



SHARE

Building a resettlement network for European municipalities, cities and regions www.resettlement.eu

THE SHARE PROJECT

The SHARE network will facilitate structured dialogue and exchange of expertise between experienced resettlement countries planning or considering resettlement.

With a worldwide membership, staff and operations working with migrants and refugees in more than 40 countries, ICMC Serves and protects uprooted people - refugees, internally displaced persons and migrants - regardless of faith, race, ethnicity or nationality.

Since its creation in 1951, ICMC has identified and accompanied one million refugees for resettlement. Additionally, ICMC provides expert resettlement personnel through the ICMC-UNHCR Resettlement Deployment Scheme to support UNHCR resettlement activities in field offices around the world.



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SHARE Network National Briefing: SPAIN

1. Governance

As defined in the 1978 Constitution, Spain is a parliamentary monarchy and a unitary administrative state with a high level of political decentralisation. The constitution defines three levels of government - the state, the regional authorities (*Comunidades Autónomas* - CCAA) and local government. Within each level of government, a complex set of institutions share decision-making power in different policy areas.

- **National government**

At the state level, political decisions are taken by the Spanish Parliament, which is composed of the political representative assembly (*Congreso*) and the territorial representative assembly (*Senado*). Elections are held every 4 years, with the next election due to take place in November 2015.

The national administration is divided into 12 Ministries that operate through delegations, either independently active across the whole national territory or acting in cooperation with regional authorities, depending on which policy area they are responsible for and the level of decentralisation that is applied to it. Some competencies are exclusive to the national government, including foreign policy, border control and migration.

- **Regional governance**

The 17 regional authorities, the CCAAs and the two autonomous cities Ceuta and Melilla are politically autonomous, and usually composed of a government, Parliament and Court of Justice. Regional elections also take place every 4 years, on a cycle independent from that of the state or local government. The next regional elections are due to take place in May 2015 or 2016.¹

CCAAs have wide-ranging decision-making powers in areas including education, health, land use and management, and tourism. The degree of autonomy varies across CCAAs - from the Basque Country and Catalonia, which have competencies in law and order and tax collection, to CCAAs such as *Castilla-La Mancha* or *Melilla*, which are highly dependent on state regulation.

¹ Election dates vary across CCAAs - see <http://www.juntaelectoralcentral.es>



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Map of Spanish regions

Spain has 50 provinces. The *Diputación provincial* is an assembly of local elected mayors, the main function of which is to facilitate cooperation between municipalities in the provision of public services and to offer technical assistance. In the regional authorities (CCAA) with only one province, such as Asturias, Cantabria or Melilla, the *Diputaciones provinciales* do not exist and their role is instead absorbed by the CCAA.

- **Local government**

Municipalities are politically independent, and the Mayor is the political head of the Town Council. The next local elections are due to take place in May 2015. Municipalities are obliged to provide a specific set of services depending on their size - however, in general, their competences are the following:²

- Land use and management.
- Public housing.
- Social services (see '2013 local government reform, below).
- Urban public transport.
- Public education - supervising compulsory public education and identifying land for building public education facilities; maintenance and upkeep of public education facilities.

- **2013 local government reform**

In 2012, the high level of debt accumulated by many Spanish municipalities and the lack of overall regulation of the role of local government prompted the state to implement a significant programme of local government reform. The reform was enacted through the Local

² Article 25 of the Local Government Streamlining and Sustainability Act (*Ley de Racionalización y Sostenibilidad de la Administración Local- LRSAL*) - https://www.boe.es/diario_boe/txt.php?id=BOE-A-2013-13756



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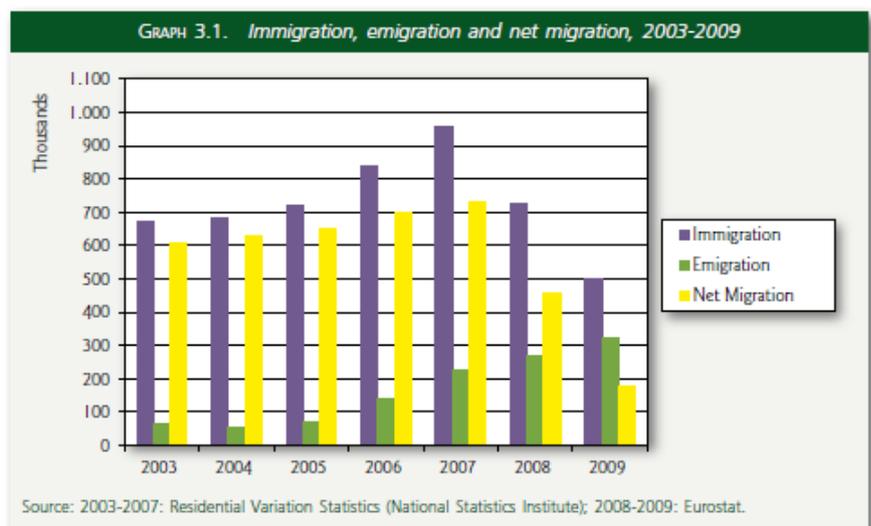


Government Streamlining and Sustainability Act (*Ley de Racionalización y Sostenibilidad de la Administración Local- LRSAL*), which amended the 1985 law regulating local government (*Ley Reguladora de Bases de Régimen Local- LRBRL*).

One outcome of the reform was to limit the role of municipalities in the provision of social services. Municipalities were previously responsible for a lot of social service provision, but the reform limited this role to the assessment and provision of services solely for those in 'a vulnerable situation or with a high risk of social exclusion'. The large part of social services previously provided by municipalities are now being gradually absorbed by CCAAs during a transition period set to conclude in December 2015. The reform enables municipalities to transfer the entire provision of a particular social service function to the relevant CCAA, or for a municipality and CCAA to conclude an agreement for the continued provision of a social service by the municipality after the transition period (agreements specify a time period for the service provision and the funds that will be transferred from the CCAA to the municipality to support its delivery).

2. Migration, asylum & integration

In the early part of the 21st century, Spain experienced year-on-year positive net migration. With the onset of the economic crisis Spain became a country of emigration (see graphic below), and the resident population of third country nationals decreased from 4.4 million in 2008 to 3.21 million in 2012³.



³ Country Factsheet: Spain 2012, by the European Migration Network, http://extranjeros.empleo.gob.es/es/redeuropeamigracion/Informe_Anual_Politica_Inmigracion_Asil/country_factsheet_spain_2012_en_400004.pdf



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- **Asylum**

In 2012, Spain received 2,588 asylum applications.⁴ The most common applicant nationality was Syrian, constituting 9.8% of total applications, followed by Nigerian (7.8%) and Algerian (7.8%).

The legal framework for asylum is provided by '*Law 12/2009 governing the right of asylum and subsidiary protection*'.⁵ The national Office of Asylum & Refugees (OAR) in the Ministry of the Interior (MTIN) is exclusively responsible for Refugee Status Determination (RSD) in Spain. Asylum seekers in Spain are granted a provisional residence permit, valid for 6 months and renewable whilst the RSD process is ongoing.

Those seeking asylum in Spain are accommodated in centralised, temporary accommodation facilities administered by the national Ministry of Employment and Social Security (MEySS)⁶, which contracts specific functions relating to the centres to specialist NGOs.

- **Integration**

Those recognised as refugees in Spain are granted long-term residence and permission to work. The MEySS has overall competence for the integration of third-country nationals in Spain, including refugees, with the legal basis provided by the '*Law 4/2000 of 11 January on the rights and freedoms of foreign nationals in Spain and their social integration*'. MEySS provides strategic guidance for integration via the national '*Strategic Plan on citizenship and integration (2011-2014)*',⁷ and distributes funding to NGOs for integration-related activities.⁸

All levels of public administration are legally required to facilitate the integration of migrants in Spain, including refugees, having a general responsibility to take all measures necessary to promote the '*economic, social, cultural and political participation of all migrants*'.⁹ The reception

⁴ 2012 Annual Report, Ministry of Interior Affairs of Spain:

http://www.interior.gob.es/documents/642317/1201562/Asilo_en_cifras_2012_126130552.pdf/9545a6b7-4f95-49a7-a28d-c0deafe35bf1

⁵ Full text of the law is available at <http://www.interior.gob.es/web/servicios-al-ciudadano/extranjeria/asilo-y-refugio/normativa-basica-reguladora>

⁶ <http://extranjeros.empleo.gob.es/es/ProteccionAsilo/index.html>

⁷ Ministerio de Empleo y Seguridad Social, SG de Inmigración y Emigración, Plan Estratégico de Ciudadanía e integración 2011-2014
http://extranjeros.empleo.gob.es/es/Programas_Integracion/Plan_estrategico2011/index.html

⁸ Ministerio de Empleo y Seguridad Social, SG de Inmigración y Emigración, Subvenciones a entidades sin ánimo de lucro para programas de intervención integral en barrios y para programas del área de integración de inmigrantes - http://extranjeros.empleo.gob.es/es/Subvenciones/AreaIntegracion/integra_emigrantes/index.html

⁹ Article 2 ter 2 from the '*Law 4/2000 of 11 January on the rights and freedoms of foreign nationals in Spain and their social integration*'



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and integration of refugees in Spain is characterised by close collaboration between the national authorities (represented by MTIN and MEYSS), CCAAs, local government and specialist NGOs. Following the 2013 local government reform (see above), CCAAs are the main service providers in the domain of social support, including for services to migrants and refugees in areas such as health, education and employment support. Some CCAAs have collaborated with local actors to develop Regional Integration Plans to coordinate integration actions in areas such as education, employment, health, social services and civic participation. Some municipalities have also developed local integration plans.

3. Resettlement

• The Spanish resettlement programme

Although Spain did not establish a formal resettlement programme until 2012, it has received refugee groups and individuals on an ad-hoc basis since 1979, both independently and as part of wider European and international exercises, as below:

- 1979-80 - Vietnam and Laos
- 1980-95 - Cuba
- 1987 - Iraq
- 1999 - Albania (Kosovar refugees)

Ad-hoc resettlement exercises were generally undertaken in partnership with UNHCR, and in cooperation with national NGOs experienced in working with refugees. Throughout the same period, UNHCR, the Spanish Asylum Office (OAR) and NGOs also cooperated on the transfer and reception of asylum seekers who presented their application at Spanish embassies overseas.

Spanish asylum legislation makes specific reference to the establishment of a regular resettlement programme under the First Additional Provision of the '*Law 12/2009 governing the right of asylum and subsidiary protection*'. The regular resettlement programme was finally established in the Agreement of the Council of Ministers of October 7th, 2011¹⁰.

In July 2012, 80 refugees from the Sousha camp arrived Spain as part of the first edition of the Spanish resettlement programme.

In late December 2012¹¹, the Spanish government approved a new resettlement quota to receive up to 30 resettled refugees during 2013-14.

¹⁰ "Aprobado el Programa de Reasentamiento de Refugiados en España para el año 2011, Consejo de Ministros del Viernes 7 de octubre de 2011", <http://www.lamoncloa.gob.es/consejodeministros/referencias/Paginas/2011/refc20111007.aspx#Reasentamiento>

¹¹ ACUERDO por el que se aprueba el Programa de reasentamiento de refugiados en España, en cumplimiento de la disposición adicional primera de la Ley



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In December 2013, and following the call by UNHCR for resettlement countries around the world to provide 130,000 resettlement or other admission places for Syrian refugees during 2014-16, the Spanish government allocated the 100 places to receive Syrian refugees during 2013-14¹².

This 130 places have been entirely allocated to Syrians and they arrival is expected by December 2014.

- **Resettlement arrivals**

In July 2012, 80 refugees (22 men, 25 women and 33 children) originally from Eritrea, Ethiopia and Sudan, arrived into Spain from Shousha refugee camp on the Libya-Tunisia border. The resettled refugees were granted a *laissez passer* entry visa for Spain prior to their departure, which provided them with a provisional residence status and the right to work in Spain. A formal RSD procedure was conducted post-arrival, and granted 4 arrivals with refugee status, 74 with subsidiary protection and 2 with family reunification status.

- **Reception & integration for resettled refugees**

The national Office of Asylum & Refugees (OAR) allocated resettled refugees arriving from Shousha in late 2012 to existing reception centres (*Centros de Acogida a Refugiados - CARs*). CARs are primarily used to accommodate asylum seekers - some are managed directly by the MEySS, whilst others are managed by the NGOs ACCEM, CEAR and Cruz Roja. Allocation to specific centres was undertaken pre-arrival, and depending on the availability of places and the capacity of organisations operating the centres - with whom OAR signed specific agreements for their participation in the programme - to receive them. The table included as Annex A to this report details which centres received which refugees from this caseload.

Resettled refugees were accommodated for 6-12 months in reception centres, where a range of services - including legal counselling, psychological care, language tuition, housing advice and orientation (incorporating employment support) - were made available to

12/2009, de 30 de octubre, reguladora del derecho de asilo y de la protección subsidiaria.
<http://www.lamoncloa.gob.es/consejodeministros/referencias/Paginas/2012/refc20121228.aspx#Refugiados>

¹² ACUERDO por el que se aprueba el programa de reasentamiento de refugiados en España, en cumplimiento de la disposición adicional primera de la Ley 12/2009, de 30 de octubre, reguladora del derecho de asilo y la protección subsidiaria,
<http://www.lamoncloa.gob.es/consejodeministros/referencias/Paginas/2013/refc20131213.aspx#Refugiados>



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them via on-site social counsellors. All refugees underwent individual interviews to determine their specific needs and to inform them about the public service framework in Spain.

Resettled refugees were responsible for their own registration for local public services within the first 2 weeks after arrival. Access to public support is via registration with the Town Council, and the administrative registration document provides refugees with access to healthcare, basic primary social services and urgent aid on the same basis as other residents and citizens. Refugees receive information on how to register with the local municipality from social workers at the CARs.

Municipalities and CCAAs do not play a direct role in the resettlement programme. They are, however, indirectly involved in the sense that municipalities are responsible for providing basic social services and urgent aid, and CCAAs are responsible for healthcare, secondary school education and employment orientation.

Resettled refugees were responsible for finding private housing for themselves and their family members in the same municipality in which their reception centre is located, and social counsellors in the reception centres supported resettled refugees in their search for housing. The resettlement programme provides social welfare support to cover basic needs, included rental costs, for a period of approximately 2 years. After the move into private housing, resettled refugees are entitled to access social services and provided by the municipality or CCAA. Resettled refugees that move away from the municipality in which the centre is located are not entitled to continue receiving either social or welfare support.



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ANNEX A

NGO in charge of reception	Refugee nationality	Refugee ethnicity	Nº of persons per family unit	Location of Reception Centre
ACCEM	Sudan	Nuba	6	LEÓN
ACCEM	Sudan	Zaghawa	5	SIGÜENZA (GUADALAJARA)
ACCEM	Sudan	Zaghawa	3	SIGÜENZA (GUADALAJARA)
ACCEM	Sudan	Dinka	2	SIGÜENZA (GUADALAJARA)
			16	TOTAL ACCEM
CEAR	Eritrea	Tigre	1	MADRID
CEAR	Sudan	Dadjo	1	MADRID
CEAR	Ethiopia	Oromo	1	MADRID
CEAR	Ethiopia	Oromo	1	MADRID
			4	TOTAL CEAR
SPANISH RED CROSS	Ethiopia	Oromo	3	ALICANTE
SPANISH RED CROSS	Ethiopia	Oromo	3	ALICANTE
SPANISH RED CROSS	Ethiopia	Amharra	2	LOGROÑO (LA RIOJA)
SPANISH RED CROSS	Eritrea	Tigrinya	3	LOGROÑO (LA RIOJA)
SPANISH RED CROSS	Eritrea	Tigrinya	4	LOGROÑO (LA RIOJA)
SPANISH RED CROSS	Ethiopia	Oromo	3	TORRELAVEGA (CANTABRIA)
SPANISH RED CROSS	Eritrea	Oromo	3	TORRELAVEGA (CANTABRIA)
SPANISH RED CROSS	Ethiopia	Oromo	3	TORRELAVEGA (CANTABRIA)
SPANISH RED CROSS	Ethiopia	Oromo	2	TORRELAVEGA (CANTABRIA)
			26	TOTAL SPANISH RED CROSS
CAR SGII	Sudan	Fur, Forok	7	ALCOBENDAS (MADRID)
CAR SGII	Eritrea	Tigre	3	ALCOBENDAS (MADRID)
CAR SGII	Ethiopia	Oromo	2	MISLATA



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				(VALENCIA)
CAR SGII	Ethiopia	Oromo	4	MISLATA (VALENCIA)
CAR SGII	Sudan	Zaghawa	6	MISLATA (VALENCIA)
CAR SGII	Ethiopia	Oromo	2	SEVILLA
CAR SGII	Ethiopia	Oromo	3	SEVILLA
CAR SGII	Ethiopia	Oromo	2	SEVILLA
CAR SGII	Sudan	Other	5	VALLECAS - MADRID
			34	TOTAL CAR SGII
			80	TOTAL