a one-year residence permit if the person commits to carrying out regulated or certified training** for specific occupations determined by the public employment system.

Regarding border management, since 2002 the Spanish governments have implemented the External Surveillance Integrated System (SIVE), a network of human and technological resources spread all along the Spanish coastline. The first system began in the Strait of Gibraltar, where instruments such as radar detection, visual identification and satellite surveillance were implemented to locate dinghies attempting to reach the Spanish coast illegally. Over the last few years, the SIVE has been implemented on all Spanish sea borders, from the Canary Islands to the Balearic archipelago.

The system has been used to modify some irregular migration routes, particularly secondary routes, less controlled and usually longer and more dangerous.¹⁹ This happened in 2006, when the SIVE was implemented on the western coast of

Andalusia, causing departures from the African coast to be displaced towards the Canary Islands. The various Spanish governments have always highlighted the need to strengthen European cooperation mechanisms to protect the EU's external borders, particularly by means of FRONTEX actions and improving cooperation with third countries.

Recently, and due to closures of the eastern and central Mediterranean routes (with destinations in Greece and Italy respectively), the western route, less deadly than the central route, has again become more significant in numerical terms.

A special mention should be made of unaccompanied foreign minors (MENAs for its acronym in Spanish) who arrive in Spain. Supervision of the legal and psychosocial care that must be guaranteed for these minors, in accordance with the international legal framework of the best interests of the child, has been a particularly sensitive topic when referring to border control.

The focus on irregularity in public discourse, both by political leaders and by the media and social organisations, has ended up distorting perceptions about migration and has affected resources intended for various management instruments. Substantially greater resources have been provided for instruments to fight irregular immigration at the border compared to what is provided for instruments and mechanisms used to control irregularity on Spanish soil.

¹⁹ Sánchez Gómez, R. D. and Espinosa Navas, F. (2018) La inmigración irregular y las políticas públicas de seguridad: Caso de España y República Dominicana. Pp.8-10

4

RECEPTION, INTEGRATION AND INCLUSION POLICIES

Integration policies have become a mainstay in Spanish immigration policy along with management of regular flows, reduction of irregularity and collaboration with third countries. The conceptualisation of integration in Spain began after moving beyond the idea that migration was only passing through the country to other places in the European Union, and when it was confirmed that immigrants who came to work in Spain intended to remain and to begin family reunification. The role of many municipalities was key in this first informal integration process, and subsequently also that of autonomous communities, which worked with the immigrant population living in the territory from the start. This local integration is a key condition to understand the inclusive policies and actions intended to encourage social cohesion promoted by local administrations and social entities. The role of the municipal population census has been particularly relevant in this respect. See Note 3.

4.1 ON THE SPANISH INTEGRATION MODEL: FRAMEWORK AND INSTRUMENTS

Although there is no conceptualised integration model in Spain as such (Cebolla & González, 2013), this non-model or absent model has been mainly based on the idea of managing diversity, guaranteeing inclusion and maintaining social cohesion (Terrón, 2010). Debates on migration, citizenship and national community are still alive, although many town councils have taken the intercultural approach one step further in an attempt to overcome the traditional assimilation or multicultural models. In any case, most discussions on integrating migrants revolve around residence and the rights derived from it: resident citizens are conceived as the sum of real residence and the purpose of permanent settlement in a social context, with a highly pronounced local character, which also transforms in light of new diversities (Ferrero-Turrión&Pinyol-Jiménez, 2009).

Social integration was not included in any law or standard until the mid-nineties. The first law of Foreigners' Rights and Freedom in Spain did not refer to this matter at all: the 'social integration of immigrants' appeared for the first time in 1991 in a parliamentary debate, and in 1994 it became an important pillar of immigrant policy through the approval of the Social Integration Plan for Migrants. This Plan saw the start of a

new period where the public powers were not only interested in border control but also in other aspects of immigration.

In this respect, from Organic Law 4/2000 onwards, a list of rights and freedoms were drawn up for the migrant population that was maintained in subsequent modifications. The law determines the main requirements of the integration mandate in the new art. 2 bis, and its minimum content (knowledge of the language and constitutional values, education and training, etc. in art. 2 ter). It also states that all public powers should promote the integration of migrants in all public policies, also offering information on constitutional rights and values, and in all cases guaranteeing schooling during compulsory school age, the opportunity to learn the official languages and access to employment. It also specifies that the Spanish Central Administration must collaborate and cooperate with the Autonomous Communities and the town councils within the framework of a multi-year strategic plan to encourage this integration. The Forum for Social Integration of Immigrants was also set up in 2000 as an advisory and consultancy body for the Government on matters of immigration. This consists of balanced tripartite representation between Public Administration, immigrant associations and social support organisations, such as trade unions and employers' organisations.

Another key institution when talking about integration is the Spanish Observatory on Racism and Xenophobia (Observatorio Español del Racismo y la Xenofobia, OBERAXE). Its main functions are: (1) Compile and analyse information on racism and xenophobia to understand the situation and its future trends by implementing an information network; (2) Promote the principle of equal treatment and non-discrimination and the fight against racism and xenophobia; and (3) Collaborate and coordinate with public and private, national and international key agents related to prevention and the fight against racism and xenophobia.

In 2004, when the Secretary of State for Immigration and Emigration was set up and organically assigned to the Ministry of Work, it became a new space created for integration actions. Thus, an important Fund was set up to promote regional and local integration actions, and the Secretary of State was commissioned to draw up a Strategic Plan for Citizenship and Integration (PECI 2007-2010).

Box 3. The exceptional case of Spain: the register of inhabitants

The Registro Municipal de Población Municipal, also referred to as *padrón municipal*, is a registry maintained by every municipality in Spain in which all of the inhabitants of that jurisdiction are required by law to be inscribed and that serves as their proof of residence status there. This is a record that contains personal data regulated by the law that regulates local government rules and the data protection law. Each town council must set up, manage and maintain its register. The continuous computerised management system for municipal population records was introduced in 1996 and since 1998 it has been used to obtain population figures (up to 1st January each year). In Spain, appearing on the register of inhabitants makes it easier for residents to access public services. It guarantees access to healthcare, it can be used to identify minors who should go to school, it identifies the population who must pay taxes and it makes it possible to draw up the electoral roll that allows citizens to take part in politics, among other aspects. It can also be used to calculate the state funds transferred to local administrations, or the services that administrations must provide, based on the resident population.

Although it was not designed as a migration instrument, the *padrón municipal* has contributed significantly to the incorporation of foreigners in Spain under conditions that differ from those in other countries. The register, or act of registering, is compulsory for all residents (permanent or temporary) in a town or village and therefore, it is used to identify persons who hold rights (and duties) who live in a particular town, regardless of their legal situation. In 2000, a legal reform extended social care benefits (health and education) and, occasionally, other social services, such as the living wage for vulnerable families, to undocumented migrants. In 2003, a Bill was stopped that intended to give the police access to this data to detect irregular population due to generalised opposition from the town councils and much of civil society. In 2012, the government adopted a legislative decree to amend the law and tie use of the health card to legal residence and paying into the social security programme, thereby limiting the medical care given to immigrants in situation of irregularity to include only minors, pregnant women or emergencies. Several regional governments, authorised to provide health services, announced their refusal to comply with this decree and approved their own rules, which were legalised by the Constitutional Court (Auto 239/2012) and, in turn, declared unconstitutional by the same court (Ruling 134/2017). The legislative reform of 2018 claims to overcome this confusing situation by separating access to public health not only from the Social Security card, but also from registration on the register of inhabitants (RDL 7/2018, of 27 July, on universal access to the National Health System).

In general, the *padrón municipal* and its role in integrating the foreign population (including any living in the country irregularly) has been widely accepted. In the case of town councils, because it allows them to identify their exact resident population and make more realistic provisions, and to favour integration policies and actions. For much of civil society, because it means guaranteeing minimum rights that impact on the well-being of all citizens (public health, education, etc.). In any case, the healthcare changes do show that the consensus concerning the inviolability of the register of inhabitants has a few new cracks that might lead to more important debates.

In 2005, the so-called Fund was set up to welcome and integrate migrants and to strengthen education. The aim of the Fund was to devise measures related to new arrivals, and also social services for existing residents, such as medical care and education. The basic principle was the need to increase the budget in areas with a growing population, irrespective of whether they were foreign or not. The Fund was distributed among the Autonomous Communities according to objective criteria and, for the first time, it was possible to finance actions led by the local authorities. The Fund was terminated in 2012.

In turn, in 2007, the first Strategic Citizenship and Integration Plan 2007-2010 was approved (Plan Estratégico de Ciudadanía e Integración, PEI), designed as a framework for cooperation and a guide for Public Administrations and civil society initiatives. In its introduction, the PEI included a considerable amount of theory to provide sense and content to the integration policies, in order to formulate its own inte-

gration model, which made a late appearance, in the wake of the actions previously undertaken by the Local Administration and Autonomous Communities (AC). PEI I was followed by PEI II 2011-2014 which established the following objectives:

- Ensure full civil, social, economic, cultural and political rights for immigrants.
- Adapt public policies, particularly in education, employment, social services, health and housing, to the new needs generated by the immigrant population. This process must be both quantitative and qualitative, in response to the increase in new citizens and users and the management of the diversity among this new demand.
- Ensure the immigrant population has access to public services (particularly education, employment, social services, etc.) under the same conditions as the native population.

- Set up a reception system for newly arrived immigrants, and for any in particularly vulnerable situations, until they can access public services.
- Teach immigrant men and women about the basic values of the European Union, the rights and duties of persons living in Spain, the official languages of the country's different Autonomous Communities and the rules and social habits in Spanish society.
- Fight the various manifestations of discrimination, racism and xenophobia in all areas of social life, both public and private.
- Stimulate public policies and measures that encourage the integration and cooperation of immigrants at various levels of government and among civil society.

The Plan highlighted that it was intended for all of society, both the migrant population and the national population, because integration concerns all citizens. The PEI II was poorly developed, and the initiative did not continue beyond its expiration date, which was highlighted as a deficiency by the European Commission against Racism and Intolerance from the European Council (ECRI, 2018: 32). The 2018 report mentions that “there is no longer any national financing for important integration measures such as language courses.” To date, it has not seemed to be a priority to renew a general framework to talk about integration and inclusion issues, leaving plans to be developed by the autonomous communities and local administrations.

Currently, the Secretary of State for Migration is preparing a new Strategic Framework for Citizenship and Inclusion, against Racism and Xenophobia (CIRAX) which has involved a public consultation, with participation from organised civil society. At the time of writing (October 2022), the Strategic Framework has not yet been finalised, although the initial draft can be consulted on a website for this purpose.²⁰

In theory an intersectional perspective and multi-level cooperation are the key elements for integrating the migrant population. However, when implementing actions, neither of these elements have been as significant as planned. Cooperation has not been easy among the state level (responsible for the immigration policies which include integration), the regional level (Autonomous Communities with competences in these areas recognised in their statutes and responsible for most public services) and the local level (first-contact administration and provider of other public services). The state plan has been joined by integration, citizenship and diversity plans promoted by the Autonomous Communities and many towns, creating a real ‘collage’ of integration actions.

4.2 TOPICS ON THE INTEGRATION AND INCLUSION AGENDA

As mentioned above, the central, regional and local governments in Spain have emphasised residence criteria as the key

element when talking about integration and social cohesion. Discussions on integrating migrants revolve around residence and residence rights. Residence goes beyond origin and legal status, and it is conceived as the sum of actual residence and the purpose of the permanent settlement in a social context.

Much of the public and political debate on integration has revolved around analysing this process of ‘becoming’ citizens, looking at which elements are offered, and which are required of new arrivals to make this process easier for them. However, little thought has gone into what it means to understand integration as a dual process: although it is compiled in legislative measures and in various approved plans, there seems to have been no real transformation in the administrations and in public spaces to make it easier to incorporate and raise the visibility of persons of foreign origin. It is also true that a lack of integration indicators hampers the process of assessing and improving public policies and the conditions for the immigrant population to take part in key fields such as education, employment, health and housing (ECRI, 2018).

Several points generate greater interest in terms of integration and inclusion of foreigners: from their arrival in the country to their gradual incorporation into the labour, education, social and civic structure. In this respect, one of the primary questions that arises is that of policies and actions for initial reception.

The **initial reception policies** are mainly the responsibility of the municipalities. They devise policies to help migrants to integrate the receiving society in all vital areas of daily life. To do so, each municipality has developed (or not) a set of tools, instruments and actions to promote autonomy, the exercise of rights and responsibilities, language skills, social and labour integration and also specific measures for people in situations of vulnerability. In some cases, autonomous communities take part in these programmes, although on other occasions, each municipality is free to do as they wish, and this also includes their services.

Given how the migration model is tied to the **job market**, one key question on integration is precisely about immigrants’ participation in work. Employment is a national competence, although the regions do play an important role in its legislative and instrument development (training, etc.). Employment is understood to be one of the pillars in the integration process in terms of access to goods and services that would guarantee a decent standard of living. As a general rule, Law 4/2000 determines the possibility of awarding residence and work permits to foreigners who do not live in Spain, taking into account the so-called ‘national employment situation’ (see chapter 3.2).

In relation to **education**, Spanish immigration law states that foreign minors aged under eighteen years of age have the right to education under the same conditions as Spanish citizens. This right includes access to basic free and compulsory education, gaining the corresponding qualifications and access to a public grants system. By law, foreigners liv-

²⁰ www.el-futuro-es-la-inclusion.es/

ing in Spain have the same right to access non-compulsory education as Spanish citizens. The law also states that the government will make sure that foreign residents can receive a course to help their social integration, respecting and recognising their cultural identity. **Figure 12** shows the evolution of foreign students in the school system between 2000-2019.

Education is a regional competence, and the model for including foreign students varies from one Autonomous Community to another in terms of newcomer programmes and occasional support mechanisms. Some municipalities also work with the parent associations to make it easier for parents to take part in the educational process. There is an ongoing debate about the concentration of immigrant students in public schools, compared to that in state-subsidised private schools, which has generated broad discussion over the last few years.

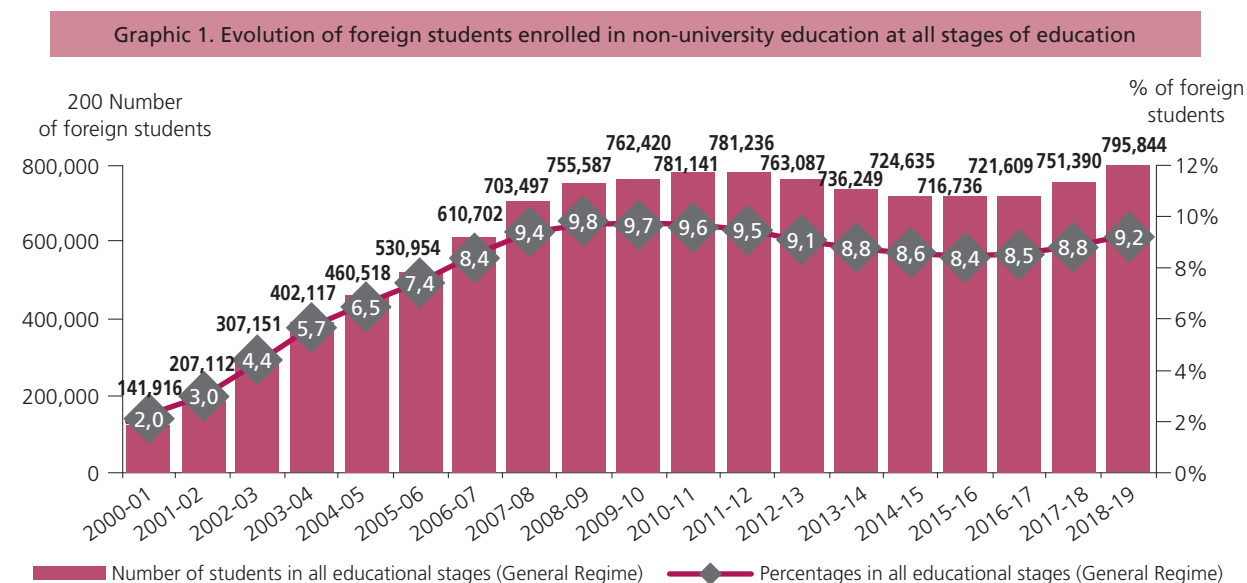
Another central debate has revolved around access to **health services** for the immigrant population, another regional competence. The legal basis for providing healthcare is based on the Spanish Constitution of 1978, which defines health protection as a social right (article 43). The General Law on Medical Care 14/1986, of 25 April 1986, meets this constitutional requirement, making access to health services a universal right by setting up the National Health Service. The specific legal provision for health protection recognises foreign citizens' right to receive medical care on an equal footing with Spanish citizens, if they are included on the municipal register, including for minors or pregnant women (during pregnancy, the birth and postnatal care). It also recognises the universal right to emergency public medical care in the case of a severe illness or accident, regardless of the cause and with no limitation, and the right to continue treatment until discharge.

As mentioned previously, in 2012 the government adopted a legislative decree to amend the law and bind the health card to legal residence and affiliation to the social security programme, thereby limiting medical care for immigrants in situation of irregularity only to minors, pregnant women or emergencies. In 2015, the central government withdrew the decree (mainly because most regional governments decided not to apply it) but some regional governments have continued to bind access to health services to legal residence. In 2018, a new executive order consolidated universal access to healthcare.

In relation to **social services**, this is a national competence, delegated to regions and towns. Law 4/2000 determines that foreign residents are entitled to basic and specific services and benefits under the same conditions as native citizens. Undocumented foreigners only have access to basic services and benefits. Regional authorities have established various regulations of their own to determine access to social services and benefits for this collective. Social entities and NGOs are used to compensating for the lack of services for people in irregular situations, by providing humanitarian aid in the most vulnerable cases.

For its part, the **social participation** of the foreign population has been mainly promoted by local and regional authorities. The immigrant population can participate in local or regional politics in different ways. For example, through regional and local consultative forums or committees that allow the immigrant community to express their demands and influence policies that affect them directly. Active participation in local neighbourhood groups and in schools, trade unions and professional associations, as well as cultural, leisure and sporting associations, is considered a priority. As a result, in some territories social agents, associations and local governments

Figure 12
Evolution of foreign students enrolled in non-university education, 2000-2019



Source: Ministry of Education and Vocational Training) State system of education indicators 2021.

make an effort to boost the participation of immigrants in the local community as a way to ensure coexistence and promote inclusive citizenship.

The political participation of the foreign population is a national competence. Legislation establishes that nationals from other countries in the European Union have the right to vote in local elections, alongside nationals from countries with whom Spain has signed bilateral agreements. To date, most immigrants from non-EU countries have only gained access to the vote by obtaining Spanish nationality.

Finally, **awareness-raising and the fight against discrimination** is a competence that involves all levels of administration. All awareness-raising measures have a single goal: fighting

discrimination and xenophobia. The central administration and several regional and local authorities have developed organisations and policies to fight racism and xenophobia, most of which involve information campaigns, promotion, awareness-raising and skills training programmes for public and private actors. In their role of collaborating organisations, NGOs also carry out actions in this field. For the European Commission against Racism and Intolerance (ECRI), the Spanish authorities must adopt general legislation against discrimination and create a body to promote equality (or ensure total independence and greater influence of the Council for the Elimination of Racial or Ethnic Discrimination). Furthermore, the European institution makes a special mention to the need to strengthen actions to guarantee non-discrimination and improve the inclusion of the gypsy population in Spain (ECRI, 2018).

Box 4. The rise of anti-immigration parties and hate speech

Over the last few years, Spain, Ireland and Portugal have stood out as the Celtic-Iberian exception in the EU, characterised by an absence of xenophobic parties. Although anti-immigration discourse is usually particularly strong during an economic crisis (Rensmann & Miller, 2010), Spain sailed through the 2008 crisis barely affording any space to this type of party in the public or political debate.

This exceptional situation ended in 2013 when Vox, a far right-wing party, burst onto the Spanish political scene. Despite its late appearance, it swiftly drew itself into line with the European context and went from trivial representation to obtaining 12 seats (11% of the vote) in the Andalusia Regional Parliament in 2018. The leap to national politics came in February 2019, when Vox obtained 24 seats in Congress. In the November elections of the same year, this total reached 52 seats, and Vox became the country's third political force. In 2022, Vox became part of a regional government for the first time, ruling alongside the Popular Party in Castilla y León.

It is difficult to determine how much of its growth derives from its discriminatory nationalist, anti-feminist or anti-immigration discourse, but it is clear that, on this latter point, the party has plotted its discourse around portraying migrants (particularly undocumented immigrants) as a threat to Spanish society. They demand the immediate expulsion of these people, and the withdrawal of fundamental rights for this collective (during the COVID-19 pandemic, they even asked that these people should not be vaccinated, demonstrating that they did not understand the concept of public health) or the withdrawal of individual regularisation instruments. Like other European extreme right-wing parties, its nativist discourse has turned Islam (fundamentalist) and minorities into a threat (Mudde, 2019) and in Spain in particular, its discourse has been especially tough and criminalising against young migrants without family references in Spain.

The growth and bolstering of anti-immigration and hate speech in Spain has become a challenge that is proving difficult to manage. On his visit in 2019, the UN Special Rapporteur on Minority Issues expressed his concern due to the shortcoming in the fight against ethnic discrimination and racism in the country (OHCHR, 2019), while the Council of Europe's Anti-Discrimination Directorate mentioned in its 2020 report that the prosecution of complaints was not consistent throughout Spain (CoE, 2020).

Precisely in this last respect, it is worth mentioning that in April 2021, the Public Prosecutor sought to remove a Vox electoral campaign poster in the Region of Madrid, understanding that it was nurturing hate against young migrants without family references in Spain. The court considered that the reported facts did not constitute a hate crime and were framed within the right to freedom of expression, even though the Prosecutor reiterated, during its appeal, that the electoral propaganda implied "negative, intolerant and prejudiced stigmatisation" against the collective of migrant minors that was seeking to stir up "hostility and social rejection towards these minors, their objectification and dehumanisation."

Like other European members, Spain is experiencing a rise in hate speech (FRA, 2020). Given that on many occasions this hate speech is nurtured by institutions, mainly by extreme right-wing parties, although the discourse of traditional parties ends up following their lead (Mudde, 2019), instruments should urgently be developed to prevent and fight this type of discourse. The rise in anti-democratic and xenophobic movements, that consider anything out of the ordinary as a threat, puts democratic society and social cohesion at risk. (De Lucas, 2015).

5

ASYLUM POLICY AND REFUGEES IN SPAIN: A PENDING CHALLENGE

In the same way that Spain's immigration policy arose as a result of the process of joining what is now the European Union, so did asylum policy. The first law regulating the right to asylum and refugee status dates back to 1984 (Law 5/1984), and has only been reformed in 1994 and 2009. The latter was the year when the last valid reform was approved, although there is still no implementing regulation, which is a long-standing disfunction.

5.1 THE LEGAL FRAMEWORK FOR INTERNATIONAL PROTECTION IN SPAIN

As opposed to the German Constitution, the Spanish Constitution only states that a law shall determine who is entitled to seek asylum in Spain (article 13.4 CE). The first law that was regulated in this respect, Law 5/1984, compiles both the procedure and the guarantees and rights to be granted asylum, as well as the circumstances and consequences of derogation. This law was modified in various respects in 1994. On the one hand, to eliminate the double status of refugee and refuge. On the other, to include a preliminary phase to examine applications, thereby making it easier to quickly reject any applications that are considered to be manifestly unfounded. It also attempts to quickly determine applications that should not be examined by Spain but by another state, among other matters.

Law 12/2009, approved in 2009, regulates the right to asylum and subsidiary protection (Ley Reguladora del Derecho de Asilo de la Protección Subsidiaria, LRASP) and it remains in force to this day. It contains some improvements over previous legislation. For example, for the first time it regulates the right to subsidiary protection by law; it includes persecution for reasons of gender or sexual orientation as a reason to grant asylum; it makes explicit mention of non-state agents among the so-called 'persecution agents' or sources of severe damage; it provides for the adoption of necessary measures to offer differentiated treatment by gender or for vulnerable people; and it includes the possibility of extending protection status to family members or to request family reunification. The 2009 reform excludes nationals from a European Union State from the right to seek asylum in Spain. It also generally eliminates the right to seek asylum in a diplomatic office and increases the number of causes for

exclusion.²¹ The LRASP regulation is still pending approval and, therefore, the Royal Decree 203/1995, which regulates the 1984 law, is still applicable as long as it does not contradict the current LRASP.

In organic terms, the Asylum and Refugee Office (Oficina de Asilo y Refugio) is the specialist body in charge of instruction on asylum. This is the General Subdirectorate for International Protection that depends on the General Directorate of Interior Policy in the Ministry of the Interior, the body in charge of applying the International Protection system. Its competences specifically include determining the right to asylum, the legal regime of the refugee, displaced or stateless persons, and the international subsidiary protection, which as a whole is known as International Protection (IP). In turn, the reception and integration policies fall upon the General Directorate for Integration that depends on the Secretary of State for Migration.

Granting the right to asylum, and other forms of protection for humanitarian reasons (subsidiary protection), involves an individualised process that makes it possible to recognise the applicant's refugee status, or their right to access other types of subsidiary protection. Formulation of the corresponding resolution proposal to the Minister of the Interior is the competence of the Inter-ministerial Commission on Asylum, made up of representatives from various ministries, and a representative of the United Nations High Commissioner for Refugees (UNHCR).

5.2 THE ASYLUM PROCEDURE AND THE RECEPTION SYSTEM

The asylum procedure in Spain is supervised by the Asylum and Refugee Office (OAR) according to the legislation in force. Law 12/2009 Regulating the Right to Asylum and Subsidiary Protection (LRASP) offers three types of international

²¹ Article 38 of the Asylum Law compiles the possibility of presenting applications for international protection in Embassies and Consulates, although ambassadors should evaluate the circumstances and decide whether to transfer them to Spain, or not. This situation cannot be compared to the chance to seek asylum in embassies.

protection: conventional asylum as stated in the Geneva Convention; subsidiary protection; and exceptional protection for humanitarian reasons. According to the LRASP, refugee status (art.3) can be held by any person from a country that does not belong to the European Union with a well-founded fear of being pursued in their own country for reasons of race, religion, nationality, political opinion, belonging to a certain social group, gender or sexual orientation, who is outside their country of nationality and, due to those fears, does not want to or cannot return to their country. Refugee status can also be awarded to a stateless person who is not in their usual country of residence due to the same fears, and who does not want to or cannot return to it. Subsidiary protection (art.4) applies when the person does not fit this definition, but there are reasons to believe that if they returned to their country, they would run a real risk of being sentenced to death, torture or inhumane or degrading treatment, or serious threats against their life or integrity for reasons of indiscriminate violence. The LRASP also includes exceptional additional international protection for humanitarian reasons for anyone who does not meet the requirements for the two previous categories (art.46.3). Exceptional protection can be granted to anyone in a vulnerable situation, such as minors; unaccompanied minors; disabled or elderly persons; pregnant women; single parents with minors; individuals who have been tortured, raped or subject to another serious form of psychological or physical violence; and victims of people trafficking. In these cases, the government can grant authorisation to remain in the country as per the general immigration rules.

Applications can be presented at the border (border police) or in the country (including in foreigner internment centres). In the latter case, the person must present the asylum application within one month of entering the country. The application must include all personal information and any document or evidence that supports the case. Once presented, the applicant has the right to remain in Spain until a decision has been taken on the application; they have access to legal aid and an interpreter in their own language; they have access to their file and the right to receive healthcare and social services.

Having reviewed the application, the OAR or the border police will determine whether it can be approved or not, and in the case of inadmissibility, an administrative appeal or legal appeal process can be started. In the event of rejection at the border, the Ministry has four days to respond to the application. If it rejects the application, because the applicant does not meet the requirements to enter Spain, a request can be made to re-examine the application. For applications made on Spanish soil, the OAR has one month to examine the admissibility of an application: if there is no reply, administrative silence is understood to be affirmative, and the request has been approved. When an asylum request is approved for processing, it will be examined by the Ministry of the Interior, which will decide whether to grant or reject the request within six months (regular procedure) or three months (urgent procedure). If accepted, the applicant will receive refugee status, subsidiary protection or protection for humanitarian reasons. If it is denied, there will also be the chance of starting an administrative appeal or legal appeal process. (Figure 13)

In turn, the reception system offers help to people requesting international protection to cover their basic needs through access to social services, education and healthcare. Although the state is the authority responsible for asylum, international protection and resettlement of refugees, the autonomous communities and local authorities, in their respective jurisdictions, are responsible for implementing social intervention policies in employment, education, health, welfare and housing for both migrants and refugees.

According to article 30 of the LRASP, asylum seekers who do not have their own financial means will be provided with the necessary services to guarantee their basic needs. The system is comprehensive to be able to care for asylum seekers from the moment they present their application. All these services are bound to the Asylum and Refugee Office admitting the application (and issuing the so-called 'red card' that guarantees temporary residence) and the asylum seeker being incorporated into the official reception centres, in practice leaving out anyone who can afford to or decides to find accommodation independently. The reception system provides a maximum 18 months of assistance, which can be extended to 24 months in cases of vulnerability.

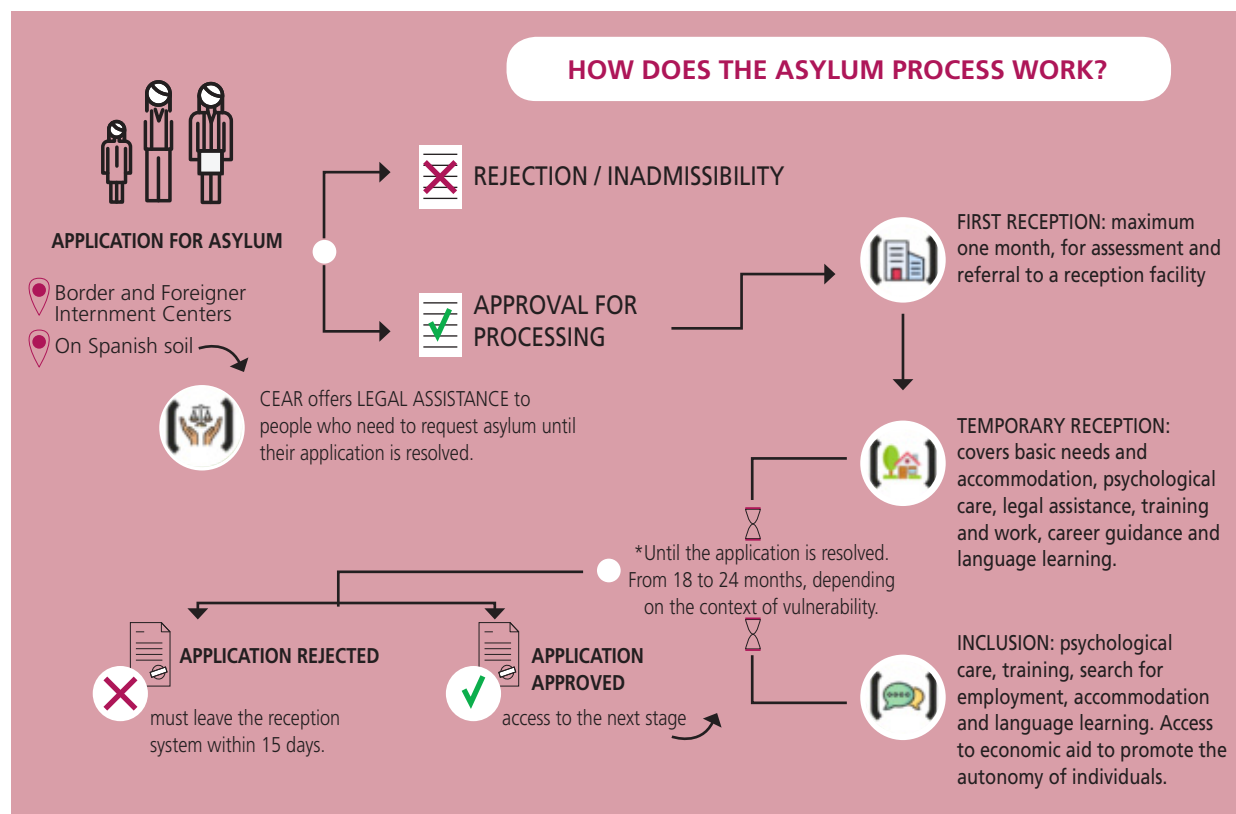
The system is divided into three phases, each of which lasts 6 months. Each phase gradually reduces the benefits granted to the asylum seeker, leading to their autonomy and social integration in the final phase. During the first phase, asylum seekers are given accommodation in the Refugee Reception Centres (CAR) and flats located all over Spain. During these months of temporary reception, applicants receive training and basic counselling to help them integrate within Spanish society: they receive a monthly aid and other expenses related to public transport, medical bills, clothing, translations, etc are reimbursed on invoice.

In the second, 'integration' phase, asylum seekers have the right to financial support and cover for basic expenses to progressively begin an independent life. They no longer live in the centres but in flats with subsidised rents and they do not receive financial aid.

The last phase, autonomy, gives them occasional support and provides specific services. Occasional expenses can be reimbursed in these last two phases. From 2014 onwards, a new preliminary initial phase was added for 'assessment and reference' that guaranteed shelter in B&Bs or asylum hotels for anyone who had not received an appointment with the OAR to prevent them being left out of the protection and reception system at a time when the OAR was particularly overwhelmed (Royal Decree of 2015).

Accommodation. The Spanish reception system is a mixed system that, on the one hand, combines a network of collective centres such as the four Refugee Reception Centres (Centros de Acogida a Refugiados, CAR) and the two Migrant Temporary Stay Centres in Ceuta and Melilla (Centros de Estancia Temporal de Inmigrantes, CETI) with a reception and assistance network managed by NGOs, subcontracted by

Figure 13
The asylum process in Spain



Source: CEAR.

the Ministry of Work and Social Security. The Royal Decree of 2015 increased the capacity of the national reception system to guarantee access to all asylum seekers, increasing the number of NGOs involved in the process and creating the initial assessment and reference phase that allows asylum seekers to be housed in hotels, hostels or B&Bs. The expenses covered by the system include accommodation, transport, hygiene and subsistence allowances.

In places where a high number of irregular arrivals are registered by sea, there are also the so-called Centres for the Temporary Assistance of Foreigners (Centros de Atención Temporal de Extranjeros, CATEs) set up de facto (with no specific legal rules), also called Primary Care and Detention Centres for Foreigners. These are buildings or fenced enclosures in port areas where people are detained for a maximum of 72 hours to check their criminal record and give them humanitarian care (Barbero, 2021). This ad hoc model, more standardised from 2017 onwards, currently runs alongside the so-called 'big reception centres', set up in the Canary Islands from 2018 onwards. They offer basic services, language training and activities, with a longer stay time linked to the dossier process, in an open regime.

Job market. Asylum seekers have the legal right to start work 6 months after presenting their asylum application. Once the 6-month period is up, applicants can request renewal of their red card, which already indicates that they are authorised to

work in Spain for the period that it is valid. There are no other criteria or requirements to obtain a work permit, valid for any work sector, although practice indicates that there are many obstacles concerning standard access to the job market. In general, the reception centres offer courses, training and support to facilitate social and labour insertion. The frameworks to support labour integration include services such as personalised career interviews, training prior to work, occupational training and support for active job search.

Education and training. In Spain, minors have the right to an education, and they must go to school between the ages of 6 and 16. This right is not explicitly governed by the asylum law, but it is guaranteed by other norms regarding foreigners and minors. Questions related to the protection of minors correspond to the Autonomous Communities that manage the education systems in their territory and must guarantee access to all minors that live in their region. Children who are seeking asylum have access to education in regular schools in the autonomous community where they live or are accommodated. Some provide newcomer programmes, while others have tutors within the normal class. However, others do not offer specialised services to ease integration into school.

Health. Spanish legislation anticipates complete access to the public healthcare system for all asylum seekers, with the right to the same level of healthcare as nationals and foreigners. This includes access to specialised treatments for people

who have suffered torture or severe physical or psychological abuse, although there are no specialised structures for these issues.

Vulnerable groups. The reception system attempts to put asylum seekers in the areas best adapted to their profile or needs. Particular care is taken with the most vulnerable profiles, and their reception programme can be extended from

18 to 24 months. Despite this, there are insufficient resources available to take care of this more vulnerable population, and there are few special centres to care for collectives such as victims of people-trafficking, torture or people with mental disorders. Unaccompanied minors who seek asylum are referred to the tutoring services for minors in the Autonomous Communities.

Box 5. The exceptional circumstances of receiving people from Afghanistan and Ukraine

In summer 2021, the arrival of the Taliban in Kabul generated a flow of refugees who wished to leave their country. Spain chartered various planes to transport around 2,000 Afghan nationals and collaborators who were in the country, with a budget of 80 million to ease their reception in the Spanish system. In May 2022, around 1,200 of these persons were still in the reception system, most of whom had been awarded refugee status, while around 700 had left (in many cases, it is understood that they went to Germany where they had a stronger family or social network).

In turn, with the Russian invasion of Ukraine, the Spanish government applied the international protection directive at the same time as its European partners. Spanish legislation allowed people coming from Ukraine (either nationals of the country or legal residents in it) to be received under the temporary protection legislation, and Ukrainian people already living in Spain were fast-tracked through the administrative process to gain regular legal status. Thus, article 2 of the Decision determines the field of application of temporary protection to people displaced from Ukraine from 24 February 2022 onwards, as a consequence of the military invasion by the Russian armed forces that began on that date, including: 1) Ukrainian nationals (and family members) residing in Ukraine before 24 February 2022; 2) stateless people and nationals of third countries other than Ukraine (and family members) enjoying international protection or equivalent national protection in Ukraine before 24 February 2022. Furthermore, on 8 March the government agreed to broaden the subjective field of application for: 3) Ukrainian nationals (and family members) who were in Spain before 24 February 2022 who, as a consequence of the armed conflict, cannot return to Ukraine. 4) Nationals of third countries or stateless people (and family members) who were legally residing in Ukraine on the basis of a valid legal residence permit (be it permanent or another type such as a student visa) issued according to Ukrainian law and who cannot return to their country or region. 5) Nationals of Ukraine living in an irregular situation in Spain before 24 February who, because of the armed conflict, cannot return to Ukraine.

Four Reception, Care and Referral Centres (Centros de Recepción, Atención y Derivación, CREADEs) were set up to centralise the care provided. This was a pioneering initiative in the Spanish reception system. * These centres in Alicante, Barcelona, Madrid and Malaga offer initial guidance for new arrivals, help them to fill in the paperwork to live and work in the country (that the government promised to issue within 24 hours) and manage their referral to reception centres in the international protection system or to family residences. By 29 May 2022, the CREADEs had dealt with 59,899 people seeking temporary protection, of whom 64% were women and 33% were minors. Out of all the beneficiaries who came to these centres, 9,761 also requested shelter.

Receiving the population from Ukraine has allowed local and regional authorities to take part, not seamlessly, in the tasks of easing paperwork and providing services. There has also been outstanding support from Spanish citizens for these arrivals, which has created a debate about the differentiated treatment given to refugees depending on their country of origin.

*See www.inclusion.gob.es/documents/20121/1338501/Nota+de+prensa_4227-4580.pdf/d96a3a5e-8ea0-a260-f8fe-40c0103012ca?version=1.0&t=1647539774000&download=false

5.3 THE CHALLENGE OF ASYLUM POLICY IN SPAIN

Spain has not traditionally been one of the main countries to welcome refugees in the European Union. This trend has been changing over the last few years, as shown in **Figure 14**.

In fact, out of the total requests received in the 2008-2016 period, Spain clearly received fewer applications (56,880) than countries with a similar geographic location (Italy received more than 400,000 and Greece nearly 150,000), and particularly compared to the group of countries known as the EU-15.

However, in 2017 alone, 31,120 people sought international protection in Spain, as compiled by Eurostat. This figure doubles the number from the previous year, and it is almost equivalent to the sum of all applications recorded between 2007-2014. This was thereby the start of a trend that has changed Spain's traditionally secondary role in relation to the number of applications processed. In 2021, 65,404 applications were presented in Spain, as compiled in the diagram below.

Venezuela was the country of origin for the highest number of applicants in the last few years. However, Spain has turned down 99% of international protection applications from this country, preferring to award humanitarian protection to this national collective. The next largest nationality of origin is Syria, followed by Colombia, Ukraine and Palestine.²²

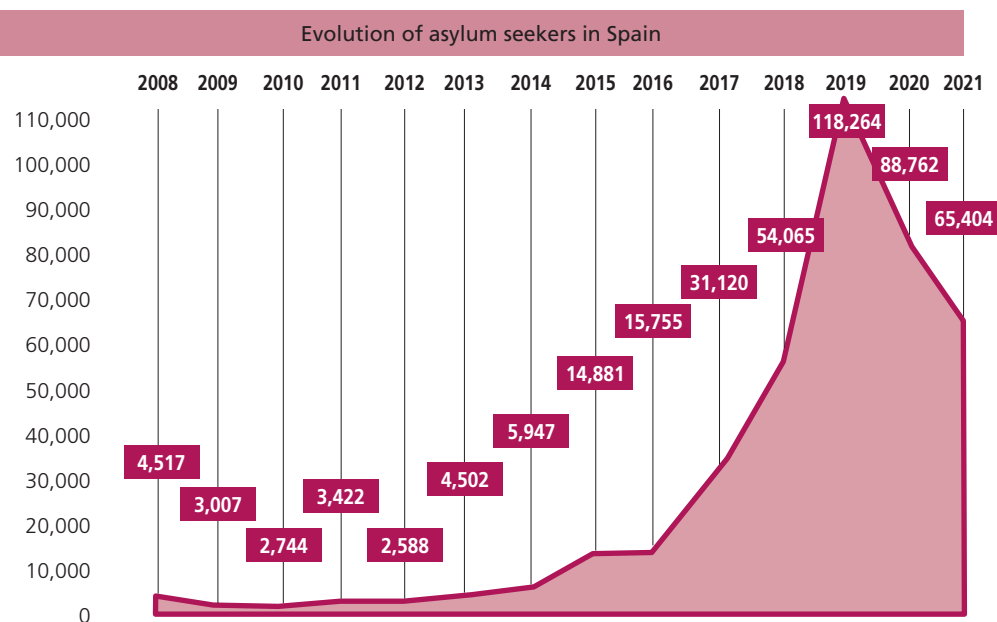
Figure 15 compiles the applications presented in Spain in 2021 by nationality.

This increase led to the collapse of an asylum system that was not prepared for these huge numbers. The centralised Spanish system supported by various social entities does not seem adequate to guarantee that the people who arrive in Spain seeking asylum can be dealt with as fast as required in optimum conditions to guarantee their welfare and their swift incorporation into the receiving society, despite the reinforcement of resources for the humanitarian crisis in Ukraine.

Figure 16 shows the asylum-granting percentages by country.

The significant number of applications rejected in Spain has also led to a debate on persons whose applications have been turned down and yet they remain on Spanish soil, and the risk that they might become vulnerable that tends to go hand in hand with irregular residence.

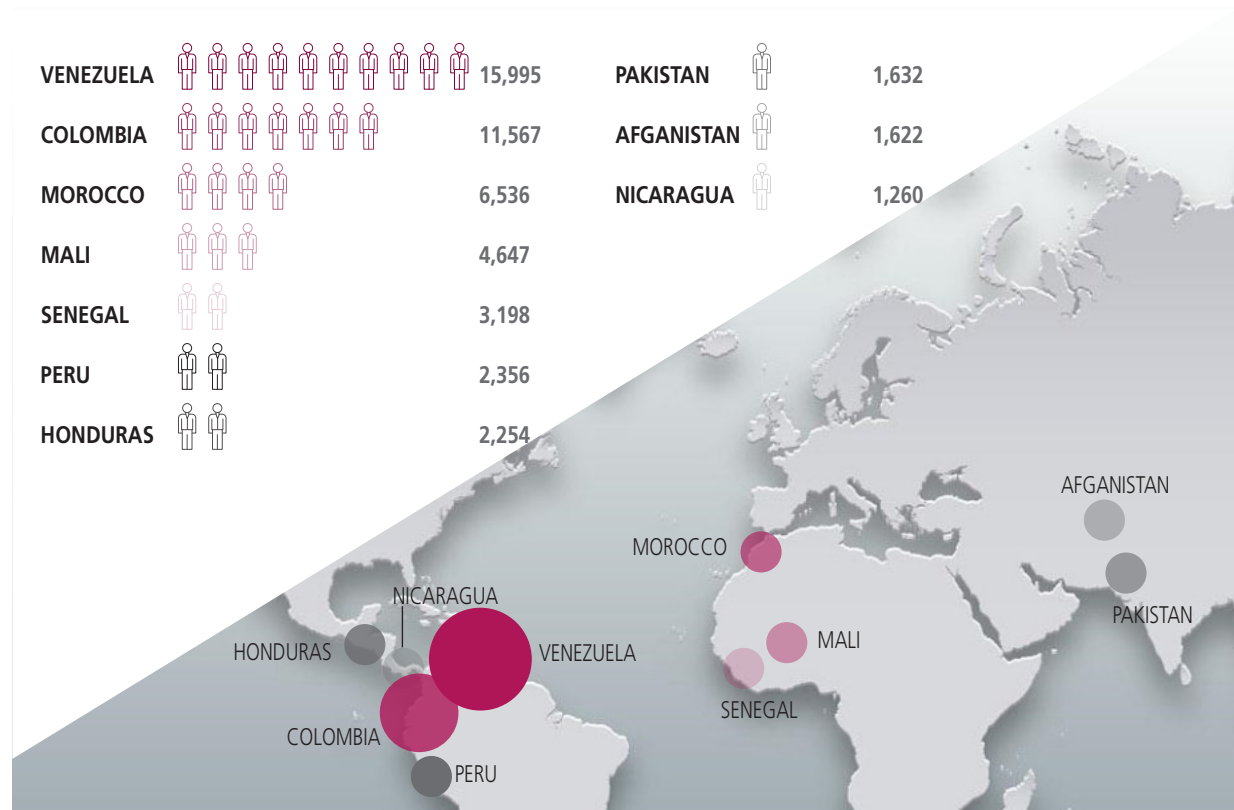
Figure 14
Asylum requests in Spain, 2008-2021



Source: CEAR.

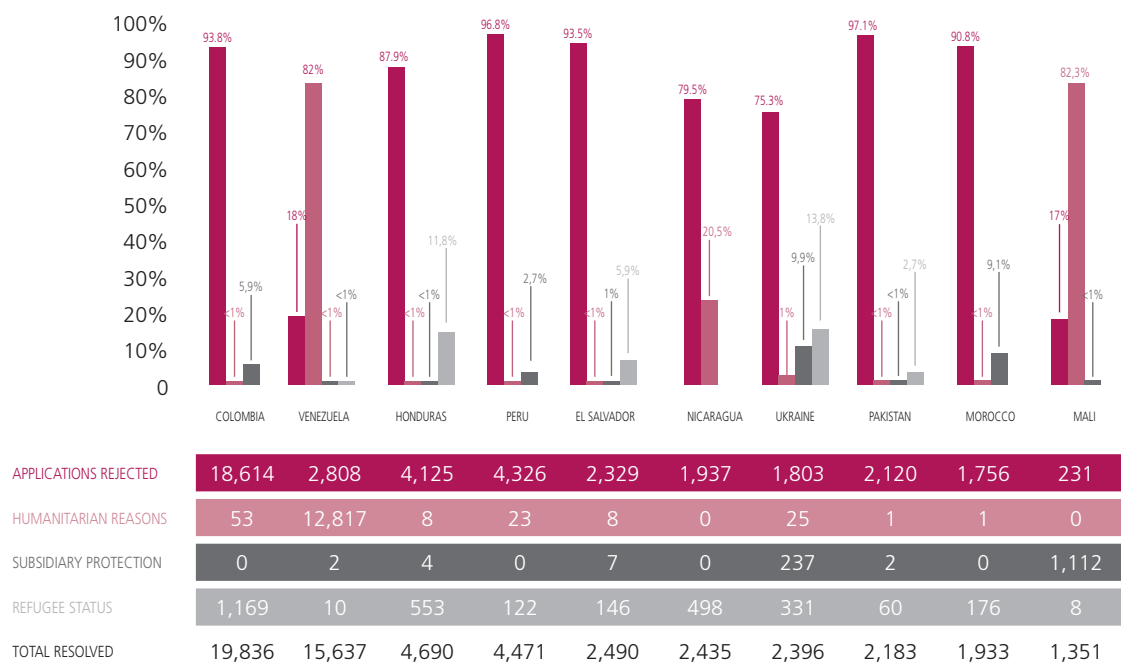
²² CEAR (2018) 2018 Report on refugees in Spain and Europe, pp.74-75.

Figure 15
Applications presented by country of origin in Spain, 2021



Source: CEAR

Figure 16
Asylum granted by country of origin in Spain, 2021



Source: CEAR, 2022.

6

CONCLUSIONS

In a short period of time, Spain had to address new and diverse migration flows, adapting its responses and updating the available instruments and tools to manage them. The main instruments were outlined during the early 2000s. Promoting an immigration policy that strengthens relations with third countries has also been a priority for Spain, as has linking it to the EU's common immigration policy. Particularly since 2005, actions carried out by Spanish governments seek to emphasise the need for a European-level migration model.

In terms of flow management, it seems clear that the Spanish model has not always been successful: in fact, it has not been able to adapt to the job market needs, which explains the existence of sudden irregular situations (due to administrative causes) and the lasting situation of work in the informal economy. Furthermore, the emphasis on avoiding irregular arrivals by sea has not solved other key questions such as reviewing regular entry routes, irregularity once in the country or reorganising the asylum system. In this context, multi-level coordination and dialogue mechanisms have not always worked appropriately, and the need for resources among autonomous communities and town councils has not been met sufficiently.

While lack of foresight in the management of inflows has had a negative impact on the Spanish model of immigration management, the same has not been true for integration. The absence of a single model has allowed many local administrations to play a central role in integration, developing programmes, actions and tools that have had an important impact on helping citizens live together peacefully and promoting social cohesion. Despite the harshness of the 2008 economic crisis that increased competition for ever-weakened public services, and the fact that unemployment affected the immigrant population more, the confrontation between immigrants and natives that many analysts expected, as seen in

other European countries, has not been significant. The situation experienced to date has differed from other countries which, like Spain, have undergone a simultaneous situation of immigration and economic crisis for the first time (see Greece and Italy). Nevertheless, integration has become a true challenge for Spanish society. Currently, the combination of the post-pandemic situation, with a clear impact among the migrant population, and the economic crisis due to the invasion of Ukraine, might change this scenario, particularly because nativist and xenophobic discourse has been gaining ground in the Spanish public arena, also nurtured by the success of this discourse in other European countries.

It is still necessary to make progress in incorporating the diversity discourse and the fight against discrimination in all spheres of Spanish society, including public administrations. Furthermore, the framework of competences should be redefined to favour the role of local authorities and their capacity to access specific funds to improve integration and inclusion policies. Finally, it seems necessary to make progress in research and to make better use of robust and reliable data. In this respect, it is difficult to point out what a successful integration means in Spain, because there are no clear indicators of integration.

Spain should work hard to anticipate any problems that may emerge in the future. Although the immigrant population has grown substantially in the last decade, the phenomenon of integration and inclusion is still new. Debates on migration, citizenship and community are still incipient and there is a risk that their development could end up being led by xenophobic parties and movements, as has happened in other countries. Consequently, it is important that public policies work to incorporate diversity and encourage inclusion with the aim of guaranteeing social cohesion and peaceful coexistence.

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LIST OF ACRONYMS

AC	Autonomous Communities
APDHA	Andalusia Human Rights Association
CAR	Refugee Reception Centres
CATE	Centres for the Temporary Assistance of Foreigners
CEAR	Spanish Refugee Aid Commission
CETI	Migrant Temporary Stay Centres
CIRAX	The Spanish Strategic Framework on Citizenship and Inclusion against Racism and Xenophobia
CoE	Council of Europe
CREADE	Reception, Care and Referral Centres
ECRI	European Commission against Racism and Intolerance
EEC	European Economic Community
EU	European Union
FRA	Fundamental Rights Agency
GRECO	Global Programme for the Regulation and Coordination of Immigration in Spain
INE	National Statistics Institute
IP	International Protection
LRASP	Law 12/2009 Regulating the Right to Asylum and Subsidiary Protection
OAR	Asylum and Refugee Office
OBERAXE	The Spanish Observatory on Racism and Xenophobia
OHCHR	Office of the High Commissioner for Human Rights
OL	Organic Law
PECI	Strategic Plan for Citizenship and Integration
SIVE	External Surveillance Integrated System
SP	Subsidiary protection
UGE	Special Unit for Large Companies and Strategic Sectors
UNHCR	United Nations High Commissioner for Refugees

AUTHORS

Dr Gemma Pinyol-Jiménez is Head of Migration Policies and Diversity at the think&do tank Instrategies and associate researcher at GRITIM-Pompeu Fabra University. She is also an expert on migration and diversity management for the Intercultural Cities project at Council of Europe and coordinator of the RECI-Spanish Network of Intercultural Cities.

Sílvia Caraballo was project officer at Instrategies (2018-2021). She graduated in International Relations from the Ramon Llull University and holds an MA in Migratory Studies from Pompeu Fabra University.

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Friedrich-Ebert-Stiftung

Oficina Madrid
C/Manuel Silvela, 7. Bajo dcha.
28010 Madrid

www.fes-madrid.org

Responsible:
Luise Rürup
Representative of Friedrich-Ebert-Stiftung in Spain
and Portugal

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Orders/Contact:
info@fesmadrid.org

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MANAGEMENT OF IMMIGRATION, ASYLUM AND INTEGRATION IN SPAIN



In a short period of time, Spain had to address new and diverse migration flows, adapting its responses and updating the available instruments and tools to manage them. The main instruments were outlined during the early 2000s. Promoting an immigration policy that strengthens relations with third countries has also been a priority for Spain, as has linking it to the EU's common immigration policy. Particularly since 2005, actions carried out by Spanish governments seek to emphasise the need for a European-level migration model.



The focus on irregularity in public discourse, both by political leaders and by the media and social organisations, has ended up distorting perceptions about migration and has affected resources intended for various management instruments.



The absence of a single integration model has allowed many local administrations to play a central role in integration, developing programmes, actions and tools that have had an important impact on helping citizens live together peacefully and promoting social cohesion. However, Spain should work hard to anticipate any problems that may emerge in the future. Debates on migration, citizenship and community are still incipient and there is a risk that their development could end up being led by xenophobic parties and movements, as has happened in other countries.