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EXECUTIVE SUMMARY

Immigration policy in Spain is based on an integrated approach with three lines of action:

- Controlling migratory flows in line with labour market needs and, increasingly, their contribution to the competitiveness of the economy.
- Fostering the integration of immigrants.
- Strengthening the fight against irregular immigration.

In terms of these lines of action, the following particularly relevant developments took place in the year 2013:

Firstly, we saw the creation of a new international mobility scheme aimed at facilitating entrance and the right of residence for international investors, entrepreneurs, highly-qualified professionals, including graduates and post-graduates from prestigious universities and business schools, researchers and intra-corporate movements.

Through this scheme, Spain has broadened the scope of its immigration policy, using it to enhance competitiveness which in turn helps boost the country's economic growth and make its companies more international.

In terms of labour migration, the effects of the economic downturn have led to a drop in the needs to recruit from abroad. Because the management of migratory flows is, generally, carried out in line with the requirements of the national employment situation and bearing in mind domestic and foreign rates of unemployment, priority has been given to the hiring of aliens who already live in Spain. However, as an indication of the importance of cooperation with countries of origin, collective management of the issue at source has continued with countries where there is a migratory flow agreement – Morocco for example - and only for agricultural occupations.

To tackle the unemployment rate caused by the economic situation, actions which boost the employability of unemployed workers, regardless of their nationality, have been encouraged, with a particularly important role played by so-called active employment policies.

Secondly, integration has remained a key dynamic and a two-way mutual interaction process, which requires effort to be made by the authorities as well as a commitment from both the host and immigrant communities. It is very important to note that according to the CIS survey, immigration is not seen as a problem by Spanish society. Nevertheless, the recession and higher unemployment means that authorities are alert to a possible increase in racist or xenophobic behaviour, or actions which are anti-immigrant groups such as those developing in other nearby countries.

Thirdly, and due to Spain's position as an external EU border country, border control is one of the main priorities for the Spanish authorities, with Ceuta and Melilla coming under great migratory pressure. In 2013, according to the Assessment of the Fight
against Irregular Immigration by the Ministry of Interior\(^1\), the illegal entrance of immigrants in 2013 via Ceuta and Melilla increased by 48.5% compared to the previous year. This influx intensified during the first quarter of 2014 and highlighted the need to adopt measures on a European level.

Furthermore, in terms of border control and fight against irregular immigration, the following projects have been developed: the SIVE project which was updated throughout 2013 to increase its technical capacity in three different locations: Malaga, Granada and Ceuta; the Seahorse Mediterranean project: approved in 2013 by the European Commission which allowed EU Member states and Libya to join forces to reduce irregular immigration between Mediterranean countries, constituting a cooperation effort which up until then had focused on the Atlantic Ocean area; the CLOSEYE Project, launched in 2013, was the first European innovation project run and headed up from the start by the State Security Forces. Furthermore, the new facilities of the Coordination Centre for Maritime Surveillance of Coasts and Borders were opened in 2013.

In terms of Spain's participation in the European agency Frontex's work, in 2013 it continued to cooperate in operational terms and in joint Frontex flights organised by Spain and other Member states.

Fourthly, in terms of asylum, 2013 saw the completion of the Common European Asylum System, CEAS, (with Spain actively participating in negotiations). Its completion will have an impact on Spanish law, with the implementing regulation of Law 12/2009, of 30 October, which governs the right to asylum and to subsidiary protection reworked, with the new bill currently in its final drafting stage. Its subsequent approval will help transpose the second wave of legal instruments which make up the CEAS, as it transposes almost all European legislation relating to international protection into Spanish national law.

In 2013 there was a push within the inter-institutional group to create a Framework Protocol on actions for Unaccompanied Foreign Minors, intended to coordinate the activities of all institutions and administrations involved in every stage of the process, from finding the minor or presumed minor to his or her identification, determining his or her age, placing him or her under the care of the social services, and documentation. All institutions and administrations involved have participated in its design and Spain’s Autonomous Communities have been consulted.

Continued attention has also been paid to especially vulnerable groups, such as gender-based violence victims, victims of trafficking and, as of 2013, those benefiting from free legal aid, irrespective of the existence of means to litigate. As well as this, and in order to tackle possible cases of trafficking, a screening and action protocol is being developed with victims of trafficking to cover all public migration centres and NGO-subsidised resources.

Furthermore, throughout 2013 there has been increased training in asylum and international protection. Both the competent authorities in border control, and those in charge of receiving and processing asylum applications or the identification and

\(^1\) Available at: http://www.interior.gob.es/documents/10180/1207668/balance_2013_inmigracion_irregular.pdf/132387b3-d93b-4485-8a5b-1a734359764c
assistance of victims of trafficking, have participated throughout 2013 in a range of training activities with a view to adapting their knowledge and skills to new requirements (technological in the case of borders, adaptation to new protection-seeking groups, in the case of asylum applications).
1. **INTRODUCTION**

This report, drawn up in line with European Migration Network (hereafter, EMN) specifications, outlines the political and legislative developments as well as the most relevant political debates which have taken place surrounding immigration and asylum in Spain in the period from 1 January to 31 December 2013. It is therefore pursuant to Article 9.1 of Council Decision 2008/381/EC creating the EMN.

**Objectives**

The general objective of this report is to provide up-to-date, objective, reliable information which is comparable with that of other Member States on immigration and asylum matters.

Specifically, this study:

- Offers a general overview of the state-of-play of immigration and asylum policies in Spain.
- Provides a brief description of the context in which actions in immigration and asylum have been developed in the year 2013.
- Identifies the main lines of action in immigration and asylum for 2013.
- Provides a detailed description of the developments which have taken place and been rolled out in the following areas: legal and irregular immigration; return, international protection, including asylum, unaccompanied minors and other particularly vulnerable groups, actions to fight against human trafficking, and the relationship between development policy and immigration.
- Establishes, where appropriate, the links between these main actions and the European framework and, in particular, with the commitments covered by the Stockholm Programme.

1.1 **Structure of Immigration and Asylum Policies**

With a view to providing a general overview of the organisation of immigration and asylum policies in Spain, the following offers a brief summary of the existing institutional and legislative structure.

**Institutional Structure**

Responsibility for immigration and asylum is mainly shared among the following Ministries: the Ministry of Employment and Social Security, the Ministry of Interior and the Ministry of Foreign Affairs and Cooperation.

- The Ministry of Employment and Social Security is, pursuant to Royal Decree 343/2012 of 10 February, establishing its basic organisational structure, in charge of developing Government policy in the areas of foreign national affairs, immigration and emigration. It is also in charge of the functional coordination of Immigration Offices, as well as overseeing the Permanent Observatory for Immigration and the Spanish Observatory for Racism and Xenophobia.
- The Ministry of Interior is in charge, pursuant to Royal Decree 400/2012 of 17 February, establishing its basic organisational structure, of controlling the entrance to and exit from national territory of Spanish and foreign nationals; the
prevention, prosecution and investigation of irregular immigration networks; and, in general, the policing of foreign nationals, refugees and asylum and immigration. In particular, it is responsible for the examination and resolution of administrative cases regarding international protection, a power conferred on it by legislation in force and the lodging of motions for resolution in the case of stateless persons.

- The Ministry of Foreign Affairs and Cooperation is, as laid out in Royal Decree 342/2012 of 10 February, establishing its basic organisational structure, responsible for State foreign policy and international development cooperation policy. In this respect it oversees relations with third countries with a view to ensuring cooperation from countries of origin in the control and regulation of migratory flows, as well as national visa policy. It also ensures the protection of Spanish citizens overseas and participates in the proposal and enforcement of foreign policy.

For related matters, the Ministry of Justice (Royal Decree 453/2012 of 5 March, establishing its basic organisational structure) is responsible for the processing and approval or refusal of applications for Spanish citizenship while the Ministry of Health, Social Services and Equality (Royal Decree 200/2012 of 23 January, establishing its basic organisational structure) is responsible for the proposal of laws and measures to fight against the trafficking of women for sexual exploitation, as well as the monitoring and evaluation thereof.

Finally, it is important to highlight the role of the Immigration department of the General Prosecutor's Office, which coordinates and oversees the work of the Public Prosecutor in the following areas:

- The prosecution of human trafficking crimes, forced prostitution, offences involving the aiding and abetting of irregular immigration, crimes against the rights of foreign workers, as well as the protection of victims of human trafficking.

- In cases of Unaccompanied Foreign Minors, intervening in procedures to determine age and repatriate Unaccompanied Foreign Minors as well as in the coordination of the Unaccompanied Foreign Minors Register.

- Reports on preventive detention of aliens and regular visits to Spanish Detention Centres.

- Immigrant removal authorities, in place of criminal proceedings (article 57-7, Organic Law 4/2000, on the rights and freedoms of aliens in Spain and their social integration) as well as in matters relating to removals as a substitute for sentences and security measures.

Immigration policy, as a State policy, falls within the exclusive remit of the State. However, Spain's Autonomous Communities and local authorities have responsibility for other related policies (education, active employment policies, housing, health, social services, etc.) which have an impact on foreign nationals because of their transversal nature.
Furthermore, and in addition to its competency in these policies, the Autonomous Community of Catalonia\(^2\) is also responsible for issuing initial work authorisations to nationals from third countries seeking employment in the region.

In relation to the Autonomous Communities, it is necessary to highlight the role of the Sectoral Conference on Immigration and Emigration as a multilateral cooperation body.

Finally, we must also mention the participation of the main social partners and of non-governmental organisations both in institutional matters (in various Administration advisory bodies), and in the development of actions related to immigration issues themselves. The main consultation and participation spaces are the Forum for the Social Integration of Immigrants and the Tripartite Labour Commission on Immigration. In accordance with Article 70 of Organic Law 4/2000 of 11 January on the rights and freedoms of aliens in Spain and their social integration, the tripartite and balanced Forum for the Social Integration of Immigrants, made up of representatives of Public Administrations, immigrant associations and from other organisations interested or involved in immigration matters, including among others the most representative trade and employers’ unions, is an advisory body providing information and assistance in immigrant integration matters. For its part, the Tripartite Labour Commission of Immigration provided for in Article 72 of the aforementioned law, is the collegiate body attached to the Ministry of Employment and Social Security, which includes the most representative trade and employers’ unions. The latter is informed on the development of migratory movements in Spain and is at all times consulted about a series of proposals such as, for example, proposals for a National Shortage Occupation List, any provisions within the framework of the collective management of hiring in countries of origin and any provisions for the hiring of seasonal workers which are determined.

**Legislative**

The basic legal framework for immigration comes from Organic Law 4/2000 of 11 January on the rights and freedoms of aliens in Spain and their social integration (hereafter, LOEX), its implementing Regulation, approved by Royal Decree 557/2011, of 20 April (hereafter, RLOEX) and Law 14/2013 of 27 September on support to entrepreneurs and their internationalisation.

The system for citizens of European Union Member States and those of other States party to the Agreement on the European Economic Area is outlined in Royal Decree 240/2007 of 16 February on the entrance, free circulation and residence in Spain of citizens of European Union Member States and other States party to the Agreement on the European Economic Area, amended by Royal Decree-Law 16/2012 and developed in Order PRE/1490/2012 of 9 July.

In terms of international protection law, the legislation of reference is Law 12/2009 of 30 October, which governs the right to asylum and subsidiary protection\(^3\). Until the approval of the new regulation the following apply, where they do not contradict the Law on Asylum and Subsidiary Protection of 2009: the implementing regulation of Law

\(^2\) Royal Decree 1463/2009 of 18 September on the transfer of functions and services to the Government of Catalonia in matters of immigration: initial self-employment or paid work authorisations for aliens seeking employment in Catalonia, BOE (Official State Bulletin) no. 229 of 22 September.

\(^3\) Whose Article 40 referring to family reunification has recently been modified by Law 2/2014 of 25 March, on the External Action and Service of the State.
2. OVERVIEW OF DEVELOPMENTS IN IMMIGRATION AND ASYLUM POLICIES

2.1 Political developments

In 2013 the scope of immigration policy was significantly broadened. Its original scope, as seen in LOEX and its implementing regulation, focused only on bringing labour migration flows in line with labour market needs. Law 14/2013 of 27 September on support to entrepreneurs and their internationalisation injected a more dynamic economic approach. Immigration policy is also seen as an area which can improve competitiveness, optimising the contribution made by the foreign sector to growth and job creation.

2.2 General developments in immigration and asylum

Generally-speaking, and without prejudice to the more detailed study offered by the next sections, the following main developments seen in the year 2013 stand out:

- **Law on entrepreneurs and their internationalisation: configuration of a unique legal framework boosting international mobility.**

  Following the assessment of regulatory legislation on skilled immigration in Spain, in September 2013, Law 14/2013 of 27 September was approved, to support entrepreneurs and their internationalisation. This Law dedicated Section 2 of Chapter V to "International Mobility", with a view to making it easier for skilled immigration categories identified in the law to enter and remain in Spain for reasons of economic interest.

  This Law is analysed in detail in Epigraph 3.2.1 of this report.

- **Decreasing needs for hiring abroad and increased employment of aliens already residing in Spain: improved employability.**

  The control of labour flows in line with labour market needs has led, over the past few years, to the instruments which allow for the contracting of non-resident nationals of third countries (the National Shortage Occupation List and contracting through Collective Management of Hiring in Countries of Origin) being limited (an aspect which will be examined in closer detail in Epigraph 3.2.2 of this report), giving priority to the hiring of aliens already residing in Spain along with Spanish nationals and EU citizens. As a result, the number of residence and initial work authorisations awarded to non-residents has fallen considerably.

  Furthermore, and bearing in mind the state of the labour market, we have seen a continued push in actions which improve the employability of the unemployed to foster their integration into the labour market.

- **Importance of integration policy**

  The main objective of integration policy is to equip aliens with the right tools for them to be independent as well as able to exercise their rights and to meet their obligations,
based on the principle of providing equal treatment to that of nationals. This integration is based on a mutual commitment.

2013 also saw the continuation of reception programmes to meet the basic needs of and support the integration of socially-vulnerable immigrants or those at risk of social exclusion.

**Border control and fight against irregular immigration: smart borders and international cooperation**

Border control is one of the major lines of action pursued by the Spanish authorities due to the country's geographical position as an EU external border state. Epigraph 3.5.2 of this study outlines the actions developed in this area during 2013.

**Completion of the Common European Asylum System at a European Level**

At a European Union level, in 2013 the Common European Asylum System was completed (with active participation from Spain in negotiations).

At national level, Spain has continued to work on the implementing legislation for Law 12/2009 which governs the right to asylum and subsidiary protection. With its approval, planned for 2014, European legislation relating to international protection will be incorporated into Spanish law, making it one of the major objectives for the reinforcement of the rights and guarantees of applicants and beneficiaries of international protection, providing further clarity and quality to the procedure.
3. LEGAL MIGRATION AND MOBILITY

3.1 Promotion of legal and controlled immigration

For more than a decade now, Spain has been one of the top five countries in the world in terms of numbers of immigrants. The Spanish economic situation has required efforts to be focused on two areas:

- A focus on the effects of the recession on the resident immigrant population. Foreign nationals have been working in sectors such as construction or services, which have been the most affected by the economic downturn. As a result, action has centred on:
  - Active employment policies which have helped boost employability
  - The implementation of mechanisms to prevent immigrants from becoming irregular
  - Assisted voluntary return policies, offering full unemployment benefits, or through aid to vulnerable groups.
  - Control of the entrance flow of workers, giving priority to aliens already living in Spain.
- Maximise opportunities for skilled immigration to contribute to growth and the internationalisation of the Spanish economy, through the establishment of a new international mobility model

3.1.1 Students and researchers

Main developments

During 2012, work was completed on the assessment and evaluation of the system for the attraction of foreign researchers (within the reflection process which will be outlined in greater detail in Epigraph 3.2.1 of this study). This highlights the need to foster the attraction of researchers to R+D+i activities both through public centres and through research units as well as to develop business entities with a view to encouraging increased private investment in such activities.

In this respect, 2013 saw further developments through Law 14/2013, providing support for entrepreneurs and their internationalisation, which established more flexible procedures that made it easier for aliens who wish to undertake training, research, development and innovation activities in public or private entities to enter and remain in Spain, including:

a) Research staff covered by the Science, Technology and Innovation Act, Law 14/2011.

b) Scientific and technical staff carrying out scientific research, development and technological innovation work, in businesses or R+D+i centres in Spain.
c) Researchers covered by the framework in a convention signed by public or private research bodies, in line with the regulatory conditions established.

d) Teaching staff contracted by universities, organisations or centres of higher education and research, or established business schools.

It should also be noted that Spanish universities are currently involved in an **internationalisation process**. This process could be further boosted following approval of the proposal for a Directive relating to entry and residence requirements for foreign nationals for research, studies, student exchange, remunerated and unremunerated training, volunteer work and au pairs which is currently under negotiation in the European Union and which requires the recast and improvement of already existing Directives (for students: Directive 2004/114/EC of 13 December 2004; and for researchers, Directive 2005/71/EC of 12 October 2005).

Figures on foreign students

Given the figures provided by the Minister of Education, Culture and Sport for the academic year 2012/2013\(^4\) on international students enrolled in the higher education system, we can offer the following analysis:

Although the number of university students has fallen in real terms by 0.5%, **the number of aliens has nonetheless continued its upward trend, rising** during the academic year 2012-2013 to 74,297 students, of which 53,832 are enrolled in first and second stage undergraduate degrees and 20,465 in masters degrees.

If we look at the origin of these students by academic level, we can see that students from the Americas and Asia and Oceania show the highest level of demand for masters degrees: 59.1% of students coming from the USA and Canada, 40.9% from Latin America and the Caribbean and 37.9% from Asia and Oceania. The rest of the foreign students request to study more undergraduate degrees than masters. However, it should be noted that undergraduate students from the USA and Canada only account for 1% of the total number of foreign students enrolled at this level, and 3.4% of those studying for a masters. The largest number of foreign students enrolled in a masters come from Latin America and the Caribbean, who represent 53.7% of aliens. We are seeing a slight increase in the number of Asian students enrolled at Spanish universities: at undergraduate level they account for 8.4% of the total number of foreign students and at masters level 13.5%.

According to the Ministry for Education, Culture and Sport, the main reason for the lower number of foreign students enrolled in official undergraduate university courses is that admission requirements constitute a genuine hurdle for students who have studied in other foreign education systems. As a result, Article 38 of Organic Law 8/2013 of 9 December on the improvement of the quality of education, modified the admission requirements for the Spanish university system. With this new regulation, students from foreign education systems will no longer need to pass university admission tests as an

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entry requirement, but will instead merely need to hold a Baccalaureate or equivalent qualification and complete the procedures established by the universities themselves.

Foreign students 2012/-2013 academic year and change.

Foreign students in Spanish University System. Academic year 2012-2013(1)

<table>
<thead>
<tr>
<th></th>
<th>Enrolled</th>
<th>Graduated</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Total</td>
<td>Foreign students</td>
</tr>
<tr>
<td>Total</td>
<td>1,561,123</td>
<td>74,297</td>
</tr>
<tr>
<td>Undergraduate students</td>
<td>1,046,570</td>
<td>42,070</td>
</tr>
<tr>
<td>First and Second cycle students</td>
<td>403,466</td>
<td>11,762</td>
</tr>
<tr>
<td>Masters students</td>
<td>111,087</td>
<td>20,465</td>
</tr>
</tbody>
</table>

Evolution in number of foreign students in Spanish University System

<table>
<thead>
<tr>
<th></th>
<th>Enrolled</th>
<th>Graduated</th>
</tr>
</thead>
<tbody>
<tr>
<td>Undergraduate and First and second cycle</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total foreign students</td>
<td>37,049</td>
<td>41,862</td>
</tr>
<tr>
<td>% Foreign students</td>
<td>2.7%</td>
<td>3.0%</td>
</tr>
<tr>
<td>Annual variation rate</td>
<td>--</td>
<td>13.0%</td>
</tr>
<tr>
<td>Masters</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total foreign students</td>
<td>11,439</td>
<td>14,516</td>
</tr>
<tr>
<td>% Foreign students</td>
<td>22.7%</td>
<td>17.8%</td>
</tr>
<tr>
<td>Annual variation rate</td>
<td>--</td>
<td>29.9%</td>
</tr>
</tbody>
</table>

Source: University Student Statistics Integrated University Information System (Sistema Integrado de Información Universitaria - SIUI). Provisional data

In terms of doctorates, in 2012 (the last year for which data is available) 10,531 such courses were studied, 25% of which were these were studied by foreign students. Of those, 60.6% were students from Latin America and the Caribbean and 25.9% from EU Member States.
Furthermore, the number of student residence authorisations issued in 2013 was 52,263 and 32,426 were extended.

3.1.2 Other kinds of legal immigration

During 2013, and in terms of the measures adopted to improve available information on the routes and conditions of legal immigration for third country nationals, work has been ongoing in:

1. Improved available information on legal immigration channels. The General Secretariat for Immigration and Emigration's website has been updated, where all information relating to immigration can be accessed:
   - legislation and case law relating to immigration issues.
   - application models.
   - information pamphlets on residence and the hiring of foreign workers.

   The most recent update made to the website was to translate the application models for authorisations planned under Law 14/2013 into English, French, German, Arabic, Chinese and Russian.

2. Update of content relating to the European Immigration Portal.

3. Production of information pamphlets on requirements and procedures for the request of authorisations planned under legislation.

4. Production of information leaflets on the kinds of authorisations, available in Spanish, English, and French. These can be found in paper format in the headquarters of Immigration Offices and can be downloaded online at the following address.

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7 [http://extranjeros.empleo.gob.es/es/InformacionInteres/FolletosInformativos](http://extranjeros.empleo.gob.es/es/InformacionInteres/FolletosInformativos)
5. Furthermore, specific work is being done in border areas with information available in various languages.

3.2 Economic immigration

3.2.1 Law 14/2013 supporting entrepreneurs and their internationalisation

Starting point

In 2012 an assessment of the legislation currently in force on skilled immigration and investor attraction policy in Spain as well as the legislation in other OECD member states on these issues was carried out.

Of the conclusions drawn, what stood out was the fact that the Spanish system lacks the flexibility required in a modern economy. Furthermore, it has not adjusted to the requirement for companies to become more international, which constitutes a barrier to market unity, given that work authorisations are geographically limited. This assessment nevertheless highlighted the fact that there is one good practice in use: that of the Unit of Major Companies and Strategic Collectives (Unidad de Grandes Empresas y Colectivos Estratégicos - hereafter, UGE) in charge of the processing of cases which present conflicting economic, social and labour interests.

As a result of this assessment and given the fact that the institutional and regulatory environment of the host country is a basic factor in fostering entrepreneurship and competitiveness, an inter-ministerial workgroup was created to establish a new visa and authorisation system which would help boost investment and foster the internationalisation of companies, and which optimises already-existing UGE experience. This workgroup, as well as having the usual stakeholders (MAEC, the Ministry of the Interior, the Ministry of Employment and Social Security) also included representatives from the State Secretariat for Trade to offer a commercial perspective when defining the new policy.

Implications of and changes to the Law

Due to the specific nature of the groups it governs, the legislator decided to draw up special legislation which can co-exist with the general immigration system and which has its own specially-designed characteristics to foster the entry of investment and talent through quicker procedures and specialised channels which stimulate sustainable and smart economic growth (in line with the Europe 2020 Strategy).

Law 14/2013, of 27 September, on support to entrepreneurs and their internationalisation dedicated Section 2 of Chapter V to "International Mobility". The objective of this section is to:

- Foster economic growth through the internationalisation of Spanish companies and, as a result, create jobs.

- Make it easier for the following skilled and highly-skilled immigration categories to enter and remain in Spain for reasons of economic interest:
  - Investors
• Entrepreneurs
• Highly-skilled professionals, also including graduates and postgraduates from universities and business schools recognised for their prestige
• Researchers
• Workers transferring within a company.
• Family members

In relation to these groups and to effectively facilitate entry and the right to remain for nationals from third countries, the following changes have been introduced:

• Quicker processing (visas are processed within 10 working days and residence authorisations within 20) and centralisation within a one-stop-shop, in the case of authorisations: UGE.

• Ability to submit documents in any public registry office in Spain.

• Creation of a single authorisation: The residence authorisation allows the individual to remain and work, and is valid throughout the national territory.

• The national employment situation does not apply, given the contribution they can make to economic growth.

• Ease of family reunification: joint and simultaneous processing of residence authorisations for spouses and children and the right to work for the spouse.

• Non-discrimination and equal treatment.

Law 14/2013 also places particular emphasis on the hiring of nationals from third countries in strategic sectors and allows, through the approval of a Ministerial Order by the Ministry of the Presidency on the joint initiative of the Ministry of Employment and Social Security and Ministry of Economy and Competitiveness, for an exception to be made in the case of this recruitment, in light of the national employment situation.

The implementation of this new framework also requires a joint effort from the following Departments:

• The Ministry of Economy and Competitiveness has a key role to play in the framework of the new law, as it is responsible for drawing up investment valuation reports (either by the Directorate General for Trade and Investments, or by the Economic and Trade Offices).

• The Ministry of Employment and Social Security: residence and work authorisations are managed through the UGE.

• The Ministry of the Interior: in charge of managing security, it publishes a report prior to the issuing of visas.

• The Ministry of Foreign Affairs and Cooperation: in charge of issuing visas.
As well as these, a website on international mobility has been created to make information more accessible to interested persons.

The Law therefore constitutes a cutting-edge instrument for Spain but one which already exists in other countries and which is essential to meet labour market needs in the current climate, boosting the contribution of immigration policy to economic growth in a similar way to that seen in other OECD countries. The implementation of this new legislative framework is in line with commitments made under the Stockholm Programme, specifically Commitment 6.1.3 which recognises that: "labour immigration can contribute to increased competitiveness and economic vitality" and calls for "the creation of flexible admission systems"; and also in line with the National Reforms Programme of Spain, where this is pinpointed as an element which can help change the production model.

### 3.2.2 General labour migration

#### Needs for hiring from abroad

The current economic climate showed positive signs of recovery in 2013, although the heavy impact of the downturn on the labour market over the past few years has led to high levels of unemployment, with foreign nationals the hardest hit. In this respect, the Active Population Survey for the fourth quarter of 2013\(^8\) stated that there were 5,896,300 unemployed persons, which gives an unemployment rate of 26.03%. However, this figure is lower than the previous year (5,965,400 unemployed in the last four months of 2012), with a drop in 69,000 people over one year. In terms of nationality, the unemployment rate for the foreign population is 36.60%, more than 12 percentage points higher than the rate for Spanish nationals (24.30%).

Employment figures fell by 65,000 people over the last quarter of 2013, reaching a total of 16,758,200 people in employment. However, it is important to note that this is the smallest decrease in the number of employed individuals in a fourth quarter since 2008, and the quarterly variation in employment is -0.39%.

The effects of the recession have led to a decline in the need to hire abroad (something which was referred to back in the 2012 Annual Immigration and Asylum Policy Report), with priority given to the hiring of residents.

Specifically, 2013 saw an extension to the validity of Order ESS/1/2012, of 5 January, which governs collective management of hiring in countries of origin for 2012, exclusively for the hiring of workers for seasonal agricultural work, and aimed at countries with which there is an established agreement on migratory flow regulation. In spite of the labour market situation, this instrument has been maintained given the role it has as a circular migration best practice and cooperation tool with countries of origin (as is the case for Morocco).

In terms of the National Shortage Occupation List, and in a similar way to that seen in 2012, the posts offered nationwide only included positions in the merchant navy and for professional sportmen, given the labour market situation.

**Improved employability of aliens residing in Spain**

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\(^8\) [http://www.ine.es/daco/daco42/daco4211/epa0413.pdf](http://www.ine.es/daco/daco42/daco4211/epa0413.pdf)
In terms of the above and due to the greater impact of the recession on sectors with a large number of foreign workers, as well as the need to adapt their skills to the new labour market requirements, it is important here to outline the Annual Employment Policy Plan 2013. This is a coordination tool for the National Employment System, which comprises of both the Public National Employment Service as well as Public Employment Services run by the Autonomous Communities.

The plan established the following for this year: the objectives of the Spanish Employment Strategy to be met nationwide and in the various Autonomous Communities; indicators to be used to ascertain the extent to which these have been met; and the actions and measures of active employment policies which are to be carried out both by the Public National Employment Service and by employment services run by the Autonomous Communities.

Third-country nationals can benefit from the measures developed, because of their status as workers and as a priority group due to their greater risk of social exclusion (for example, the Plan foresees action to be taken by the Chartered Community of Navarre in terms of the signing of conventions with bodies to foster integrated actions for the socio-occupational integration of immigrants).

There are also other actions linked to improved employability, such as: the recognition of qualifications or the "Prepara" Plan (which, like active policies, will be further explored in Section 3.4).

Similarly, the operational European Social Fund 2007-2013 Programme: "Fight against Discrimination" provides for specific measures aimed at fostering the employability of immigrants. This views the fact that immigrants' professional skills and their training are not adapted to a different labour market context as one of the factors which could affect their socio-occupational integration. This is a factor which particularly affects asylum seekers due to their possible lack of acceptable documentation proving their training in their country of origin as a result of the situation in that country or the conditions under which they left. This is mitigated to a large extent by "administrative aid" which is offered within the scope of international protection by the Asylum and Refugee Office under Article 25.1 of the Geneva Convention.

3.2.3 Cooperation with partners and third countries in the sphere of economic immigration

Bilateral agreements on regulation and management of labour migration flows

Bilateral agreements on regulation and management of labour migration flows are an essential part of the Spanish immigration model which help, on the one hand, to balance job supply and demand and, on the other, help further fight against irregular immigration (an aspect which will be covered in further detail in section 8).

As of 2013, Spain had not signed the new Bilateral Agreements on Immigration although, due to their importance, it had continued to work on already existing Agreements on migratory flows for the collective hiring of seasonal workers. To date,

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9 Resolution of 28 August 2013, of the State Secretariat for Employment which published the Council of Ministers’ Agreement of 2 August 2013.
Spain has signed six bilateral agreements of this nature with Colombia, Ecuador, the Dominican Republic, Morocco, Mauritania and Ukraine.

**Bilateral agreements for the mobility of young professionals**

In bilateral matters, during 2013 work continued on the revision of the implementation of agreements in force for the mobility of young professionals with Canada and New Zealand, to ensure this is stepped up, and work is ongoing on the possible signing of agreements of a similar nature with other countries.

**Mobility Agreements**

On 7 June 2013 the Joint Declaration establishing the Mobility Partnership (MP) with Morocco, which Spain is a part of along with other EU Member States (Belgium, Germany, France, Italy, the Netherlands, Portugal, Sweden and the United Kingdom), was signed by mobility associations who became members of the EU Council through the High Level Working Group on Asylum and Immigration (HLWG) in 2012.

Within the framework of this mobility partnership, Spain is carrying out important technical support and assistance projects with Moroccan authorities in the design and implementation of the updated Moroccan immigration policy which has an impact on the protection of human rights. An example of this is the projects which the Ministry of Employment and Social Security is carrying out with the Moroccan Employment Agency (ANAPEC) or the support and technical assistance work it is doing in the design of a new Moroccan immigration policy.

**3.3 Family Reunification**

In 2013, a total number of 23,107 family reunification authorisations were issued.

The legislation on family reunification established in Organic Law 4/2000 of 11 January, on the Rights and Freedoms of Aliens in Spain and their Social Integration, has not undergone significant change. Pursuant to Article 18 of the Law, aliens may exercise their right to family reunification only where they have had their initial residence authorisation renewed. However, this requirement is not enforceable for some groups, as in the case of workers who hold an EU blue card and for beneficiaries of the special regime for researchers where this can be requested at the same time as the immigrant seeking reunification's application for residence. In each case, the immigrant seeking reunification must be able to demonstrate that they have sufficient housing and financial means to meet their needs and those of their family, once reunited.

Similarly, Law 14/2013, on support for entrepreneurs and their internationalisation, introduces a family reunification system for categories included in its scope which is characterised by joint processing (joint and simultaneous or successive application) of the visas and authorisations of the foreign national as well as those of their family members: spouse and children under 18, or over this age where they are unable to provide for themselves due to their state of health.

Finally, action by the Administration in 2013 focused on fostering the integration of reunited family members, for example through aid to local authorities and NGOs to ensure that the arrival of reunified family members takes place in conditions which ensure that they will be integrated into the host society.
3.4 Integration

The importance of immigration integration policies in the current climate

The National Action Plan for social inclusion 2013-2016, identifies the immigrant population as one of the most vulnerable groups in Spanish society, given the higher impact the recession has had on them and their higher poverty rates.

Integration policy is based on a two-way commitment by the immigrant, the authorities and the host society, whose ultimate goal is to completely integrate immigrants into Spanish society and make them fully independent, which allows them to freely exercise their rights and responsibilities.

According to the Stockholm Programme, "the successful integration of legally resident third-country nationals remains the key to maximising the benefits of immigration". Integration is therefore one of the three essential lines of action which shape Spanish immigration policy.

Immigrant care in this context has been coordinated in the following areas:

a. Active employment policies.

b. Full reception policies.

c. Voluntary return programmes.

d. Prevention of job loss for migrants.

e. Integration through participation

We shall now look in brief detail at each of these areas.

a. Active employment policies.

Bearing in mind that employment is one of the fundamental areas where integration of migrants in host societies can be improved, it is necessary to briefly mention so-called active employment policies as one of the key areas of integration policy (these are referred to in Section 3.2.2 of this study).

Active employment policies cover a series of guidance, employment and training programmes and measures which are intended to improve access to jobs for the unemployed, adapt training and retraining for jobs to workers and foster an entrepreneurial spirit and the social economy while paying particular attention to groups who have greater difficulty in accessing work (either for structural or for cyclical reasons) for whom specific measures are developed. When we look at these objectives,

\[\text{Available at:} \quad \text{http://www.msssi.gob.es/ssi/familiasInfancia/inclusionSocial/docs/PlanNacionalAccionInclusionSocial_2013_2016.pdf}\]
we can see that active employment policies are designed to be aimed at the general population and are intended to benefit immigrants in their capacity as workers and also given their status as a priority group due to their greater risk of social exclusion.

All workers, regardless of nationality, benefit from the following policies:

- Recruitment support programmes. These programmes encourage the employability of workers and the unemployed through subsidies for the hiring of those who directly benefit companies, vocational schools and organisations which contract certain persons. The most notable measures in this area are recruitment bonuses, the hiring of students participating in vocational schools, employment offices or workshops, recruitment under the Supply of Agricultural Work Plan; or the seasonal recruitment of unemployed persons in cooperation with local authorities or in cooperation with various public bodies and not-for-profit entities.

- Information, guidance and searching for employment and self-employment. Guidance work includes the definition of socio-occupational integration plans adapted to the economic reality of the moment, and applicable both to salaried work as well as to self-employment. These plans are carried out by public employment service guidance workers working with the job-seeker, the idea being to improve their employability and promote their socio-occupational integration.

- Professional training for employment, both on the demand side and the supply. Training on the demand side covers training actions carried out by the companies themselves, as well as individual training authorisations which allow the employee to attend courses during working hours. For its part, the supply side is aimed both at employed workers, with a view to fostering their professional progression, as well as at unemployed persons, with a view to fostering, in this instance, their occupational integration.

- Closely linked to professional training for employment are certificates of professional standards, regulated by Royal Decree 34/2008 of 18 January. These certificates are an official accreditation tool for professional qualifications in the National Shortage Occupation List in the field of occupational administration, and are official and valid nationwide. These certificates are of great importance, given that in order to obtain them one must not only pass all the modules which make up the certificate of professional standards but also the procedures established for the assessment and accreditation of professional skills acquired through work experience or through informal training channels.

Furthermore, in the year 2013 the Royal Decree-Law 1/2013 of 25 January was passed, which extended what is known as the Prepara Plan, a professional retraining programme for people who have used up their right to unemployment benefits (based on active employment policy actions and on the reception of economic support) and other urgent pro-employment and social protection measures have been adopted for unemployed persons. Although this programme is not specifically aimed at immigrants, it is important to bear in mind that this group has higher unemployment levels than national workers and comes to a large extent from economic sectors which have suffered the most from job destruction.
b. Full reception programmes.

Within the integration policy the most notable programmes include those of full reception to meet the basic needs and offer support for the integration of socially-vulnerable immigrants or those at risk of social exclusion (which give priority to people in particularly vulnerable circumstances: women, young people, children, the elderly, the illiterate or those who are disabled or victims of human trafficking for sexual exploitation). The idea of these programmes is to provide immigrants with the necessary tools to ensure a sufficient level of autonomy, providing access to goods and services and fostering the exercise of rights and meeting of responsibilities in equal conditions to those offered to the resident population.

For their part, Centres for Migration also develop programmes aimed at promoting, along with occupational integration, social inclusion and development, encouraging in particular the development of courses for language learning and the acquiring of basic social skills.

c. Voluntary Return Programmes: the importance of cooperation with countries of origin.

Such programmes are subject to analysis in Section 9, fully focused on return.

d. Prevention of job loss for migrants.

Another of the aspects of the integration policy is the prevention of immigrant job loss. In this respect, the so-called Integration Effort Report is of particular importance.

This is a report published by an Autonomous Community, which highlights the level of integration in society. A citizenship application is issued by a foreign national who wishes to:

- Renew their temporary residence-only authorisation.
- Renew their temporary residence authorisation for family reunification.
- Renew their temporary residence and salaried or self-employed work authorisation.

It is not compulsory to submit this report, but it may be requested by the foreign national should they not fulfil one of the requirements for the renewal of their authorisation and will be taken into account as useful information for the immigration office.

From the 1st of January 2012 to the 1st of June 2013, a total number of 1,093 Integration effort reports were issued.

e. Integration through participation
With a developed framework of the rights and responsibilities of migrants in existence at legislative level, in 2013 the Spanish Administration has focused part of its actions on promoting these rights and responsibilities through grants to social not-for-profit entities and local authorities (whose role is essential for integration) with the inclusion of programmes which support the participation of the immigrant population, for example: programmes which foster association movements, participation and cooperation; which promote intercultural mediation in education, health, neighbourhood and social areas.

Specifically, integration efforts undertaken in neighbourhoods with a large immigrant population have been strengthened, through the development of full integration programmes leading to actions in at least three of the following areas: Reception; Education; Health; Social and Inclusion Services; Coexistence; Equal Treatment and Fight against Discrimination; Childhood, Youth and Families; Gender and Participation and Civic Education.

The economic contribution of the Framework Agreement for Solidarity and Management of Migratory Flows, through so-called Migration Funds (European Fund for the Integration of third-country nationals, European Refugee Fund, European Return Fund) as well as the European Social Fund have been decisive in the development of these integration policies and programmes.

Furthermore, the participation of immigrants in public action programmes is coordinated through the Forum for the Social Integration of Immigrants, a channel for participation and dialogue in the quest for solutions required by the immigrant population, jointly with other organisations and institutions.

In addition, Spain currently has reciprocity agreements on the recognition of the right to vote in municipal elections with 12 countries (namely, Norway, Ecuador, New Zealand, Colombia, Chile, Peru, Paraguay, Iceland, Bolivia, Cape Verde, South Korea and Trinidad and Tobago). Citizens from those countries will be able to vote in line with the conditions laid out in the corresponding agreements.

**Integration of minors**

Whilst employment is seen as the main channel for the successful integration of adult foreign nationals, education is the key area for the integration of minors. Therefore, when it comes to minors, it is important to note that education is compulsory and free for all those aged under 16, regardless of their administrative status. Furthermore, proof of a minor's education is a requirement of their parents when they come to renew their residence authorisation and will also need to be verified during the application for long-term residence.

The overall figure of students without Spanish nationality enrolled in non-university education for the academic year 2012-2013\(^\text{11}\) was 755,156, a decrease of 26,080

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students (-3.3%) compared to the previous year. However, the evolution in different sectors to the education system varies.

On the one hand, it is important to highlight the fall in the number of foreign students enrolled in the stages of basic education; for students enrolled in Primary Education this was 17,282 (-6.3%), and 11,431 for those in Compulsory Secondary Education (-5.3%). Apart from the evolution in entry-exit flows, these figures may have been influenced by nationalisation processes and the transition of students themselves between the various levels of education. In contrast, the number of foreign students in nursery school grew by 4,945 (+3.4%), which may have been influenced by the increased number of foreign national children of this age who were born in Spain.

The number of foreign students enrolled in post-compulsory education has also risen, by 1.7% at Baccalauréate level and by 4.9% in Higher Level Education Cycles, which could have been affected by increased access from compulsory education, as well as the possible return to the education system of those who had dropped out previously when they reached the age where school is no longer compulsory.

In terms of nationality of origin, there continues to be a noticeable presence of students from Central and South America, accounting for 33.9%, very closely followed by Europeans at 30.1% and by those of African origin at 27.5%. In terms of countries, of particular note are Morocco with 164,680 students, Romania with 98,790, Ecuador with 66,656 and Colombia with 41,723 students.

Foreign students by stage of education and variation compared to previous academic year

<table>
<thead>
<tr>
<th>Stage of Education</th>
<th>2011-12</th>
<th>2012-13</th>
<th>Variation absolute</th>
<th>Variation percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>TOTAL (2)</td>
<td>781,236</td>
<td>755,156</td>
<td>-26,080</td>
<td>-3.3%</td>
</tr>
<tr>
<td>Total in General System</td>
<td>748,812</td>
<td>726,716</td>
<td>-22,096</td>
<td>-3.0%</td>
</tr>
<tr>
<td>Nursery Education</td>
<td>144,369</td>
<td>149,314</td>
<td>4,945</td>
<td>3.4%</td>
</tr>
<tr>
<td>Primary Education</td>
<td>272,305</td>
<td>255,023</td>
<td>-17,282</td>
<td>-6.3%</td>
</tr>
<tr>
<td>Special Education</td>
<td>3,955</td>
<td>4,041</td>
<td>86</td>
<td>2.2%</td>
</tr>
<tr>
<td>Compulsory Secondary Education</td>
<td>215,386</td>
<td>203,955</td>
<td>-11,431</td>
<td>-5.3%</td>
</tr>
<tr>
<td>Baccalaureate</td>
<td>46,448</td>
<td>47,258</td>
<td>810</td>
<td>1.7%</td>
</tr>
<tr>
<td>Intermediate further education and training (1)</td>
<td>30,215</td>
<td>31,695</td>
<td>1,480</td>
<td>4.9%</td>
</tr>
<tr>
<td>Higher further education and training (1)</td>
<td>18,545</td>
<td>18,045</td>
<td>-140</td>
<td>-0.8%</td>
</tr>
<tr>
<td>Initial professional qualification programmes</td>
<td>17,589</td>
<td>17,025</td>
<td>-564</td>
<td>-3.2%</td>
</tr>
<tr>
<td>Total in Special System</td>
<td>32,424</td>
<td>28,375</td>
<td>-4,049</td>
<td>-12.5%</td>
</tr>
<tr>
<td>Special Education - Artists</td>
<td>5,313</td>
<td>5,185</td>
<td>-128</td>
<td>-2.4%</td>
</tr>
<tr>
<td>Special Education - Languages</td>
<td>27,007</td>
<td>23,088</td>
<td>-3,919</td>
<td>-14.5%</td>
</tr>
<tr>
<td>Special Education - Sports</td>
<td>104</td>
<td>102</td>
<td>-2</td>
<td>-1.9%</td>
</tr>
</tbody>
</table>

(1) Includes face-to-face and distance learning
(2) For the academic year 2012-2013 this includes students for whom there is no teaching

Source: Non-university Education Statistics. 2012-2013

Language teaching

At international level, one of the fundamental aspects for the integration of foreign nationals has proven to be knowledge of the official language in the host country. It is important to note in this respect that, in the case of Spain, most of the foreign population comes from countries where Spanish is spoken, which means that the need to learn this language is limited only to certain countries of origin (and learning the language is occasionally included in full reception programmes). Of particular interest is the work
done by the Instituto Cervantes, a public institution which promotes Spanish language and culture, which has continued its promotional work and teaching of the Spanish language throughout 2013.

**Fight against discrimination and diversity management programmes**

Fight against discrimination, xenophobia and other kinds of intolerance

The context of the recession requires efforts to be stepped up to prevent racist and xenophobic attitudes, since the crisis and unemployment can serve as a hotbed for these attitudes. In this respect, the Spanish Government is committed to fight against racism and xenophobia in the conviction that the elimination of such attitudes and of intolerance is the only way to ensure that all citizens can enjoy the same rights, ensuring human dignity and social cohesion.

The "Integrated Strategy against racism, racial discrimination, xenophobia and other kinds of intolerance" (approved by the Government on 4 November 2011) attempts to reflect all policies and actions developed to combat such attitudes, fostering and supporting the actions of both public authorities and civil society in this area.

Within the framework of the Strategy, the fight against racist and xenophobic actions has led during 2013 to the appointment of new public prosecutors specialised in these hate crimes and a reform bill for the Criminal Code has been developed to combat them. Furthermore, the Criminal Statistics System has been modified in line with international requirements for the collection and publication of statistics on racist incidents.

**Training and awareness actions**

Due to the encouraging results achieved in 2012 through the European Project "Training to Identify and Record Racist Incidents" with a view to training members of the Security Forces on racism in Spain, actions with the same aim were developed throughout 2013, with training on racism in two new areas - education and the justice administration. Specifically, in the latter of these areas, work is being carried out in cooperation with the Public Prosecutor's Office, the General Council of Judicial Power and the Ministry of Interior and will include public prosecutors, judges and court clerks.

**Diversity management actions**

In terms of diversity management in organisations and the drive for integration within the latter, in 2013 work has been done on the GESDIMEP (Gestión de la Diversidad en la Pequeña y Mediana Empresa) Project on "Diversity Management in Small and Medium Enterprises" (to be launched in 2014).

This project is a follow up to the GESDI Project (Gestión de la Diversidad) on the "Management of Diversity", developed in 2011 which sought to ensure more equal treatment and improve diversity management in the working world, reinforcing the positive image of the integration of immigrants and ethnic minorities in the business world and in professional environments. For its part, GESDIMEP has furthered the study of diversity management for immigrants and ethnic minorities in organisations with the same objective of raising awareness on the benefits of sound cultural diversity management, but in an area which is fundamental for the Spanish corporate fabric: in small and medium enterprises.
Social perception of immigration

Immigration is not seen as a problem by Spanish society. The Centre for Sociological Research (CIS) produces monthly polls called barometers (except in August) which are intended primarily to measure the level of public opinion at the time. If we look at the provisional results published in December 2013 we can see that immigration is not perceived by Spanish society as a problem. In fact, in response to the question as to what the country's three biggest problems were, only 2.9% of those surveyed saw immigration as a problem, with only 0.6% of respondents seeing it as the main problem. This percentage is, in comparative terms, one of the lowest in recent years. In 2006 this was around 60%.

This is how it is summarised in the "2012 Annual Report": Evolution in Racism and Xenophobia in Spain" by the Spanish Observatory for Racism and Xenophobia, part of the Ministry of Employment and Social Security.

A similar conclusion can be seen in the Second Global Results Report on Social and Intercultural Co-Existence in Areas with High Diversity drawn up by the Social Project "La Caixa". Since 2010, the aforementioned Social Project\(^\text{12}\) has been working with seventeen local entities and organisations on an Intercultural Community Intervention Project in seventeen regions with a high and complex level of diversity due to the demographic and economic changes over the past decades, including migratory movements. As the executive summary of the Second Global Report notes, "attitudes towards diversity have not changed significantly between 2010 and 2012. To date, the economic and employment crisis is not showing signs of having had a considerable impact on the "perception" of cultural diversity".

The fact that perceptions about cultural diversity have not changed means that to a certain extent, there has been no upswing in support for political parties of a xenophobic nature.

Nevertheless, the recession and higher unemployment means that authorities are alert to a possible increase in racist or xenophobic behaviour, or actions which are anti-immigrant groups such as those developing in other nearby countries.

### 3.4.1 Citizenship and nationality

2012 saw the approval of the Intensive Processing Plan for applications for nationality by residence, with a view to improving management for access to the latter. As of 31 March 2014 there were 437,247 cases finalised out of a total of 478,233 applications and in 366,829 cases nationality was granted. 12,000 applications for Spanish nationality are received each month.

Furthermore, and with a view to speeding up the processing of applications, the Ministry of Justice and the General Council of Notaries signed a management petition on 2 April 2013 through which, although citizens can continue to swear allegiance to the Spanish Constitution, the Crown and to Civil Registry Laws, they shall also have access to more than 3000 Notaries, at no personal cost. As of 31 March 2014, some 72,000 people had benefitted from this measure.

In this respect, there is only one more step to take: the registration of nationality in the 431 Civil Registries throughout Spain, a procedure which has been ongoing since the last quarter of 2013.

This idea is for the new established procedure, truly cutting-edge in terms of frontline interoperability and Electronic Administration, to not only reduce red tape and respond to nationality applications within less than six months from when they are received by the General Directorate for Registry and Notary Offices, but that this also paves the way for a new model in relations between the Spanish Administration and its citizens: faster, more effective and more efficient.

Furthermore, by the end of 2013 a regulated procedure for the granting of Spanish citizenship to Sephardic Jews by letter of naturalisation, regardless of their place of residence and so that they do not have to denounce their previous nationality in acquiring Spanish citizenship, was announced.

### 3.5 Managing immigration and mobility

#### 3.5.1 Visa policies and Schengen Governance

**Visa Policy**

The number of visas issued to third-country nationals in 2013 is outlined in the following table.

<table>
<thead>
<tr>
<th>Number of visas awarded</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>(Schengen) short stay Visas</strong> (so called A and C visas, the latter including LTV visas – stays of up to 90 days):** To nationals from third countries/from a non-EU member state</td>
<td></td>
</tr>
<tr>
<td><strong>National Visas</strong> (so-called D visas):** To nationals from third countries/from a non-EU member state</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>1,933,904</td>
</tr>
</tbody>
</table>

Schengen Governance

Unlike the year 2012 with the temporary reinstatement of internal border controls during the European Central Bank summit, in 2013 this exceptional measure which is covered by the Schengen Borders Code was not required.

3.5.2 Border Control

Spain is a Southern EU Border State and, as such, the Spanish authorities are doing a great deal of work to control its borders, in the country’s capacity as the Gateway to Europe. Because of its significant migratory pressure, it is important to make reference to the situation in Ceuta and Melilla. According to data published by the Ministry of Interior\(^\text{13}\), the illegal entry of immigrants via Ceuta and Melilla has increased by 48.5% (specifically 4,235 entries by swimming, hiding in vehicles or by jumping the border fence, compared to 2,841 last year). Attempts to jump the border fence have continued to increase throughout 2014.

The main developments in 2013 which stand out are:

Rethinking the border control model: greater international collaboration and increased R+D+i

Ever-increasing numbers of passengers in Spanish international airports - a rise totalling 3 to 4% in upcoming years - continuing large numbers of passengers arriving to Southern Spanish cities and coasts, and the presumed appearance of new illegal entry channels into Spain, means that a continued improvement to international cooperation is required. This cooperation needs to be based on more systematic exchange of intelligence as well as on operational support from different States in joint border control and repatriation actions.

Boosting R+D+i initiatives in border control technology and the verification of documents is a challenge for the unavoidable modernisation required for border control in the new European Plan, which will be based around the Smart Borders model, already supported by the European Union. In the coming years the Entry/Exit Registration System (EES) and the Registered Traveller Programme (RTP), ensuring greater security and efficiency in carrying out border checks and which are fully supported by Spain, will be implemented, improving the work done by the National Police Force.

\(^{13}\) Available at: [http://www.interior.gob.es/documents/10180/1207668/balance_2013_inmigracion_irregular.pdf/132387b3-d93b-4485-8a5b-1a734359764c](http://www.interior.gob.es/documents/10180/1207668/balance_2013_inmigracion_irregular.pdf/132387b3-d93b-4485-8a5b-1a734359764c)
In turn, the implementation process of the Automated Border Control System will continue for authorised border crossings, as well as the API (Advanced Passenger Information) System, fully automated and operational since March 2007. Currently more than 200 airlines send information on passengers to the Spanish National Police Force in charge of border control in advance of travel. The main shipping and ferry companies are also required to send this information.

Thanks to the External Borders Fund, border crossings have been supplied with the necessary technical equipment to carry out their checks, as well as acquiring police vehicles for use in this regard. Over the next few years, the plan is to continue improving the infrastructure of these crossings as well as their equipment, specifically bearing in mind the technical advances which make this task easier.

**SIVE Project**

The **SIVE** (*Sistema Integrado de Vigilancia Exterior* - Integrated Border Surveillance System), which runs along the Spanish coastline, has contributed towards police surveillance in very specific areas, such as the control of maritime borders, since it was first unveiled in December 2002.

The SIVE’s operations are based on five technological updates: radar receivers, optronic receivers, the integration of these receivers, centralised command and control and interoperability with external systems.

Throughout 2013 the SIVE was updated to increase its technical capacity in three different locations: Malaga, Granada and Ceuta. These updates mainly focussed on equipping the system with new optronic sensors, updating software and hardware to improve capability in terms of border surveillance and to allow for integration with similar systems.

It is also important to mention that the Civil Guard Headquarters in Ceuta, Melilla, Algeciras, Malaga, Almeria, Murcia, Alicante, Valencia, Barcelona, Tarragona, Gerona and Granada have received a variety of technological equipment for border control.

**Seahorse Mediterranean Project**

Approved in 2013 by the European Commission, the project will be developed over the next three years in cooperation with Spain (Civil Guard), Italy (Ministry of Interior), France (Air and Border Police), Malta (Armed Forces), Portugal (Republican National Guard), Cyprus (Police), Greece (Coastguard Service) and Libya (Coastguard Services). In this way, EU Member States and Libya will join forces under an agreement to reduce irregular immigration between Mediterranean countries. Up until now this cooperation was centred on the Atlantic Ocean area.

The “Seahorse Mediterranean Network” project constitutes an extension to the cooperation projects approved by the European Commission, and which have existed since 2006 between Spain and other African countries on the Atlantic coast: the “SEAHORSE Atlantic” programme reduced the pressure of immigration by sea from Africa to Europe.

The project’s objective is to update a satellite communication network linking the various countries involved in the project. The agreement also includes the running of necessary training courses for the operators who will manage the system, training for coastguards and the holding of courses in the surveillance of land and sea borders in Libya.
CLOSEYE Project

In 2013, the "CLOSEYE" Project was launched, which consisted of three phases run over 38 months. It was the first European innovation project run and headed up from the outset by Security Forces, whose goal was to incorporate new tools such as unmanned aircraft, satellites and aerostats, among other tools, into maritime surveillance systems, in order to improve maritime border security.

As well as the Spanish Civil Guard, the consortium is made up of Portugal's Republican National Guard and Italy's Navy, and will be supported by other important bodies in the sector, such as the Italian Space Agency, The European Union Satellite Centre and the consultancy ISDEFE, all of whom are experts in areas relevant to the project and who will bring their knowledge to the table when defining, implementing and evaluating surveillance services.

Coordination Centre for Maritime Surveillance of Coasts and Borders (CECORVIGMAR)

In 2013 the new facilities of the Coordination Centre for Maritime Surveillance of Coasts and Borders were opened, supplied with the most advanced resources and equipment to carry out the ongoing command and control of the various Civil Guard units involved in maritime border surveillance.

It is connected to the four Regional centres in Valencia, Algeciras, Las Palmas and La Coruña and to SIVE stations, as well as the new European external border surveillance system, having been appointed as the Spanish National Coordination Centre for EUROSUR.

West Sahel Project

Co-financed by the EU and Spain and implemented by the Civil Guard, this was developed between the 01/01/2011 and the 30/05/2013 covering: Mali, Mauritania, Niger and Senegal; as member states and the main beneficiaries of the project.

Continuing with the actions defined by projects previously developed in the region, the Project's objectives have involved reinforced cooperation with the aforementioned African countries and improved capacities and resources to fight against irregular immigration flows both at maritime and land borders.

Within the action framework of this Project, a number of activities have been developed and rolled out. The focus has mainly been on meetings at regional level, courses on the surveillance of land borders and courses on immigration (both operational aspects and those relating to international legislation on human rights and humanitarian issues were included and analysed), as well as the the strengthening of the Immigration liaison officers' network, conferences on European and African policies, technical equipment donations to the countries involved etc.

During 2013 an awareness-raising campaign was developed for the authorities and local population in those countries to increase knowledge and understanding of the negative aspects associated with irregular immigration to Europe.
Border control measures: other activities to improve the effectiveness of EU external border checks

The National Police Force, within the integrated border management model, is progressively incorporating the **specialist area of Border Policing** through **specialised training**, as well as promoting participation in operations and international fora in this specialised area of policing.

In this respect, it actively participates with the Frontex Training Unit in training aspects which it develops itself (Specialised courses in areas relating to border control as well as the development of training procedures for aircraft crews, fighting against the trafficking of human beings, training on fundamental rights, the European Masters in Border Management etc.)

### 3.5.3 Frontex

The European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex) assists in the operational coordination or members states' border authorities so that they cooperate and work together. Among the tasks developed by Frontex are the development of joint operations with Member States to support those States experiencing disproportionate pressure at their borders. These operations are outlined in the following table.

<table>
<thead>
<tr>
<th>Frontex Operation</th>
<th>Member states who benefit from the operation</th>
</tr>
</thead>
<tbody>
<tr>
<td>MINERVA</td>
<td>Spain</td>
</tr>
<tr>
<td>HERA</td>
<td>Spain</td>
</tr>
<tr>
<td>INDALO</td>
<td>Spain</td>
</tr>
<tr>
<td>FOCAL POINTS</td>
<td>Various Member States, including Spain</td>
</tr>
<tr>
<td>AENEAS</td>
<td>Italy</td>
</tr>
<tr>
<td>HERMES</td>
<td>Italy</td>
</tr>
<tr>
<td>POSEIDON SEA</td>
<td>Greece</td>
</tr>
<tr>
<td>POSEIDON LAND</td>
<td>Greece, Bulgaria</td>
</tr>
<tr>
<td>JUPITER</td>
<td>Eastern Block</td>
</tr>
<tr>
<td>NEPTUNE</td>
<td>Eastern Block</td>
</tr>
<tr>
<td>ATTICA</td>
<td>Greece</td>
</tr>
</tbody>
</table>

Furthermore, in terms of forced-returns (a more in-depth analysis of which is offered in Section 9), Spain organises joint return flights (where cooperation with countries of origin is important) coordinated by Frontex, and participates in joint return flights
organised by other Member States and coordinated by Frontex, as well as in the meetings Frontex carries out relating to the analysis of improved procedures for returns operations.

4. INTERNATIONAL PROTECTION INCLUDING ASYLUM

4.1 International Protection Procedure

International protection law in Spain is subject to its own legal framework, as previously indicated, under Law 12/2009 of 30 October, governing the right to asylum and subsidiary protection. The regulation in force under the Asylum Law, approved by Royal Decree 203/1995 of 10 March, will be replaced by a new regulation on asylum and subsidiary protection.

The year 2013 saw a considerable increase in the number of applications for international protection compared to the previous year. 4,513 applications were made, which represents an increase of 74.4% compared to the 2,588 made the previous year. If we look at countries individually, we can see a noticeable increase in applications from two countries, from Mali (1,482, compared to 99 the previous year) and Syria (721 compared to 254 the previous year), representing the largest increase in applications this year, a reflection of the situation in the two countries. The next countries of origin with the largest number of applicants are Algeria (354 compared to 202 the previous year), Nigeria (182) and Somalia (136), making up the five countries with the largest number of applicants for international protection this year. In line with the trend experienced in previous years, 2013 saw a large number of positive decisions taken. 203 refugee statuses have been granted, 326 statuses of subsidiary protection and 3 residence authorisations for humanitarian reasons, which places the recognition rate at 20.62% of the total number of solutions adopted.

Finally, it is important to note the extremely marked increase in the number of applications for recognition of stateless status. The number of applicants for recognition of stateless status in 2013 was 1,142, which is a significant increase of 138% compared to the figure for 2012 of 479 applications.

In other areas, 2013 saw continued work on improvements to procedures for determining international protection, with a view to moving towards quicker, more efficient, more effective and higher quality management of the reception system for international protection applicants. Over the past few years, Spain has been adopting a series of measures to strengthen guarantees for access to the procedure, aware of the importance this access has for the protection of persons. Thus, as well as the guarantees provided under law in terms of free access to an interpreter and lawyer, the participation of the UNHCR in every stage of the international protection procedure, including the decision-making stage and proposal for a solution, the role of specialised NGOs in the protection of refugees, etc. has strengthened aspects relating to improved information to immigrants, as well as specific training for agents participating in international protection matters, specifically training aimed at employees from Immigration Offices, border crossings and Foreigner Detention Centres. Equally, in terms of improving the quality of the international protection procedure, it is important to highlight that 2013 saw renewed cooperation with the UN High Commissioner for Refugees (UNHCR) through the signing of a Cooperation Agreement between the Ministry of Interior and the UNHCR's Spanish Delegation, to ensure the UNHCR's
participation in the procedure for determining international protection, authorising an ordinary contribution in favour of the UNHCR to the same end, for a sum of 270,848 euros.

Throughout 2013, a number of different training activities have been organised with a view to increasing quality and improving the skills of the various stakeholders involved in the international protection procedure. The Asylum and Refugee Office ran two training courses (in May and October 2013) via videoconference, with staff from government delegations from across the country. These courses sought to improve the training of staff from Immigration Offices, with courses focused on international protection legislation and a specific focus on formalising applications.

In order to respond to this challenge, the Asylum and Refugee Office deemed it essential to train instructors and persons in charge of formalising international protection applications. With this objective in mind, in 2013 a training session was also held on the "Identification and assessment of credibility in sexual orientation". Training was designed to promote information sharing with specialised professionals in this area of expertise from the Public Services for LGBT (lesbians, gays, bisexuals and transsexuals) Groups from the Community of Madrid, to incorporate awareness and knowledge of the assessment and improved understanding of the issue at hand.

Throughout 2013, the Asylum and Refugee Office continued to actively participate in activities organised by the EASO, including participation in training actions relating to the Common European Asylum System, practical cooperation on Syria and interviewing minors, as well as practical cooperation seminars and exchanges of information in terms of quality. It should also be noted that in December 2013, Spain took part in the first meeting organised by the EASO with members from the jurisdictional sphere, with a view to fostering cooperation and exchange of information on international protection.

Dublin Procedure

2013 saw the number of applications received by Spain from other Member States within the scope of the new "Dublin" Regulation, Regulation (EU) nº 604/2013 of the European Parliament and Council of 26 June 2013, which sets out the criteria and mechanisms for determining the Member State responsible for assessing an application for international protection submitted in one of the Member States by a third-country national or a stateless person.

This regulation establishes the criteria and mechanisms for determining the Member State responsible for assessing an application for international protection submitted in one of the Member States by a third-country national or a stateless person. Specifically, there has been a significant increase of around 9% in the total number of applications under the Dublin procedure. 2,744 applications were received and processed; with the Asylum and Refugee Office solicited by another Member State on 79 occasions. In terms of the countries which have sent the largest number of requests to Spain, these have remained the same as last year: France, Germany, Switzerland, Sweden and Belgium.

In relation to the Dublin procedure, we must also mention the approval and entry into force of Regulation (EU) nº 604/2013 of the European Parliament and Council of 26 June 2013, which sets out the criteria and mechanisms for determining the Member
State responsible for assessing an application for international protection submitted in one of the Member States by a third-county national or a stateless person.

### 4.2 Organisation of the reception system for international protection applicants

#### Improvements or changes to reception conditions for international protection applicants

In order to meet the general objective of promoting the reception and integration of resettled persons, the General Secretariat for Immigration and Emigration has an **integrated service strategy**, which includes the following lines of action:

- **A state reception network**, which includes Refugee Reception Centres, run by the Directorate General for Immigration, aimed at applicants or beneficiaries of international protection, as well as other reception mechanisms, subsidised by the Ministry of Employment and Social Security and run by cooperating bodies, aimed at the same groups.

- **An integration strategy** which promotes gradual independence, once their stay in a reception centre has come to an end, through additional programmes and resources which help beneficiaries find their feet in their new environment, access employment and become integrated into the host society.

These programmes are managed through subsidies granted on a competitive basis to not-for-profit organisations to carry out programmes aimed at applicants and beneficiaries of international protection and vulnerable migrants, as well as through programmes co-financed by the European Refugee Fund (ERF) and the European Social Fund (ESF).

The integration plan consists basically of the following two phases: a reception phase and an integration phase (which shall be outlined in Section 4.3).

In terms of the reception phase, following their provisional placement in an initial housing centre, International Protection applicants are transferred to reception centres or facilities, either run by the Directorate General for Immigration, or by bodies subsidised by the General Secretariat for Immigration and Emigration who provide this service.

In turn, their stay in the reception centre includes the provision of the following services: housing, living costs, clothing, basic personal expenses and training activities.

2013 saw continued work on improvements to the aforementioned Spanish reception system, with a view to moving towards quicker and more efficient, effective and higher quality management of the reception system for international protection applicants.

#### Resettlement actions

On the 13 December 2013, the Council of Ministers adopted a new National Resettlement Programme. The programme allowed for the reception into Spain of a total of 130 refugees: 100 planned refugees under the programme, with an additional 30 refugees planned under the programme’s quota for the previous year, which was still
pending implementation. The profile of the programme's beneficiaries is that of refugees from Syrian conflict areas who have ended up in the region's neighbouring countries.

In terms of the different projects carried out in this field, of particular note is the SHARE project (developed between September 2012 and August 2013), with the aim of creating a European resettlement network of cities and regions which builds sustainable relations, fosters best practices, builds capacities and reinforces the commitment to protect refugees. Spain has participated in this project through the organisation Accem.

4.3. **Integration of applicants and beneficiaries of International protection**

As previously mentioned, Spain has designed an integration service strategy, which contains the following lines of action: a state reception network (outlined in Section 4.2) and an integration strategy.

The second phase of the plan, the integration phase takes place following the individual's departure from the reception centre or facility. This phase of the programme is exclusively managed by subsidised entities and is based on the development of a plan for integration and gradual independence, where direct financial aid is offered to beneficiaries with a view to tackling the costs of property rental and living, as well as the cost of transport, education and healthcare.

4.4. **Implementation measures for the Common European Asylum System**

The implementing legislation for international protection is currently being processed. Specifically, this involves the draft Royal Decree through which the Regulation of Law 12/2009 of 30 October governing the right to asylum and subsidiary protection (and which will contribute to transposing the second wave of legal instruments which make up CEAS) was passed.

In addition to the aforementioned entry into force of the new European Regulation of the European Union on the "Dublin" procedure, in 2013 Directive 2011/51/UE of the European Parliament and the Council of 11 May 2011, which modifies Directive 2003/109/CE of the Council with a view to extending its scope to beneficiaries of international protection, was approved. This new system facilitates access to long-term residence for beneficiaries of international protection with a view to ensuring their full integration into society and providing them with increased protection in case of expulsion.
5. UNACCOMPANIED MINORS AND OTHER VULNERABLE GROUPS

5.1. Unaccompanied minors

In 2013 there was a push within the inter-institutional group to create a Framework Protocol on actions for Unaccompanied Foreign Minors, intended to coordinate the activities of all institutions and administrations involved in every stage of the process, from finding the minor or presumed minor to his or her identification, determining his or her age, placing him or her under the care of the social services, and documentation. The following participated in its design: The Director of Public Prosecutions, Ministry of Foreign Affairs and Cooperation, Ministry of Interior, Ministry of Employment and Social Security, Ministry of Justice, and Ministry of Health, Social Services and Equality; with the Autonomous Communities and Autonomous Cities of Ceuta and Melilla all consulted.

One of the aims of the Protocol is to ensure the correct functioning of the Register of Unaccompanied Foreign Minors, purely for identification, which will be not only one of the most effective instruments for protecting the foreign minor's best interests, but will also be the only reliable and complete source of information which fully reflects the migratory phenomenon of minors, an essential precursor to the adoption of any legislative or administrative initiative in the sense that it supports the "European Action Plan on Unaccompanied Minors (2010-2014)". Furthermore, improvements are foreseen for the identification procedure, in terms of services to vulnerable groups and prevention of trafficking.

In turn, the National Action Plan for Social Inclusion has identified as one of its actions within the framework of the objective: "facilitating access to health services for the most vulnerable groups in society", along with the coordination of health promotion actions and the prevention of childhood and teenage illnesses, with a specific focus on unaccompanied foreign minors.

In terms of the figures, in 2013 the National Authorities, through the General Secretariat for Immigration and Emigration, continued to support the Autonomous Cities of Ceuta and Melilla, earmarking 1.3 million euros for cooperation with the cities in reception of and services for unaccompanied foreign minors.

Finally, twelve applications for international protection for unaccompanied foreign minors were made in 2013.

5.2 Other vulnerable groups

Victims of gender-based violence

Policies rolled out in the area of gender-based violence have focused over the past few years on the specific vulnerability of migrant women (as well as trafficking which will be covered separately in section 6). We therefore saw the approval of the Plan for the care

and prevention of gender-based violence in the immigrant population (2010-2012)\textsuperscript{15}. In 2013, 29.6\%\textsuperscript{16} of the total number of gender-based violence fatalities were foreign nationals.

In 2013, the Ministry of Health, Social Services and Equality submitted a Joint Proposal for improved institutional coordination and the implementation of a personalised care plan for victims of gender-based violence\textsuperscript{17}. The aforementioned document proposes that, to improve said coordination, an intervention plan is adopted, identifying the stakeholders in each case and the communication channels and offshoots, and makes specific reference to immigrant organisations as the entities which make the initial contact with the woman.

In terms of improved victim support, Royal Decree-Law 3/2013 of 22 February, which modifies the rates regime in the sphere of Justice Administration and the free legal aid system, has stipulated the right to receive free legal aid for victims of gender-based violence regardless of their financial means and, therefore, with no obligation to prove that they do not have the financial resources to pay for the procedure.

Disabled persons

Royal Decree-Law 3/2013, of 22 February, also ensures the provision of free legal aid, regardless of the existence of financial means to litigate, to physically-disabled persons where they are victims of abuse or mistreatment.


\textsuperscript{17} http://www.msssi.gob.es/ssi/violenciaGenero/Documentacion/medidasPlanes/DOC/PropuestaComunCoordinacion1.pdf
6. ACTIONS TO FIGHT AGAINST HUMAN TRAFFICKING

An analysis of action to fight against human trafficking can be made by looking at the end goal pursued by such steps, in other words, improved detection and identification of victims and improved victim information and support.

Improved detection and identification of victims.

The Integrated Plan to Fight against Human Trafficking for Sexual Exploitation Purposes\(^\text{18}\) (2009-2012), the first initiative in Spain with an integrated approach which fights against Human Trafficking for Sexual Exploitation Purposes, has helped to develop a mechanism to detect, identify, support and protect victims of human trafficking and involves stakeholders, establishing effective coordination between the various players intervening in the detection of trafficking victims (police authorities, employment services, social services, staff in detention centres or those in charge of international protection and NGOs).

The responsibility for the identification of trafficking victims falls to police authorities which specialise in this area. Due to the required level of specialisation, training actions for these authorities are essential, in order to improve detection and identification. Notable initiatives in this area include the running of courses in criminal prosecution for such offences and victim protection. It is common for representatives from NGOs who specialise in the protection of victims of human trafficking to participate in these training courses and activities, as they can offer a very useful perspective on the trafficking phenomenon, providing a complete picture of the problem.

Again on the policing side, 2013 saw the adoption of the Police Plan to Fight against Human Trafficking for sexual exploitation purposes. Its objectives are to:

- Strengthen prevention, including the reduction of demand.
- Improve detection, identification, protection and support of victims.
- Step up actions against members of criminal organisations, investigating every aspect of their activity: trafficking, profiting from prostitution, money-laundering, sexual assault, inter alia.
- Carry out an in-depth analysis of their activities from every possible angle, to obtain a clearer picture of their new modus operandi and to improve the detection of groups vulnerable to trafficking.
- Use information technology tools and databases to process information, compile intelligence and set indicators.

\(^{18}\) See the web page of the Ministry for Health, Social Services and Equality:

http://www.msc.es/ssi/violenciaGenero/tratadeMujeres/planIntegral/home.htm
• Consolidate cooperation with other institutions involved in fighting against trafficking at national and international level.

As we can see, the Police Plan to Fight against Human Trafficking for sexual exploitation purposes also involves training aspects.

In turn, **Spanish public prosecutors** specialised in human trafficking, who are part of the Delegated Immigration Attorneys Network, are trainers for other professional groups such as the National Police force and Civil Guard, regional police, local police and members of the judiciary.

The Spanish director of public prosecutors has also participated at a national level in meetings organised by the European Commission, United Nations and other international bodies, having the opportunity to demonstrate Spain's internal anti-human trafficking cooperation system to the outside world.

Furthermore, the Immigration Department of the General Prosecutor's Office plays a constant role in institutional cooperation and in providing unified criteria and clarifying doubts.

In health matters, it is important to note the training actions developed within the framework of the Protocol for Health Action in gender-based violence\(^{19}\), which added a Section containing information on the extreme violence which women and children who are victims of trafficking can suffer.

The **Framework Protocol for the Protection of Victims of Human Trafficking**\(^{20}\), adopted through the agreement of 28 October 2011, indicates various phases which a possible trafficking victim will go through starting with their detection, indicates which actions to be taken in each phase and identifies the public authorities involved, establishing the coordination mechanisms between them and their relationships with other organisations with proven experience in victim support.

Finally, given the need to intervene in possible cases of trafficking, immigration centres have been coordinating detection mechanisms for victims of trafficking within the resident population requesting international protection. During 2013, a screening and action protocol has been developed with victims of trafficking to cover all public immigration centres and facilities subsidised by NGOs.

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19 The Inter-territorial Council of the National Health System, during their meeting on 20 December 2012, approved the new edition of the Joint Protocol for Health Action in Gender-Based Violence which can be found on the following webpage:


20 The text of the Protocol was agreed upon by the Ministries of Justice, the Interior, Employment and Social Security, Health, Social Policy and Equality, the General Council of Judicial Power and the General Prosecutor’s Office. It can be found at:

Improved victim information and support.

Royal Decree-Law 3/2013 of 22 February, which modifies the rates regime in the sphere of Justice Administration and the free legal aid system, has stipulated the right to receive free legal aid for victims of trafficking regardless of their financial means and, therefore, with no obligation to prove that they lack the financial resources to pay for the procedure.

Before the reform, trafficking victims who filed a complaint had to prove that they had "insufficient resources" in order to receive free legal aid; following the reform, regardless of their financial means, any woman suffering from sexual exploitation who files a complaint can continue the procedure without incurring costs at any stage in the process.

Proof of the effectiveness of the measures.

In September 2013, the 4th Monitoring Report for the Integrated Plan to Fight against Human Trafficking for sexual exploitation purposes, relating to 2012, was submitted. The report highlights the positive evolution of police actions against this scourge, as fewer victims were identified than in 2011, and reveals improved support to female victims.

The reform notes that throughout 2012 (the most recent data available on the subject) 89 of the 100 members of the Units within the National Police Force which fight against irregular immigration networks received specific training and, to cite other examples, the Ministry of Justice organised training actions for some 1,380 persons and the Ministry of Health, Social Services and Equality provided specialised training for around a hundred professionals through various courses.

In 2013 an update was made to the conclusions and recommendations issued by the Ombudsman aimed at public administrations, included in the monographic report "Human Trafficking in Spain: Invisible Victims", published in 2012. In this study, as well as recognising the improvements to the various different procedures, a number of areas were identified which still require further work for progress to be made in offering effective protection to trafficking victims in Spain. The 2013 Ombudsman's Annual Report to the Spanish Parliament highlights progress such as the adoption of new instruments for the protection of victims through arraignment by the Commissariat for Foreign Affairs and Borders on actions to be taken in the detection of foreign minors at risk.

Finally, the European Migration Network coordinated the production in 2013 of an ad-hoc study entitled "Identification of victims of trafficking in human beings in international protection and forced return procedures" in which it notes that over the past few years significant measures for the coordination and improved detection and identification of


potential victims have been adopted, and where prosecution for human trafficking is confirmed as one of the cornerstones of Spanish immigration policy.

Protection of minors who are victims of trafficking

Specific actions in relation to minors have been developed in 2013 in a similar way to in other years.

Underage victims receive immediate assistance, support and protection. Measures adopted are aimed at ensuring their safety, physical and psychosocial recovery, their education and at finding a sustainable solution for their case.

These measures hinge on the specific vulnerability of underage trafficking victims and are carried out following an individual assessment of the victim's specific circumstances, taking into account their opinion, their needs and their best interests.

Among the assistance measures available to underage trafficking victims, support mechanisms which ensure assisted return to their place of origin must be established, including the return of underage victims from EU countries, giving priority to the best interests of the minor and the assessment of their family environment, as part of the conditions for their return, to ensure their recovery.

Either the public institution which is in charge of the legal guardianship of an underage victim or the Public Prosecutor may propose the transfer to specific facilities for victims of human trafficking for reasons of protection or to provide specialised assistance. These facilities must ensure due separation between adults and minors.

Given the specific vulnerability of underage victims of human trafficking, additional protection measures may be adopted during interviews and assessments carried out during judicial investigations and actions. Thus, interviews and assessments:

a) Shall be carried out without undue delay following communication of the facts to the competent authorities.

b) Shall take place, insofar as possible, at sites adapted or reserved for this purpose.

c) Shall be attended by professionals with the correct training, where necessary.

d) There should be as few of them as possible and this should only be carried out where strictly necessary. The evidence given by the minor shall be recorded in a technical format which allows for audio-visual reproduction where possible.

e) This shall be carried out in the presence of a legal representative, unless this person has been removed by reasoned decision.

Improved coordination and cooperation between main stakeholders

Communication and cooperation between the Administration, Non-Governmental Organisations, the Director of Public Prosecutors and the Security Forces has been ensured in Spain. Throughout 2013 this has continued in close cooperation, in such a way that it is possible to provide a better response to changes in trends which may occur in human trafficking. We could highlight here the half-yearly meetings which have been held where state-run and non-governmental organisations specialised in victim support have monitored the progression of this highly-sensitive issue.
Furthermore, efforts made in fighting against trafficking include both measures adopted nationally and cooperation with third countries of origin or transit countries. The Spanish position in meetings within the framework of the European Union is therefore to highlight the importance of not abandoning EU cooperation and solidarity with Member States currently experiencing irregular immigration pressure.

Intelligence as well as operations developed by joint investigative teams (for example, those maintained by the National Police Force on African soil) are intended to detect and neutralise the entire structure of organisations dedicated to trafficking migrants.

**Figures**

In 2013, a total number of 110 trafficking victims subject to sexual exploitation were identified; of whom 104 were aged over 18 and 6 were underage.
7. INTERNATIONAL COOPERATION POLICY AND DEVELOPMENT AID - LINK WITH IMMIGRATION POLICY

Actions in the Sphere of Political Dialogue

One of the main aspects of the external dimension of Spanish immigration policy is its preventive approach, based on cooperation with countries of origin and transit countries for irregular immigration coming to our country. Political dialogue is an essential tool which helps maintain communication channels and constant contact, as well as agreeing on immigration management guidelines. This Dialogue is supported by specific cooperation projects.

Spain has continued participating actively in the various multilateral cooperation fora, which include:

Fora in the EU Framework


- EU-Africa: As co-president of the 7th EU-Africa Partnership, Spain, jointly with the European Commission, led negotiations on the Declaration on Migration and Development, as well as a new Action Plan on Migration and Mobility, approved within the framework of the EU-Africa Summit held in Brussels last April.

- EUROMED: Spain (FIIAPP- International and Ibero-American Foundation for Administration and Public Policies - Fundación Internacional y para Iberoamérica de Administración y Políticas Públicas - organised a seminar last December in Madrid on "Transfer of knowledge, qualifications and experience".

- EU Global Approach to Migration and Mobility (GAMM): Last June, Spain, along with eight other Member States, signed a Mobility Partnership Agreement with Morocco (which was referred to in Section 3.2.3 of this study). In March another was signed with Tunisia with 10 other EU MS and Spain is also one of 4 countries currently negotiating a further Mobility Partnership Agreement with Jordan which has not yet been signed.

- Task Force for the Mediterranean: Spain has been a pioneering country in the EU, developing around 40 operational measures on migration in the Mediterranean, which expressly stipulate the need to tackle the root causes of immigration.

- European Mediterranean Foreign Ministers Statement (G7): The Meeting was proposed by Spain and led to a statement which made reference to the issue of Migration and Development in a number of its paragraphs.
Other Multilateral Fora

- UN High Level Dialogue on International Migration and Development, New York, 3rd and 4th of October 2013: Spain actively participated. To this end, the General Secretariat for Immigration and Emigration travelled to New York.

Migration and Development: Actions within Development Cooperation Policy

The main instrument which Spanish Cooperation is working on in this area is the ECOWAS-Spain Fund (Economic Community of West African States) on Migration and Development, founded in 2008 and equipped with 10 million euros. The idea of this fund is to support the development of a migration policy within ECOWAS and foster synergies between Migration and Development. This fund, at this moment in time, has over 6 million euros remaining in it.

The Situation Regarding Remittances

In Spain during 2013, the Bank of Spain's research services produced a series of studies on the subject of remittances. Remittances sent by immigrants in 2012 and the first half of 2013 were as follows:

<table>
<thead>
<tr>
<th>SERIES DESCRIPTION</th>
<th>BP Current Account Transfers</th>
<th>Workers' Remittances</th>
<th>Credit.Syst. and OSR.Income</th>
<th>BP Current Account Transfers</th>
<th>Workers' Remittances</th>
<th>Credit.Syst. and OSR.Payments</th>
</tr>
</thead>
<tbody>
<tr>
<td>UNIT DESCRIPTION</td>
<td>Thousands of Euros</td>
<td></td>
<td></td>
<td>Thousands of Euros</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mar-12</td>
<td>1,459,995</td>
<td></td>
<td></td>
<td>1,587,581</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Jun-12</td>
<td>1,485,730</td>
<td></td>
<td></td>
<td>1,586,294</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sept-12</td>
<td>1,580,701</td>
<td></td>
<td></td>
<td>1,656,958</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dec-12</td>
<td>1,396,470</td>
<td></td>
<td></td>
<td>1,750,054</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mar-13</td>
<td>1,426,062</td>
<td></td>
<td></td>
<td>1,475,640</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Jun-13</td>
<td>1,591,250</td>
<td></td>
<td></td>
<td>1,562,735</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
8. IRREGULAR IMMIGRATION

Fighting against irregular immigration is an important aspect of Spanish immigration policy. Due to its nature as an EU external border state, Spain is directly affected by irregular immigration flows, both as a transit country and as a destination country.

This specific aspect of immigration policy involves various ministries and public bodies which have to coordinate internally to ensure the streamlining and efficiency of their work in fighting against irregular immigration. They must also coordinate to ensure that external action, as a projection of domestic immigration policy, is coherent and complements actions implemented in this field on a national level. Fighting against irregular immigration and the related phenomena, for example, human trafficking, illegal trade of persons and the exploitation of human beings, is formulated as a State policy.

The 2013 Assessment of the Fight against Irregular Immigration\(^{25}\), by the Ministry of the Interior highlighted the ongoing and sustained effort being made to fight against irregular immigration. The figures and graphs presented show a sustained fall in the number of irregular immigrants arriving on Spanish shores by boat, with figures which went from 39,180 in the year 2006 to 3,237 in 2013, a decrease of 91.7% in arrivals.

As regards irregular immigrants coming to the Canary Islands by boat, in 2013 we saw a total of 196 irregular immigrants, which was a slight increase compared to 2012 figures (with 173 irregular immigrants). However, this figure constitutes a drop of 99.4% in arrivals by boat to the Canaries compared to 2006, when this figure reached 31,678 irregular immigrants. In terms of the irregular immigrants who arrived in Ceuta and Melilla, as was indicated in other parts of this study, the figures for 2013 constituted a 48.5% increase in the number of arrivals compared to 2012, with a total of 4,235 compared to 2,841 the previous year.

Fighting against irregular immigration goes hand-in-hand with and is sustained by longstanding EU action through EU cooperation and is in line with the EU Action on migratory pressure - a strategic response\(^{26}\) and the Global Approach to Migration and Mobility\(^ {27}\) (GAMM). One of the elements highlighted by the Global Approach is the “external and internal dimensions of policies”. This action to fight against irregular immigration has two complementary aspects, external and internal action, which make up the overall action undertaken by the Spanish government to combat this issue. Inevitably, it also involves, as referred to earlier, various different departments and public institutions in a combined and transversal approach.

\(^{25}\) “2013 Assessment of the fight against irregular immigration”. Minister of Interior, January 2013. Available at: http://www.interior.gob.es/documents/10180/1208797/Balance+2012+de+lucha+contra+la+inmigraci%C3%B3n+irregular.pdf

\(^{26}\) “EU Action on migratory pressure - A strategic response” (8714/1/12).

External action in the fight against irregular immigration

In 2013 Spanish external action in the fight against irregular immigration has been led by the Ministry of Foreign Affairs and Cooperation and by the Ministry of Interior, in cooperation with other State-run institutions such as the Ministry of Justice or the General Secretariat for Immigration and Emigration.

Spain continues to implement operational resources in coordination and cooperation with the EU (as outlined in the Epigraph focused on border control, for example the West Sahel project or the Seahorse-Mediterranean project) along the African Atlantic coastline and the African Mediterranean coastline to control and intercept the arrival of irregular immigrants by boat and to resist illegal attempts to enter Spain through the autonomous cities of Ceuta and Melilla. The resources and mechanisms used in different scenarios vary depending on the nature of the action to be developed.

Furthermore, cooperation with immigrant countries of origin and transit countries is a key factor in the control of external borders within the prevention and fight against irregular immigration.

We shall now look at the bilateral agreements signed by Spain with third countries to improve border control and thus fight against irregular immigration.

<table>
<thead>
<tr>
<th>Agreement</th>
<th>Third Country</th>
<th>Main aspects of the agreement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cooperation Agreement</td>
<td>Morocco</td>
<td>This document lays the foundations for the operational and humanitarian cooperation required to successfully prevent irregular immigration flows to Europe’s shores from Ceuta and Melilla, allowing the Civil Guard to carry out joint patrols in cooperation with the corresponding Moroccan security forces.</td>
</tr>
<tr>
<td>Memorandum of Understanding</td>
<td>Mauritania</td>
<td>This Memorandum lays the foundations for necessary operational and humanitarian cooperation to successfully prevent irregular immigration flows to Europe, especially the transport of irregular migrants from Mauritanian coastal areas or via their territorial waters towards the Canary Islands, allowing the Civil Guard to provide the necessary human and technical resources in Mauritanian waters to carry out joint patrols in cooperation with the corresponding local security forces. Training programmes in surveillance of land borders and detection of irregular immigration</td>
</tr>
<tr>
<td>Agreement</td>
<td>Third Country</td>
<td>Main aspects of the agreement</td>
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<tr>
<td>Memorandum of Understanding</td>
<td>Senegal</td>
<td>This Memorandum lays the foundations for necessary operational and humanitarian cooperation to successfully prevent irregular immigration flows to Europe, allowing the Civil Guard to provide the necessary human and technical resources in Senegalese waters to carry out joint patrols in cooperation with the corresponding local security forces. Additionally, Spain provides training to the Senegalese security forces in navigation and skippering of assigned patrol vessels, as well as in the surveillance of land borders and detection of irregular immigration from ports and airports.</td>
</tr>
<tr>
<td>Cooperation Protocol</td>
<td>Algeria</td>
<td>In 2013 the Cooperation Protocol between the Algerian Coastguard and the Spanish Civil Guard was updated. The Protocol lays the foundations for necessary operational cooperation, information exchange, participation in training activities developed by signatory institutions and the possible exchange of officials to share operational knowledge and skills.</td>
</tr>
</tbody>
</table>

As we can see in the previous table, the Spanish authorities are cooperating actively with authorities from third countries in the prevention of and fight against irregular immigration, as well as in providing assistance and training to the police authorities in countries carrying out these tasks. These actions apply mainly to West African countries but are also being rolled out in South American countries.

Through Frontex, necessary risk assessment reports are being developed to provide a snapshot of the state of irregular immigration not just in the EU, but also in third countries of origin and transit countries, and in this respect the required information for the production of such reports is being provided. Also, at cooperation level, the National
Police Force is participating in AFIC (Africa-Frontex Intelligence Community) meetings, held by Frontex and attended by representatives and liaison officers from third countries.

In 2013 the implementing protocol of the EU Readmission Agreement with Moldova was signed and the text for the protocol with Serbia agreed, with negotiations opened to sign the Protocol with Georgia.

The Spanish Ministry of Interior also maintains a broad network of attachés (more than 50) in embassies and consulates, from the National Police Force and Civil Guard, all of which carry out official immigration liaison duties.

Over the past few years the Spanish Civil Guard has drawn up and developed an efficient and effective network of immigration liaison officers in different African countries of origin and transit countries from which irregular immigration flows come to Europe. This spread of immigration liaison officers is made possible through various mechanisms:

- Under the necessary umbrella of bilateral agreements signed between Spain and the host country, and therefore financed entirely by the Spanish government.

- Under the umbrella of various projects implemented by Spain (the Civil Guard) co-financed by the EU and developed in African countries which are part of the project (for example Seahorse 2006-2008, Seahorse Network 2007-2008, Seahorse Cooperation Centres 2009-2010, West Sahel 2011-2013).

In 2013 the network was extended to cover an immigration liaison officer in Libya in the framework of the so-called "Seahorse Mediterranean Network" project.

In a sign of the effectiveness of these measures, it is worth noting that the projects already implemented and those which are currently in the process of being implemented, and the current immigration liaison officers network which covers Mauritania, Senegal, the Gambia, Mali, Guinea-Bissau and Cape Verde, have contributed as a whole towards practically closing off the so-called "Atlantic route", the irregular maritime immigration channel to Europe.

In November the Spanish liaison official in Mauritania prevented 80 irregular immigrants with false Turkish passports from taking a flight from Nouakchott to Las Palmas in Gran Canaria.

The provenance or origin of the immigrants was discovered through intelligence collected by our immigration liaison officers; intelligence obtained through joint research teams based in Mauritania and Morocco, the police cooperation centres in Morocco, information sessions etc.

The domestic fight against irregular immigration

Actions on a domestic level to fight against irregular immigration are focused on actions to avoid, control and tackle irregular immigration, carried out by State security forces, in coordination with other public institutions.

Along with the improved operating and use of the SIVE (as mentioned under Epigraph 3.5.1), the following measures were identified.
Sanctions and measures against employers of third-country nationals in Spain illegally.

The fight against irregular immigration requires a blanket ban on the employment of third-country nationals in Spain illegally, and the imposing of sanctions on employers who break the law. The possibility of finding work without having the required legal authorisation has been recognised as "one of the main factors attracting irregular immigration to the EU" by Directive 2009/52/EC of the European Parliament and Council of 18 June 2009, providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals.

In Spain social legislation as well as immigration legislation classifies the behaviour of an employer hiring irregular immigrants (without the necessary work authorisation) as an offence. In relation to inspections under Article 14 of Directive 2009/52/EC, in the year 2012 (the last year of available data) the highest-risk sectors detected were hotel and catering, with a total of 17,697 inspections of which 14.48% revealed immigration offences with illegally-residing third-country nationals found, the retail trade: with a total of 11,664 inspections of which 7.36% revealed immigration offences and agriculture, with 12.26% of the 3,025 inspections carried out revealing offences.

On 30 April 2013 a Cooperation Agreement was reached between the Employment and Interior Ministries to fight against illegal employment and Social Security fraud in a number of areas, one of which was immigration. The agreement contains general criteria for operational coordination and instructions for forming mixed Operational Groups with members from the Work and Social Security Inspectorate and from the State Security Forces. Furthermore, operational action and information exchange procedures are established as well as communication on offences which affect both the socio-occupational sphere as well as immigration policing. Thanks to this agreement, actions by the Work and Social Security Inspectorate and the State Security Forces have increased by 30% since 2011, when 11,404 joint actions were carried out, rising to 13,052 in 2012, and to 17,013 in 2013.

The fight against smuggling

The recession may have changed the pressure of irregular immigration flows, but the poverty generated by it makes immigrants more vulnerable to human trafficking networks (as well as modern-day slavery). This greater vulnerability and the challenges posed by this kind of behaviour, make cooperation an essential element in fighting against irregular immigration crimes.

Efforts carried out include both measures adopted nationally and cooperation with third countries of origin or transit countries. Therefore, the Spanish position in meetings within the framework of the European Union is to highlight the importance of not abandoning EU cooperation and solidarity with Member States currently experiencing irregular immigration pressure.

Intelligence and operations developed by joint investigative teams (for example, those maintained by the National Police Force on African soil) are intended to detect and neutralise the entire structure of organisations dedicated to trafficking migrants.

In 2013, a total of 746 individuals were arrested for or linked to such crimes.

Furthermore, in the Criminal Code Reform Bill, submitted in 2013, the current regulation on the crime of irregular immigration was modified, clearly separating the criminal
nature of human trafficking and adapting sentences to the requirements laid out in Directive 2002/90/EC and Framework Decision 2002/946/JHA. Cases where the reason for the conduct was to provide humanitarian aid will not constitute crimes.
9. RETURN

Return programmes developed in Spain during 2013 can be divided into those classed as voluntary return and those related to forced return. In the first case, the immigrant returns of their own free will, in many cases assisted by Spanish public or private institutions, to ensure that the returning person is integrated back into their community of origin in the best possible conditions. The case of forced return refers to actions involving administrative procedures following a serious or very serious offence, breaking Immigration law, or involving refoulement procedures.

Voluntary Return

The ministry of Employment and Social Security, through its General Secretariat for Immigration and Emigration, and through the Directorate General for Immigration, funds voluntary return programmes, assisting third-country nationals, who are part-funded with RF (European Return Fund) money. The direct management of these programmes is overseen by NGOs and international organisations specialised in assisting immigrants. The voluntary return programme offers the possibility of return to foreign nationals (immigrants, asylum seekers, refugees, persons with subsidiary protection status) who show a desire to return to their country of origin and who meet the general and specific requirements of each part of the programme.

Voluntary return programmes include:

1. Social voluntary return programme: aimed at third-country immigrant nationals who are particularly vulnerable and meet the following criteria:
   - Have resided in Spain for at least six months prior to making an application.
   - Have signed a voluntary statement pledging not to return to Spain for three years.
   - Are not for any reason prohibited from leaving Spain under legislation applicable to Foreign Nationals.

2. Productive voluntary return programme: aimed at third-country immigrant nationals who wish to undertake a return-related business venture. As well as meeting the criteria mentioned in the previous section, the programme requires participation in the creation of a micro, small or medium-sized enterprise in the country of origin. The objective is to foster the return to countries of origin of immigrants within the framework of a viable and sustainable production project. In order to achieve this, they are supported in developing business ventures such as micro-enterprises or family-run companies before they leave Spain. Furthermore, work as part of a network of organisations situated in the countries of origin is encouraged, as this will foster the undertaking’s success.

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29 These organisations are the International Organization for Migration (IOM), Spanish Red Cross and the Asociación Comisión Católica Española de Migración (the Spanish Catholic Committee Association for Migration - ACCEM).
3. Programme of additional support to APRE: the objective of this support is to supplement the early payment of unemployment benefits to third-country nationals who return on a voluntary basis to their countries of origin (APRE). Financial aid for travel is provided to the most vulnerable immigrants whose right to this payment is recognised by the Public State Employment Service, after having committed to returning to their country of origin and pledged not to return to Spain for three years.

In 2013, a total number of 2,767 foreign nationals opted for one of the aforementioned types of voluntary return.

All of these helped to improve the personal expectations of immigrants who think that they could find better opportunities in their countries of origin, and this serves as a mechanism which reinforces other systems balancing supply and demand within the Spanish labour market.

The participation of the General Secretariat as a member of the OSS-LAC project has also continued: “One Stop Shops” - sustainable reintegration for Latin-American vulnerable returnees, which began in 2012, promoted by the Organization of Ibero-American States (OEI). The idea of the project is to set up one-stop-shops in Latin American countries, offering quick, accessible, coordinated and effective initial reception and psychosocial reintegration, educational and employment services, with tailor-made plans jointly devised with the returnee, and which are funded by state resources and/or those of private organisations in each country. One-stop-shops are therefore intended to improve the reintegration of those who have returned since 2011 or will return during 2013, and continuing to provide for new returnees who will go back in years to come.

**Forced Return**

As part of the EU's joint approach in the area of returns enshrined in the Stockholm Programme, it is necessary to highlight the following:

Spain organises joint return flights (where cooperation with countries of origin is important) coordinated by FRONTEX, participates in joint return flights organised by other Member States and coordinated by FRONTEX, as well as in the meetings FRONTEX carries out relating to the analysis of improved procedures for returns operations (Point 3.5.3)

Specifically, during the year 2013, the National Police Force participated in repatriation flights bound for Ecuador-Colombia, Georgia-Ukraine, Serbia and Albania, as well as in meetings relating to the creation of a Code of Conduct for joint returns operations, in the meeting to establish best practices for such joint returns operations to Nigeria and in planning and evaluation meetings for these operations.

In turn, a foreign national repatriation operation to Ecuador and Columbia was supervised by a technician from the National Torture Prevention Mechanism and a forensic surgeon within the framework of actions developed by the Ombudsman.²⁰

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Furthermore, work on improved management in foreigner detention centres is ongoing as well as in their infrastructure and services. Priorities include speeding up repatriation procedures, especially for foreign criminals.

In figures, and according to the 2013 Assessment of the fight against irregular immigration, in 2013 a total number of 23,889 irregular immigrants were repatriated (compared to 26,457 in 2012). This reduction is in line with the fall in the number of irregular immigrants arriving in 2013. The numbers are outlined under the following headings in LOEX: refused entry, readmissions, refoulements and expulsions.

- **Refused entry:**

Refused entry (people rejected at official air, maritime and land border crossings) increased by 0.7% compared to 2012. From 8,647 refused entry in 2012, this number rose in 2013 to 8,704, an increase of 57 people.

- **Readmissions**

Readmissions (people who have crossed the border between Spain and France and between Spain and Portugal, and who have been intercepted and deported to the country which they left, in line with agreements with these two countries) fell by 15%, with 1,409 cases in 2012, down from 1,199 in 2013.

- **Refoulements:**

Refoulements (people who tried to enter Spain by unofficial border crossings or entered in violation of an entry ban) fell by 21.2%. In 2012, 6,271 cases were recorded whilst in 2013 5,002 were recorded, which is 1,269 fewer people.

- **Expulsions.**

2013 saw 8,984 expulsions (people intercepted on Spanish soil in violation of conditions for stay or residence), whilst in 2012 10,130 cases were recorded, which is a decrease of 10%. Of these expulsions, 84% related to qualified expulsions, which involve the repatriation of foreign nationals with a criminal and/or judicial record. Priority, therefore is given to qualified expulsions (persons linked to criminal activities) and not to aliens merely in Spain illegally.
10. IMPLEMENTATION OF EUROPEAN UNION LEGISLATION

Transposition of Directives.


In turn, work is being done to transpose Directive 2011/98/EU of the European Parliament and the Council of 13 December 2011, which establishes a single application procedure for a single authorisation authorising third country nationals to reside and work in the territory of a Member State, and establishes a common set of rights for workers from third countries who reside legally in a Member State. Further work includes the transposition of Directives 2013/32/EU of the European Parliament and the Council of 26 June 2013, on common procedures for granting and withdrawing international protection (recast) and 2013/33/EU of the European Parliament and the Council of 26 June 2013, laying down standards for the reception of applicants for international protection (recast text).

Furthermore, Law 14/2013 covers the main aspects of the new regulation on intra-corporative movements approved through Directive 2014/66/EU.
APPENDICES:

Appendix A: Methodology and definitions

A1. Methodology

This report was drawn up with active participation from the National Contact Point (hereafter NCP) in line with European Migration Network specifications.

The NCP is made up of experts from the Ministry of Employment and Social Security, Ministry of Interior, Ministry of Foreign Affairs and Cooperation, Ministry of Justice and the General Prosecutor's Office, and coordinated by the General Sub-Directorate for Legal Affairs of the General Secretariat for Immigration and Emigration.

This report was drawn up using sources, mostly of a legislative, case-law, information and advisory nature.

Thus, sources which mainly come from public administrations, particularly from the Ministry of Employment and Social Security and the Official State Bulletin have been used. Equally, primary sources from EU institutions and from the EU Official Journal have been introduced, and attention was paid to national, European and international legislation as well as draft legislation pending approval.

The document also makes reference to a number of electronic sources, both to institutional websites and those of research centres or specialised institutions, immigrant associations, blogs or electronically-published periodicals.

Furthermore, it has made use of information published in the media, press releases for public administrations and reports by public and private entities.

The statistical data quoted in the report come from annual and quarterly reports by the Public Administration, as well as statistical data published by the National Statistics Institute, and internal reports by the Administration in the case of unofficial data.

A2. Definitions

Throughout this study, where possible, correct terminology in line with definitions from the EU archive and data in the EMN Glossary has been used. The following is a list of terms which are not included in the above and which are used in national legislation:

The National Shortage Occupation List

This list contains occupations for which Public Employment services have experienced difficulties when managing job offers submitted by employers looking to fill vacant posts.

The catalogue is broken down by province, or by island, in the case of the Autonomous Communities of the Balearics and the Canaries, and the Autonomous cities of Ceuta and Melilla, and is quarterly, its validity running from the first to the last working day of the natural quarter following that of its publication.

The inclusion of an occupation on the list for the geographical area in question involves the possibility of the employer having to process a residence and work authorisation for a foreign worker.

Should the occupation not appear on the list, the employer must make an offer through the public employment offices.
Collective management of hiring in countries of origin

Collective management allows for the hiring of workers who are neither based nor reside in Spain, selected in their countries of origin following general job offers made by employers.

Article 39 of Organic Law 4/2000 of 11 January on the Rights and Freedoms of Aliens in Spain and their Social Integration empowers the Ministry of Employment and Social Security to approve, in line with the national employment situation, an annual forecast of occupations and, where necessary, the forecast figures for jobs which could be filled through collective management of hiring in countries of origin in a given period, which only foreign workers neither based nor residing in Spain can access.

**IPREM**

The Public Income Index (IPREM) is the index which is used as a benchmark for calculating income in any field other than the field of employment: for example, the Public Income Index is used in scholarship applications, housing assistance, in order to establish financial limits in the calculation of and access to social benefits, etc. In 2013 the amount of 532.51 euros per month remains the same as that established in the Finance Law for 2011, an amount that has been frozen since 2010. It is below the Minimum Wage (SMI in Spanish), which for the same period went up to 633.30 euros a month.

In terms of immigration this index is used to set the financial requirements for granting certain types of visa and authorisations.

**Immigration Offices**

Units comprising of the various different State Administration services responsible for foreign national and immigration issues in the province, with a view to ensuring the effectiveness and coordination of administrative action. They tend to be situated in provincial capitals, but may also have sub-offices in different districts of the capital and in provincial municipalities to facilitate administrative management for those who use them.

**Research body**

Any individual or legal entity, public or private, with their principal or secondary establishment based in Spain, which carries out research activity or technological development and meets the legal requirements.

In reference to Article 38b on special legal conditions for researchers introduced by LOEX, Order CIN/1795/2011 of 28 June, which governs the requirements for the authorisation of research bodies to sign acceptance agreements with foreign researchers and rules for drawing up, updating and publishing the list of authorised research bodies has been passed31.

**Municipal Register**

Administrative register containing data on the residents of a municipality. This data provides proof of residence in the municipality and proof of habitual residence there.

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31 BOE no. 155 of 30 June 2011.