



EMN



ANNUAL REPORT ON MIGRATION AND ASYLUM STATISTICS

SPAIN
2004

European
Migration
Network



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The European Migration Network (EMN) is an initiative of the European Commission.

Its objective is to meet the information needs of Community institutions and of Member States' authorities and institutions by providing up-to-date, objective, reliable and comparable information on migration and asylum, with a view to supporting policymaking in the European Union in these areas. The EMN also serves to provide the general public with such information.

To that end, the EMN has a network of National Contact Points (NCPs).

In Spain, the NCP is composed of experts from four ministries (Ministry of Labour and Immigration, Ministry of Interior, Ministry for Foreign Affairs and Cooperation and Ministry of Justice) and is co-ordinated by the Permanent Observatory for Immigration, a collegial body attached to the Ministry of Labour and Immigration. The NCP also collaborates with independent experts for the elaboration of EMN studies and reports.

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Annual Report on Migration and Asylum Statistics

Spain 2004

This National Report provides analysis of the statistical data on migration and asylum for Spain in the context of legal and policy developments. Reference period:
1st January 2004 to 31st December 2004.

This Report has been produced by the European Migration Network, and was completed by the Spanish EMN National Contact Point.

August 2008

Annual Report on Migration and Asylum for SPAIN

(Reference Year: 2004)

A. MIGRATION ISSUES

The migratory process in Spain is a relatively recent one. In 1999, the number of foreigners living in Spain began to grow considerably and this progression has been steadily maintained and even increased in subsequent years. To be more specific, on 1 January 2004, there were 2,772,200 foreigners recorded in the Municipal Population Register, which represented 4.1% more than in January of 2003. The increase in the foreign population from 2002 to 2003 had been 34.7%. In turn, the stock data on foreigners holding residence permits on 31 December 2004 for that year was 1,977,291, which represented an increase of 20.05% in regard to the data corresponding to 31 December 2003. The data at the end of 2003 represented an increase of 24.40% in regard to the end of 2002.

1) Analysis and interpretation of the migration statistics

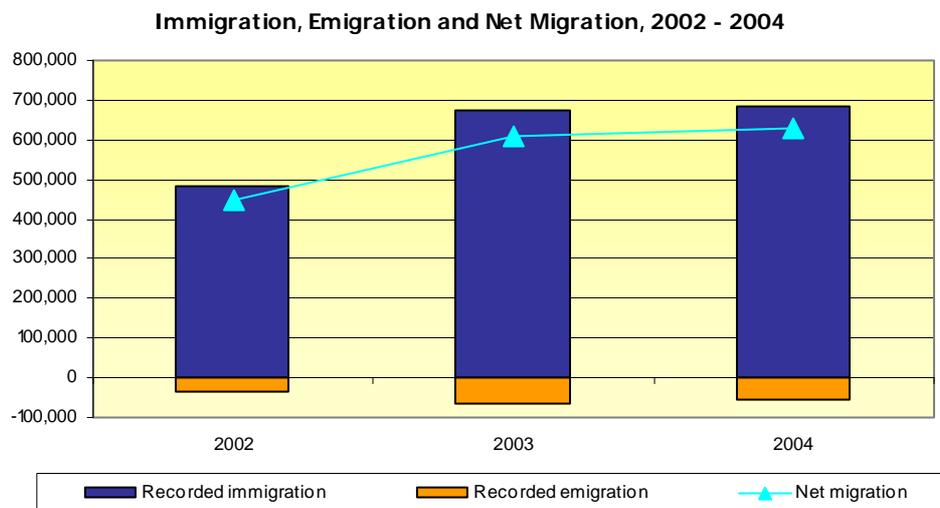
Note that asylum applicants should not be counted, as far as possible, as new migrants. However, once they have received a status and settle in the country, they can be counted in the stock of legal migrants. The immigration flow (for family, work, study) should not include the asylum-seekers flow.

a) **Migration Flows**

How did migration flows in your Member State change compared to the previous years, from 2002 onwards? Please explain the reasons for changes. Did the migration trends observed in this field reflect immigration policies at the time?

In the year 2004, there was a slight increase in the flow of the immigrant population in regard to previous years. Namely, the number of immigrants recorded was 684,561, of which 645,844 were foreigners and 38,717 were Spaniards, and the figures for the emigrants recorded was 55,092, of which 41,936 were foreigners and 13,156 Spaniards. The total net migration was 629,469, with 603,908 persons corresponding to foreign migration. In the year 2003, the number of immigrants recorded was 672,266 and that of the emigrants was 64,298, and so the net migration was 607,968. And in the year 2002, the number of immigrants recorded was 483,260 and that of the emigrants was 36,605, with a net migration of 446,655.

The percentage increase of the net migration in 2004 in regard to 2003 was 3.54%. And in 2003 the increase in the net migration was 36.16 % in regard to 2002.



Source: National Statistics Institute

b) Population by Citizenship in 2004

What were the largest groups (by citizenship) of third country nationals in 2004? If significant changes occurred in reference to the size of particular groups of third country nationals in 2004, what were the underlying causes of these changes (e.g. legal, political, economical, other)?

The official data on the population living in Spain is included in the local registers (Municipal Population Register), which are published by the National Statistics Institute (INE). Registration in the municipal register is obligatory under law for all those who live in a particular town or community. In order to register, an official form must be filled out identifying the individual with their corresponding address and no documentation as to the legal status of residency is required. The following charts show the population living in Spain on 1 January 2004 and on 1 January 2003.

The Nationals of the 25 Member States of the European Union (excluding Spain) represented on 1 January 2004, 20.88% (578,789) of the total number of foreigners residing in Spain (2,772,200). Only 42,432 foreigners where EU-10 nationals.

As we can see on the following chart, of the ten main non-European Union nationalities, in 2004, the Ecuadorian group occupied first place with 433,110 persons, followed by the

Moroccans with 381,707. These ten nationalities represented 58.6% of the total number of foreigners living in Spain on January 1, 2004.

Population by main groups of citizenship, 2004

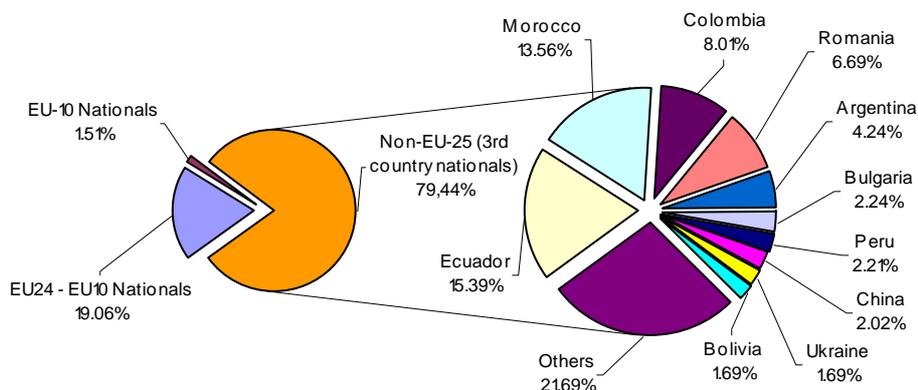
	1-01-2004
Total Population	42,197,865
Nationals	39,425,665
Other EU(-24) Nationals	578,789
of which EU-10 Nationals	42,432
Non-EU-25 (3rd country) nationals	2,193,411

Most important third country nat.:

Ecuador	433,110
Morocco	381,707
Colombia	225,312
Romania	188,348
Argentina	119,357
Bulgaria	63,155
Peru	62,207
China	56,916
Ukraine	47,632
Bolivia	47,558
Others	568,109

Source: National Statistics Institute

Population by main groups of citizenship, 2004



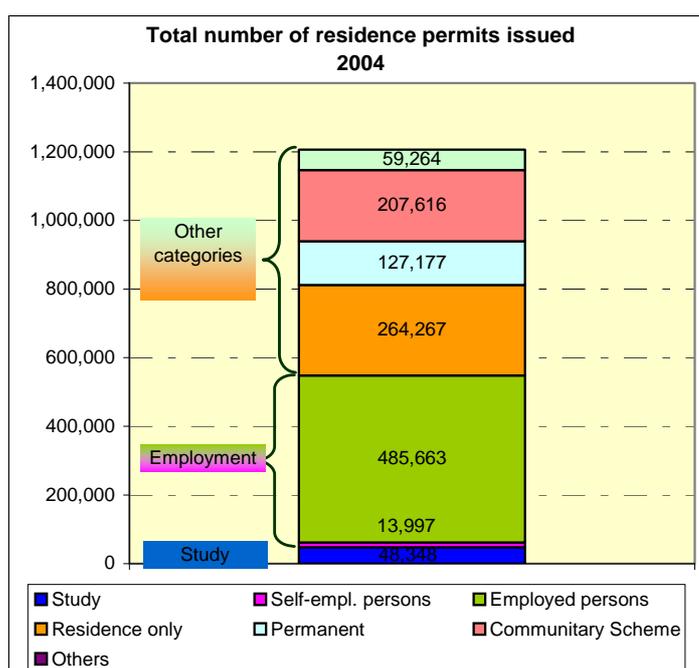
Source: National Statistics Institute

c) Residence Permits: annual total positive decisions 2004

How did the total number of positive decisions for residence permits (or other authorisations to reside) change in comparison to the previous year? Please explain the reasons for this (legal, political, administrative changes, etc.).

The number of immigrants who obtained a positive decision on their request for residency in 2004 was 1,206,332, including first-time issued permits as well as renewals. This data can be broken down as follows:

- 48,348 students and their relatives, who obtained a residence permit in order to carry out their studies, courses, research work and training (whose duration was equivalent to that of the course for which the student has enrolled or the research work which is to be carried out).
- 499,660 immigrants who obtained a residence and work permit during 2004, of which 13,997 were for self-employment and 485,663 for employed persons.
- 658,324 immigrants who can be broken down as follows:
 1. 264,267 immigrants who only obtained a residence permit without authorisation to work.
 2. 127,177 immigrants who obtained a permanent residence permit, that is, with more than 5 years of legal residence in Spain (this permit grants authorization to work).
 3. 207,616 immigrants coming from the 15 Member States of the European Union in 2004 and to the relatives of these individuals who are Nationals of third countries.
 4. 59,264 immigrants classified according to other undetermined categories.



Source: Ministry of Labour and Social Affairs. Permanent Observatory for Immigration and SubDirectorate of Social and Labour Statistics

2) Contextual interpretations (legal, political and international factors)

- a) *What have been the main trends and most important developments in the area of migration policy in your Member State since the previous year (political stance; new or amended laws¹; procedural changes²; etc.? Please give a short overview.*

One of the most important changes taking place in 2004 in regard to the previous years was the approval of the Organic Law no. 14/2003, of 20 November, on the Reform of the Organic Law no. 4/2000, pertaining to the rights and liberties of foreigners in Spain and their social integration, which was approved in 2003 but only became effective as of 21 December 2003 and so, it was really implemented during the year 2004.

This Law on Foreigners was modified, in part, because of the need to incorporate the international agreements and commitments assumed by Spain in this matter, namely the principals of the Tampere Council of 16 and 17 October and the Schengen *acquis* on the system for entry (regarding irregular entries under Directive no. 2002/90/EC), the conditions for issuing visas (Council Decision of 20 December 2001), the regulation of the stay of foreigners (expulsions under Directive no. 2001/40/EC), and the responsibility and sanctions applied to transporters (Directive no. 2001/51/EC); and in turn, the reinforcement of the mechanisms for fighting against illegal immigration.

The afore-mentioned Law no 14/2003 introduced a change in the prior regulations, establishing that for the purposes of family reunification, the sponsor has to have resided legally for one year and have authorization to reside for at least another year (Article 18). Another modification refers to the matter of reunited ascendants, they can only exercise the right to family reunification after they have obtained the condition of permanent residents and proven financial solvency (Article 17.3).

Another important modification of the afore-cited law is that the work permits can only be obtained in the respective country of origin.

¹ Please explain briefly new or amended immigration laws, and the areas they cover.

² Please describe modifications to immigration procedure, including changes in application stages and agencies responsible. Include changes that are the result of both administrative and legal developments.

In addition, the Organic Law no. 14/2003 modifies the Law Controlling the Bases for the Local System, for the effects of perfecting the information contained in the Municipal Registers covering the duly recorded foreigners.

b) What were the existing categories of admission or non-admission in 2004?

A foreigner is admitted to Spanish territory dependent upon his or her nationality. Thus, Community foreigners (Nationals of the European Community of the 15 countries for 2004), the Nationals of the States forming a part of the European Economic Agreement and the Nationals of the Swiss Confederation are included in the so-called Community Plan and have the right to enter, leave, circulate and remain freely on Spanish territory; and in order to do so, all they need is a valid passport or identity document which reflects their nationality. These persons also have the right to exercise any labour activity either self-employed or as an employee under the same conditions as Spaniards, without detriment to the limitation established under Article 39.4 of the Founding Charter of the European Community. The relatives of the Community foreigners who are Nationals of third countries can also be included under the Community Plan. They will also need the corresponding visa, without detriment to what is put forth in the international treaties or agreements in which Spain participates.

The situation of the Community foreigners was regulated in 2004 by Royal Decree no. 178/2003, of 14 February, pertaining to the entry and residence in Spain of Nationals from Member States of the European Union and from other States, which participate in the EEA Agreement (Norway, Iceland and Liechtenstein), as well as the Swiss Confederation.

As regards the other foreigners not included in the foregoing paragraphs, they were included under the so-called General Plan and were regulated in 2004 by the Organic Law no. 4/2000, on the rights and liberties of foreigners in Spain and their social integration and under the Foreigners' Regulations approved by Royal Decree no. 864/2001. In order for these foreigners to be able to enter Spain, they need validly issued passports in force or a validly issued travel document which is in force or any other document which would prove their identity and which has been considered valid for entry into Spanish territory, by virtue of the international commitments assumed by Spain (Article 4 of the Foreigners' Regulations of 2001). A visa was also needed, except in some specific cases in the Article 5 of the

Foreigners' Regulations of 2001. Foreigners should also comply with certain requirements such as the justification of the object and conditions of their stay, proof of financial means and, on occasions, health requisites.

These extra-Community foreigners who wanted to reside in Spain should have first obtained a residence permit, which was granted by the Ministry of the Interior. This initial **residence permit** was **temporary**. When the residence permits were granted in order to carry out a lucrative activity, both as a self-employed worker and as an employed person, the duration of the residence permit, which was temporary, was identical to that of the **work permit**. The Ministry of Work and Social Affairs granted the work permit.

The temporary residence permit was necessary for the non-Community foreigners who wanted to live in Spain for a period of time of more than three months and it was granted for a period of one year and could be renewed up until five years.

In addition, the temporary residence permit could be granted to foreigners who were found in Spain under specific circumstances as foreseen in Article 41 of the Foreigners' Regulations of 2001. These circumstances were:

- Foreigners who could prove continuous permanence in Spain during a minimum period of three years and in which an exceptional situation and certain roots in the country can be proven.
- Displaced persons who are covered under the Regulations of the Law of Asylum.
- Persons whose request for asylum was refused or not admitted for prosecution, but the Ministry of the Interior had authorized their permanence in Spain at the proposal of the Inter-ministerial Commission of Asylum and Refuge for humanitarian reasons.
- Persons who have collaborated with the Spanish administrative and judicial authorities.
- Persons who meet with certain humanitarian needs and conditions.
- Foreigners who resided legally in Spain could reunite their relatives with them.

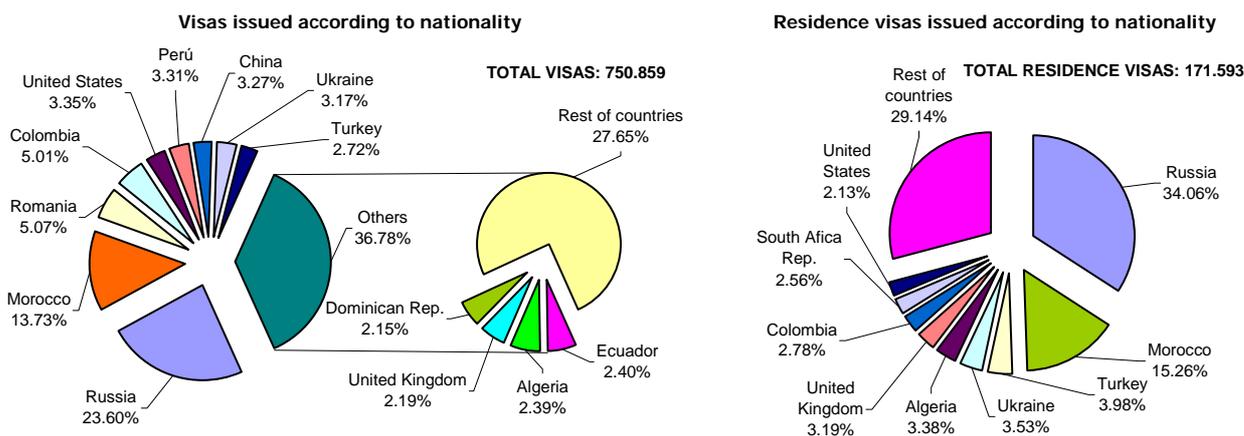
The **permanent residence permit** authorized an indefinite residence in Spain, with the same social rights as the Spaniards and with full freedom to exercise their activities on the labour market. This permit was granted to those who resided in Spain for five years with temporary residence permits, which in turn had to be renewed every five years.

Another possibility for admittance into Spain is through an **authorization for a stay in order to take courses, studies, research and training work** (whose duration will be the same as the course for which the individual is enrolled or the research work which he or she will carry out).

The number of residence permits granted by the Ministry of the Interior (General Police Department) on a specific date does not coincide with the official data on the foreign population published by the National Statistics Institute (INE). Part of this difference is explained because many of the foreigners who live in Spain and are duly recorded in the Register may not have a residence permit but their residence is legal, which is the case of:

- Those who are in the process of renewing their residence documents.
- The applicants for asylum and those who have obtained the status of refugee or the status of stateless, for they receive special documentation to remain in Spain, which differs from the residence permit.
- The Nationals of the European Community who did not request the residence card, for in 2004 it was not obligatory for a large number of them.

As we have stated in the foregoing paragraphs, in order to obtain a residence permit a **visa** was generally needed (Article 25. bis of the Organic Law 14/2003). In the year 2004, a total of 750,859 visas were granted, of which 225,393 were for residence. In 2003, the total number of visas granted was 673,729, of which 171,593 were for residence.



Source: Ministry of Labour and Social Affaires. Permanent Observatory for Immigration

The refusal of admission of Nationals from the European Community and their family members who are Nationals of third countries was only possible in 2004 for reasons of public order, public safety and public health (Article 16 of the Real Decree no. 178/2003). And for

the rest of the foreigners, when they failed to comply with the requirements included under the Foreigners' Regulations approved by Royal Decree no. 864/2001). Non-admission could be based specifically on a prohibition for entry into Spain, refusal of the renewal of the documentation necessary for staying in Spain or the expulsion from the national territory.

c) *Could you identify European / international factors explaining certain changes/continuity regarding migration in your Member State in comparison to the previous year?*

In 2004, the Agreement reached between the Kingdom of Spain and the Republic of Peru, which was reached in Madrid on 6 July 2004, has been provisionally applied to immigration matters. The Agreement is aimed at making it possible for the competent designated authorities to cooperate in order to improve their respective handling of the matters dealing with foreigners and migration.

The Protocol in 2004 between the Government of Spain and the Government of the Democratic and Popular Republic of Algeria on the circulation of persons, reached ad referendum in Algiers on 31 July 2002.

EXCHANGE of Notes, on 24 May and 14 October 2004, setting up the Agreement between the Kingdom of Spain and the Republic of Chile on the reciprocal recognition and exchange of national driving licenses.

AGREEMENT between Spain and Romania regarding the reciprocal recognition of the driving licenses of the Spanish and Romanian citizens, on an exchange basis, reached in Bucharest on 1 September 2004.

EXCHANGE of Letters, of 26 October of 2004, establishing the Agreement between the Kingdom of Spain and the Democratic and Popular Republic of Algeria as to the reciprocal recognition and exchange of national driving licenses.

B. ASYLUM ISSUES

Spain, in observance of the obligations contracted through its support to the different international instruments for Human Rights defence, has an International Protection system

the implementation of which is the responsibility of the Directorate General fo Internal Policy, depending of the Ministry of Interior, in order to determine asylum rights, refugees, displaced and stateless people, legal systems, as well as the subsidiary protection, that considered as a whole is called International Protection.

The Asylum and Refuge Office is the specialized agency responsible for the study of the applications of asylum seekers .

The granting of asylum rights, as well as that of any other kind of humanitarian protection (subsidiary protection) are carried out by an individualized procedure that allows the recognition of the applicant refugee condition or his/her right to obtain another kind of subsidiary protection.

1) Analysis and interpretation of the asylum statistics

a) *Please describe trends in first-time asylum applications in 2004 compared to the previous year. Are these trends related to legislative or administrative developments/ changes?*

In 2004, 5,553 asylum applications were presented in Spain. Except for the increase of 2001, when 9,490 applications were received, mostly belonging to Cuban citizens, the applications have decreased during last five years (1999-2004) from 8,405 presented in 1999 to 5,553 in 2004.

In percentages terms is observed a decrease respect to 2002. In 2003 the percentage is 6,20% and in 2004 it is 6,17% in relation to 2003. It is observed that the number of asylum applications in Spain is decreasing as it happens in the rest of European Community countries.

Total number of first asylum applications during the period 1997-2004

	1997	1998	1999	2000	2001	2002	2003	2004
Number of first applications	4,975	4,934	8,405	7,926	9,490	6,309	5,918	5,553

In 2004 the asylum seekers recorded in Spain are from 97 different nationalities. The most frequent nationalities were: Nigerians (1,029), Algerians (991) and Colombians (760).

First asylum applications by main countries of citizenship, 2004

	Total
TOTAL	5,553
Nigeria	1,029
Algeria	991
Colombia	760
Malí	253
Guinea	228
Dem. Rep. Of Congo	203
Guinea Bissau	114
Ivory Coast	110
Gambia	108
Ghana	108
Liberia	102
Sierra Leona	100
Others	1,447

Source: Ministry of Interior. Asylum and Refuge Office

Gender-percentage was 70.77% (3,930) males and 29.23% (1,623) females.

As for their distribution by age there were 509 applications from 0 to 17 years old, 4,271 from 18 to 35 years old, 749 from 36 to 59, and 24 over 60.

New asylum applications by age group and sex, 2004

Age groups	Male	Female	Total
TOTAL	3,930	1,623	5,553
0-17	:	:	509
18-35	:	:	4,271
36-59	:	:	749
60+	:	:	24

Source: Ministry of Interior. Asylum and Refuge Office

- b) *What is the total number of first and final positive decisions in 2004, disaggregated by the citizenship of the person concerned? Please explain changes in the total number of positive decisions in comparison to the previous year.*

Total number of decisions, 2004

	Total	First instance	First appeal	Subsequent appeal
Total	:	6.625	2.966	:
Positive decisions	:	161	72	:

Negative decisions	:	3.301	2.388	:
Other non-status decisions	:	163*	506	:

* Subsidiary protection

Source: Ministry of Interior. Asylum and Refuge Office.

Total number of positive decisions (first instance) by type and country of citizenship, 2004

	Total	Geneva Conv. Stat. Granted	Humanitarian Status and all other types of subs. protect.	Other
TOTAL	324	161	163	0
Colombia	109	53	56	0
Russia	36	25	11	0
Iraq	51	4	47	0
Guinea Ecuatorial	9	9	0	0
Belarus	8	8	0	0
Cuba	12	8	4	0
Dem. Rep. of Congo	7	7	0	0
Etiopía	6	6	0	0
Armenia	14	6	8	0
Pakistán	9	0	9	0
Others	63	35	28	0

Source: Ministry of Interior. Asylum and Refuge Office

According to the data recorded in this tables the following information is included:

First instance

The **first instance decisions (resolutions)** amounted to 6,625 in total.

The data relating to the **positive first instance decisions** refer to the resolutions signed by the Ministry of Interior granting the Refugee Statute in accordance to Geneva Convention, and its total was 161. As for countries, the three main origin countries that, in 2004, have obtained a bigger number of refugees' status and subsidiary protection are: Colombia, Russia and Irak.

The **unfavourable first instance decisions** refer to the unfavourable resolutions to asylum rights, 1,653 plus those non-admitted to the standard procedure (manifestly unfounded and Dublin cases) that were 4,648, a total amount of 6,301.

Among the data **Other decisions** the resolutions signed by the Minister are included, and through them some kind of Subsidiary Protection is granted. The number of these is 163.

First appeal

In 2004 there were 2,966 sentences, amount including the positive, negative ones and others decisions.

The positive decisions of the first appeal (administrative and judicial) concerned 72 people.

The negative decisions were 2,388 corresponding to decisions refusing asylum rights plus the resolutions rejecting the admission to the standard procedure (manifestly unfounded and Dublin cases).

And 506 other decisions non-status that included 177 resolutions admitting to the standard procedure and 329 others decision.

c) *When compared with the previous year, can you observe changes in the statuses regularly granted to particular citizenship groups? How do you explain these changes or continuity?*

Since 2002 Colombia is still the country of origin with the biggest number of positive decisions.

2) Contextual interpretations (legal, political and international factors)

a) *New or amended laws effective in 2004*

Please describe shortly new or amended laws on asylum and relevant case law effective in 2004. Have there been important changes in comparison with the previous year?

No.

b) *Procedural changes effective in 2004*

Please explain shortly administrative or legal changes in the application, decision, or appeals process in contribution to numerical changes. Have there been important changes in comparison with the previous year?

In January 2004 a change has been made in the regulation concerning the judicial competent body in order to study the administrative appeal brought by the person concerned against the asylum resolutions.

The decisions taken at first instance not admitting to the standard procedure the application for asylum (manifestly unfounded and Dublin cases) can be appealed to the Central Judges of Administrative; and the decisions taken at first instance rejecting the asylum can be appealed to the National Court.

- c) *Can you identify European / international factors explaining certain changes regarding asylum trends in 2004 in your Member State? Has the situation changed in comparison with the previous year?*

C. ILLEGAL ENTRY

[Any introductory remarks for this section]

1) Analysis and interpretation of statistics

- a) *Please describe developments/trends³ pertaining to the number of refused aliens⁴ in 2004 in comparison to the previous year⁵. Have there been changes in the main countries of citizenship of refused aliens since the previous year? If possible, give reasons for these changes/continuity.*

Entry to Spanish territory is refused when the person does not fulfil the requirements established in the the Convention implementing the Schengen Agreement Law on Foreigners. Refusals can only be enforced on persons entering Spanish territory, but not on migrants who are already on Spanish territory.

The number of refused aliens in 2004 has been 599,040, 15.2% less than in 2003 (706,081). Moroccans were in both years by far the largest group: 591,065 in 2004 (98.67% of the total number of refused aliens) and 632,237 in 2003 (89.54%). The high number of refused aliens in both 2004 and 2003 is related to the large number of Moroccans who were refused entry at

³ This includes, for letters a) to c): information on the *number* of refused aliens; their *citizenship*; the difficulties in return of migrants; and special arrangements with certain countries of origin or transit regarding return and deportation.

⁴ Defined as "Persons not covered by Community law who are refused entry at the border owing to (a) a lack of, or counterfeit/falsified, border documents; (b) an existing entry or residence prohibition; (c) other grounds for refusal." The 'other grounds for refusal' must have a link with the immigration status of the person. Thus, a refusal because a car is not roadworthy should not be counted here.

⁵ In case your Member State does not collect data on refused aliens, we kindly ask you to send us your enforcement statistics, even if they are not directly comparable.

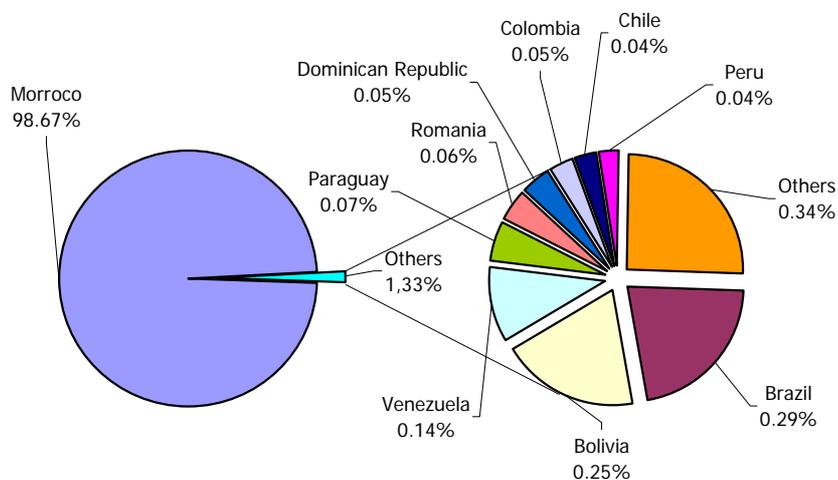
Melilla and Ceuta (Spanish cities on the African continent) and who had not been integrated the previous years.

Refused aliens by main country of citizenship, 2004

TOTAL	599,040
Morroco	591,065
Brazil	1,738
Bolivia	1,525
Venezuela	839
Paraguay	447
Romania	348
Dominican Republic	323
Colombia	275
Chile	232
Peru	232
Others	2,016

Source: Ministry of Interior. General Directorate of Police

Refused Aliens by main countries of citizenship, 2004



Source: Ministry of Interior. General Directorate of Police

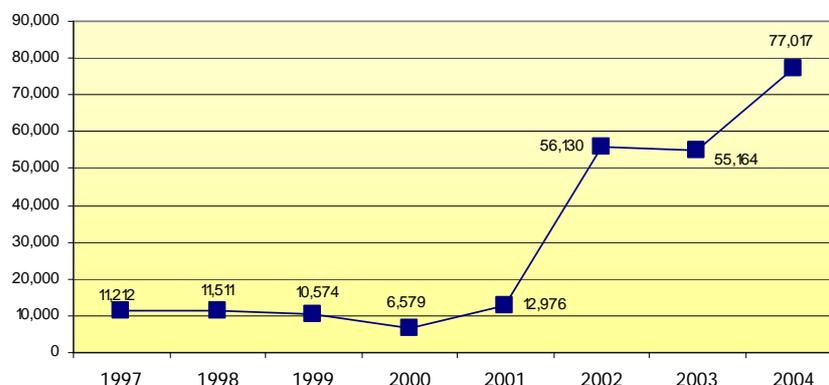
Mauritanians, who were in 2003 the second largest group of refused aliens (with 63,931 refusals, 9.05% of the total) was no longer in 2004 in the list of the ten main citizenships.

Ecuador, which was in the third position in 2003 with almost 5,000 refusals also disappeared from the top ten nationalities in 2004.

b) Please describe developments/trends pertaining to the number of apprehended aliens in 2004 in comparison to the previous year⁶. Have there been changes in the main countries of citizenship of apprehended aliens in 2004? If possible, give reasons for these changes/continuity.

During the year 2004, 77,017 persons without legal authorisation were apprehended on Spanish territory, constituting an increase of 39.61% in relation to 2003 (55,164 apprehensions).

Total number of Apprehended Aliens, 2004



Source: Ministry of Interior. General Directorate of Police

⁶ In case your country does not collect data on apprehensions, please provide your Enforcement Statistics, even if they are not directly comparable.

Apprehended aliens illegally present by main countries of citizenship, 2004

TOTAL	77,017
Morocco	22,340
Romania	9,526
Ecuador	5,285
Mali	4,966
Algeria	3,352
Gambia	2,711
Colombia	2,247
Bolivia	1,854
Brazil	1,790
Nigeria	1,735
Others	21,211

Source: Ministry of Interior. General Directorate of Police

Moroccans were by far the largest group of apprehended aliens illegally present in Spain, accounting for 22,340 apprehensions, constituting a slight increase in comparison to the year before (21,711).

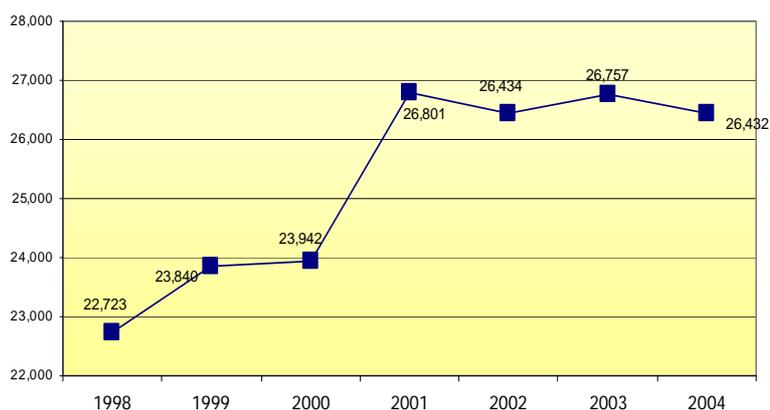
The second largest group is composed of Rumanians with 9,526 apprehensions (64.38% more than in 2003), followed by Ecuadorians (5,285 apprehensions, that is 42.30% more than the previous year), Malians (4,966 apprehensions, 33.75% more than in 2003) and Algerians (3,352 apprehensions, an increase of 120.53% in relation to 2003).

Gambia, Bolivia and Brazil, which were not in the list of the ten main citizenships in 2003 appear in 2004 in the sixth, seventh and ninth positions respectively.

- c) Please describe developments/trends pertaining to the number of aliens removed in 2004 in comparison to the previous year. Have there been changes in the main countries of citizenship of removed aliens? If possible, explain the underlying factors for these changes/continuity.

Migrants without a legal residence authorisation under Spanish Law can be removed by an expulsion order (see section C.2.1.). In the recent years, the registered number of removed aliens has remained at a relatively constant level. In fact, in 2004 the number of removed aliens was 26,432 with a slight decrease (1,21%) in relation to 2003.

Removed Aliens During the Period 1997 - 2004



Source: Ministry of Interior. General Directorate of Police

Removed aliens by main countries of citizenship, 2004

TOTAL	26,432
Morocco	15,716
Romania	3,112
Nigeria	1,042
Ecuador	983
Colombia	778
Brazil	604
Algeria	560
Russian Federation	395
Bolivia	393
Bulgaria	371
Others	2,478

Source: Ministry of Interior. General Directorate of Police

Eight out of the ten main citizenship groups were also among the main groups in 2003. The first five citizenship groups even maintain their position on the list. The main group of removed aliens in 2004 were Moroccans (15,716) representing the 59.46% of total removals and showing a decrease of 7.59% with respect to 2003, followed by 3,112 Romanians (11.10% more than in 2003). The next largest groups of removed aliens were Nigerians (1,042), Ecuadorians (983), Colombians (778) and Brazilians (604).

d) *In cases of refused, apprehended, and removed aliens in 2004, are these from the same countries in all categories, or are particular citizenship groups more common in a particular category? If possible, explain the underlying causes.*

Four countries are among the ten main citizenships in all the categories: Morocco, Brazil, Romania and Colombia. In addition, another four countries are in both the lists of apprehended and removed aliens: Ecuador, Algeria, Bolivia and Nigeria.

2) Contextual interpretations (legal, political and international factors)

a) *New or amended laws influencing irregular immigration in 2004*
Please explain the most important changes in policies regarding refusal of entry or return from the previous year.

In 2004, the Organic Law no. 14/2003, of 20 November, was applied, which modified the Organic Law no. 4/2000, on the rights and liberties of foreigners in Spain and their social integration. One of the modifications of the Law no. 14/2003 in regard to the illegal entries was the reinforcement and improvement of the sanctions and punishments for illegal immigration and illegal smuggling of human beings. The collaboration with the carrier companies is reinforced in order to be able to count on more information on the individuals who will be transported to Spanish territory.

In addition, the procedures for deporting foreigners who enter Spain illegally are reinforced and those actions carried out by individuals for a profit aimed at encouraging, favouring, promoting or facilitating clandestine immigration of people in transit through or with a

destination in Spain or for permanence in Spain are catalogued as serious infractions and offences.

This Law incorporates the provisions approved by the European Union in relation with illegal entries. They include the already cited sanctions for the carriers (Directive 2001/51/EC) and the mutual recognition of the judicial decisions for expulsion, which consists of preventing those foreigners who have been affected by such a decision in one State of the Union from trying to elude these rulings and travel to another Member State (Directive no. 2001/40/EC).

Furthermore, Law no. 11/2003, of 29 September, also introduces changes in the Organic Law no. 4/2000, regarding the rights and liberties of foreigners in Spain and their social integration. The main modifications in regard to the illegal entries refer to the penal actions to be taken against those foreigners who are found illegally in Spain and who commit crimes and the penal actions adopted against the new forms of delinquency which take advantage of the immigration phenomenon to commit crimes (modification of Articles nos. 318 and 318 bis of the Penal Code and the technical adaptation of Article no. 188 to fight against the illegal trafficking of human beings). All of this is in compliance with the European Union's priority interest in fighting against the illegal smuggling of human beings (European Council of Tampere).

b) Procedural changes influencing irregular immigration in 2004

Please describe modifications to the procedure in cases of identified illegal entry, illegal residence and return since the previous year. Include changes that are the result of both administrative and legal developments.

The procedural changes in 2004 are the result of the modifications made in the Law on Foreigners as a result of Law no. 11/2003 and Organic Law no. 14/2003. In particular, a foreigner can be deported when he or she carries out behaviour classified as serious or very serious in accordance with Article no. 53 of the Law on Foreigners. The foreigner can also be expelled when he or she has been sentenced either within Spain or outside of the country for fraudulent behaviour which would constitute in Spain a crime punishable with imprisonment of more than one year, unless the penal precedents had been cancelled. The foreigner could also be deported if he or she is being judged or accused in a judicial proceeding for a crime or misdemeanour for which the Law foresees a sentence of imprisonment of less than six years (Article no. 57 of the Law on Foreigners).

Every deportment will also entail the prohibition of entry into Spanish territory for a minimum period of three years and a maximum of ten (Article no. 58 of the Law on Foreigners).

It is possible in the cases evaluated under the Law on Foreigners (Articles 53 and 54) that once the deportment case is inchoated, the prosecutor could ask the corresponding trial judge to order the foreigner to be sent to an institution of confinement (for a maximum period of forty days), while the sentencing of the case is being prosecuted. It will not be necessary for a deportment ruling to have been issued in order to do so (Article 62 of the Law on Foreigners). These Institutions of Confinement and the rights and obligations of the foreigners confined therein along with the internal system are all regulated by Articles 62 bis, 62 ter, 62 quarter, 62 quinquies and 62 sexies of the Law on Foreigners.

c) Can you identify European / international factors explaining certain changes/continuity regarding illegal entry in 2004 in your Member State?

Bearing in mind the entrance of illegal immigrants in small boats registered in the Straits of Gibraltar and in the Canary Islands, the reduction in 2004 in relation with 2003 has been 68.05% (13,049 illegal immigrants in 2004 as compared with 19,176 in 2003).

This reduction can be attributed fundamentally to the expansion of the Integrated System for Exterior Surveillance (SIVE) with the launching of new sensor units and patrol boats, and the results of agreements for collaboration signed with Morocco, both in regard to the exchange of information as well as for carrying out joint patrols.