

Country: SPAIN

Key Policy Issues Paper*

1. Specific Issues

Unaccompanied minors
<p>Key policy issue 1: Assistance to unaccompanied minors</p> <p>Spain is amongst the EU Member States receiving the highest number of unaccompanied minors (UAM). In September 2012 the estimated number of UAM in the social services system for the protection of minors under regional governments was 2,356. Although this represents a considerable drop compared to 2008 figures, when the number of minors in care centres amounted to 6,600, new arrivals of unaccompanied minors is increasing their numbers again lately.</p> <p>Despite having taken several measures to address this issue, the assistance provided by Spain to minors has still significant shortcomings in areas such as reception conditions, legal guardianship, age assessment, family tracing, education and integration. Spain's authorities recognise the importance of improving assistance to unaccompanied minors, having shown interest in cooperating with other EU Member States in areas like age assessment, family tracing and reception conditions for minors.</p> <p>Desired outcome:</p> <ul style="list-style-type: none"> • Improvement of reception conditions for unaccompanied minors, as well as strengthening measures regarding legal guardianship, age assessment and family tracing. More specifically, measures should be taken to ensure appropriate care conditions in minors' centres, improve conditions of education and integration, as well as actions preparing for the moment minors reach 18, to avoid irregularity. • Inter-institutional cooperation between the regional authorities, the Minors' Prosecutor Office, and the central administration authorities, including Ministry of the Interior, should also be reinforced. <p>Comments from the Member State:</p>

* This paper was prepared by the Commission services in the framework of the Policy Dialogue with Spain on the priorities for the two national programmes under the future Home Affairs funds - Asylum and Migration Fund (AMF) and Internal Security Fund (ISF).

Common European Asylum System (CEAS)

Key policy issue 2: Insufficient planning and adaptability in terms of reception capacity, including in case of massive influx

There is no long term planning at national level to cater for the needs of asylum seekers. The authorities might consider such planning unnecessary since, if compared with other "big" EU Member States, Spain consistently receives a relatively low number of asylum applications and that number is constantly decreasing over the past years.

On the other hand, Spain's reception capacities are limited: approximately 2000 beds are available for asylum seekers and other migrants, including capacity offered by Red Cross and NGO's. During the admissibility procedure (including Dublin procedure) applicants do not benefit from reception conditions.

Considering that Spain has a very large coast line, as well as territories prone to sudden arrivals, it would be advisable that its authorities establish proper contingency planning or emergency reception capacity, to ensure that the country is ready to provide adequate assistance to asylum seekers if/when such influxes occur.

Desired outcome:

- The adoption of a national contingency planning for possible influx of large number of asylum seekers.
- The setting up of a system of monitoring of the standards and capacity (for better and constantly updated information on the possible gaps and possible necessary adaptation to current or future constraints).
- The development of a flexible reception system, easily adaptable to situations of emergency or sudden arrivals.
- Adequate reception conditions ensured to all asylum applicants, including under admissibility and Dublin procedures.

Comments from the Member State:

Key policy issue 3: Quality of asylum decision making process / procedures

Spain's capacity to ensure access to asylum procedures at borders as well as the length of the asylum procedure itself, are matters of concern. Staff does not always seem to have the necessary training and knowledge on the procedures to follow and the assistance to provide to asylum seekers. Furthermore, as "border procedures" are normally applied to people who seek asylum in detention, asylum seekers prefer not to apply for asylum while in detention, applying for asylum only once they

are released.

Concerns have also been raised as regards the ability to correctly identify victims of trafficking that might be in need of international protection. The same concerns have been raised as regards the particular situation of vulnerable people. According to Law 12/2009 of 30 October 2009, the special needs of such group would be taken into consideration in the law's implementing rules. However, as those implementing rules have not yet been adopted, the particular situation of vulnerable people is not properly addressed.

Desired outcome:

- Establishment of a national system of continuous evaluation of the asylum procedures and assistance provided to asylum seekers.
- Improvement of the quality and speed of the asylum decision-making (notably through the training of staff, border guards, judges, etc.).
- Designing of a planning for continuous training, as well as quality monitoring/ contingency planning, namely to ensure enough case officers in case of mass influx of refugees/asylum seekers.
- Victims of human trafficking and other vulnerable persons in need of international protection are correctly identified (e.g. victims of torture, unaccompanied minors) and their needs addressed, notably through the training of different stakeholders, improvement of reception capacities and provision of specific services (e.g. psychological assistance).

Comments from the Member State:

Return Policy

Key policy issue 4: **Effective return policy – Strengthening of voluntary return, enhancement of an efficient forced return monitoring system, improvement of detention conditions**

Complying with fundamental rights standards and guaranteeing a dignified return procedure are core aspects of EU return policy. Voluntary return is the most humane, effective and less expensive method for returning irregularly staying third country nationals. Hence, the use of voluntary return should be given preference over forced return measures.

Spain's return policy is still strongly focused on forced return, allocating to it annually more than 70-80% of funding available for return operations. Although the number of voluntary returns has increased lately, renewed efforts to use voluntary return schemes should be made, including support to reintegration in countries of origin: such schemes are believed to be more effective and sustainable, and even more so in the current context of high unemployment rate in the country, with a higher number of unemployed migrants probably willing to return to their country of origin with the help of assisted voluntary return schemes.

On the other hand, Spain has declined – so far – to set up an effective forced return monitoring system as foreseen in Article 8(6) of the Return Directive.

There is also a need to improve conditions in Spain's detention centres.

<p>Desired outcome:</p> <ul style="list-style-type: none"> • Voluntary return is strengthened by targeting in particular unemployed migrants and migrants in irregular situation, with special focus on vulnerable groups. • Provision of information on the programmes and conditions of return. • Promotion of reintegration measures in the countries of origin. • Establishment of an efficient and credible forced return monitoring system. • Improvement of living conditions in the detention centres, in full conformity with Return Directive.
<p>Comments from the Member State:</p>

Internal security
<p>Key policy issue 5: Drug trafficking</p>
<p>According to the most recent EU drug markets report, Spain remains an important transit route to Europe and a large domestic market for narcotics originating in Latin America and for hashish from Morocco, especially via Ceuta and Melilla. Spain is also considered as one of the main heroin EU consumer markets, although the most trafficked drug inside the country is cocaine. Vast quantities of drugs are seized on the national territory and, when looking at the number of drug trafficking cases registered by EUROJUST, Spain is also highly active in cross-border cooperation concerning drug trafficking.</p> <p>There is growing concern over possible consolidation of links between drug trafficking networks in Latin America and West Africa, though there is no evidence of greater inflows of cocaine via North Africa. On the other hand, there is an increase in the use of small aircraft to move hashish shipments as an alternate to sea-based shipments.</p> <p>In spite of major successes in the fight against drug trafficking, special attention should continue to be paid to this issue, given the important role the country plays in this area.</p> <p>Desired outcome:</p> <ul style="list-style-type: none"> • Increased number of seizures, prosecutions and convictions. • Enhanced cooperation with other EU Member States and EU agencies, with increased flow of information to Europol.
<p>Comments from the Member State:</p>

Key policy issue 6: Radicalisation towards terrorism and violent extremism

Spain faces a general threat of terrorism. Although the vast majority of terrorist activity in Spain is still linked to ETA, Al-Qaeda-inspired (17 arrests) and left-wing/anarchist groups pose also significant challenges to the country. On the other hand, as in October 2011 ETA announced a “definitive cessation of armed activity”, the terrorist activity coming from separatists groups might diminish considerably in the future. Between 1990 and 2010 Spain had 419 victims of major extremist incidents. It is estimated that at least 6 individuals travelled to Syria to join the opposition forces.

Desired outcome:

- Enhanced awareness of the phenomenon of radicalisation among frontline practitioners. Increased know-how to prevent, recognise and tackle the phenomenon.
- Encourage partnerships and platforms for knowledge and exchange of experience between practitioners, based on the experience of the Radicalisation Awareness Network (RAN).
- Support initiatives challenging terrorist propaganda, including initiatives by victims of terrorism.

Comments from the Member State:

Key policy issue 7: Insufficient involvement in further development of the information exchange systems: SCEPYLT¹ and EWS²

Spain has invested and received substantial EU financial support for the setting-up of these systems. Even though they still need further development, Spain seems to be unwilling to pursue with the project, possibly due to lack of national funding and lack of support from other EU Member States. However, the EU strongly supports the project, having already invested a considerable amount of EU financial resources on it, and would like to see it completed, so that eventually the systems are used by all EU Member States.

Desired outcome:

- Further development of SCEPYLT and EWS.

Comments from the Member State:

¹ SCEPYLT - Explosives Control and Protection System to Prevent and Fight against Terrorism - is aimed at facilitating approvals to transfer explosives across borders within the EU through electronically issuing transfer permits, and is based on Commission Decision 2010/347. The project is coordinated by Spanish authorities and has 12 participating EU Member States. The information system is currently used by three EU Member States, namely Belgium, the Netherlands and Germany. Some other EU Member States are ready to start to use the system in the near future. It is hoped that, as the number of users grows, other EU Member States will be encouraged to join the system. Commission has so far allocated funding to the amount of EUR 2 012 252 to develop and run the system.

² EWS - Early Warning System – has been ready for use by EU Member States since 2010 and is aimed at exchanging information on immediate cross-border threats related to the theft, loss or misuse of explosives, firearms and CBRN materials. The project is coordinated by Spanish authorities. The Commission has allocated funding to the amount of EUR 1 252 338 to develop and launch the system. One EU Member State and Europol are currently connected to it. EU Member States are using alternative means to exchange information on these subjects, such as the SIENA network operated by Europol, bilateral contacts and other international channels.

2. General issues

Common European Asylum System (CEAS)	
Key policy issue 8:	Support for voluntary actions related to resettlement/ relocation
<p>Although Spain consistently receives a relatively low number of asylum applications if compared with some EU Member States (see above), the number of persons it accepts to resettle in the country is extremely low. In 2011, Spain pledged for the extra allocation to resettle 75 persons, which finally were not resettled due to internal constraints. In 2012, Spain resettled 85 persons covered by the 2012 AP for ERF. Spain has informed that in 2013 only 30 – 35 persons might be resettled.</p> <p>Spain did not take part in EUREMA either. Although it pledged to relocate 25 persons bilaterally, none was actually relocated, and it is unclear if, in the future, it intends to participate in this re-location programme.</p> <p>Desired outcome:</p> <ul style="list-style-type: none"> • Stronger commitment from Spain to participate in EU resettlement/relocation schemes with the creation of sustainable resettlement/relocation conditions and significant increase in number of persons resettled/relocated in the country. 	
Comments from the Member State:	

Facilitating the integration of third country nationals (TCN), including beneficiaries of international protection	
Key policy issue 9:	Improvement of integration measures
<p>Third Country Nationals can be disadvantaged in terms of access to services or facilities or the labour market, including due to a lack of information and tools available to them and to the organisations and bodies with whom they are in contact with.</p> <p>The unemployment rate of TCNs in Spain is considerably higher than that of EU nationals. The economic crisis is hitting the country hard and many migrants were employed precisely in the most affected sectors (construction, services for men, domestic services, accommodation and catering for women).</p> <p>Spain registers also challenges in terms of occupational integration in particular for Latin American and African women. Cultural differences between communities of origin (in particular African women) and the modern Spanish society do not facilitate the smooth integration of many immigrant women.</p> <p>Renewed efforts are necessary to tackle these challenges, including as regards the integration of asylum seekers and beneficiaries of international protection.</p>	

Desired outcome:

- In accordance with the European Agenda for Integration and based on its national integration strategy, Spain should pursue its efforts to strengthen the rights and entitlements available to TCN and raise the awareness of the authorities and migrants themselves on those rights, including the long term residence status and the rights it bestows.
- While maintaining, as appropriate, a horizontal approach at the national level, particular attention should be paid to regional and local approaches, strengthening cooperation between competent public bodies, NGOs and other actors.
- Reduce the gap between TCNs' unemployment and EU nationals' unemployment, namely by enhancing immigrants' employability through actions such as retraining courses, information on job and study opportunities, skills recognition, adult basic skills courses and information campaigns including literacy and awareness against gender-based violence and sexual exploitation.
- Increase smooth integration of migrant women into Spanish social context.
- Development of a communications' strategy to improve the image of asylum seekers and beneficiaries of international protection, especially at local level.

Comments from the Member State:**Internal security****Key policy issue 10: Participation of Spain in the fight against serious and organised crime (EU policy cycle)**

Spain has not been very active in the implementation of the on-going policy cycle 2011-2013. It joined gradually 7 EMPACT projects (West Africa, illegal immigration, Trafficking in Human Beings (THB), container shipment, synthetic drugs, mobile organised crime groups and cybercrime) and took the lead in only one action.

The priorities of the new policy cycle 2013-2017 based on SOCTA (Serious and Organised Crime Threat Assessment) by Europol are particularly relevant for Spain³, notably: illegal immigration (where Spain is a destination country), trafficking in human beings (where Spain is also a destination country), excise and MTIC⁴ fraud, counterfeit goods (where Spain is a country of distribution), synthetic drugs and drug trafficking, as well as cybercrime.

³ The new 8 priorities for the policy cycle 2013-2017 (illegal immigration, THB, cybercrime, MTIC and excise fraud, firearms, property crime, counterfeit goods and drugs), were agreed by COSI on 17 April 2013. They are contained in the Policy Advisory Document drafted jointly by the Presidency and the Commission. They will be endorsed with the Council Conclusions by the JHA Council on 6-7 June.

⁴ Missing Trader Intra Community (MTIC) fraud in other words VAT fraud.

<p>Desired outcome:</p> <ul style="list-style-type: none"> • Stronger engagement of Spain in the Policy Cycle 2013-2017. • Support to activities such as reinforcement of national infrastructures for data collection and analysis concerning international organised crime, as well as their transmission to Europol, which are precondition for EU Member States' participation in policy cycle, might be envisaged.
<p>Comments from the Member State:</p>
<p>Key policy issue 11: Improve capabilities in the fight against cybercrime at national level and contribute to improvement at EU level</p>
<p>The Commission and the High Representative have adopted a joint European Strategy for Cybersecurity aiming for a safe and resilient digital environment and effective prevention and response to cybercrime, in respect of fundamental rights and European values.</p>
<p>Desired outcome:</p> <ul style="list-style-type: none"> • Spain, like most Member States, should seek in particular to further build its capacity to prevent and respond to cybercrime and should foster exchange of information and cooperation between the different communities involved (including the public sector, private companies, CERTs, law enforcement and academia). • In line with the European Cybersecurity Strategy, the authorities should seek to identify gaps and further strengthen its capability to investigate and combat cybercrime. • EU funding should be used to support bodies that make the link between research/academia, CERTs, law enforcement practitioners and the private sector. • Spain should support programmes that allow for its active participation and contribution to the European Cybercrime Centre at Europol (EC3).
<p>Comments from the Member State:</p>

Border management and Schengen governance

<p>Key policy issue 12: Use of modern technology at the border</p>
<p>Spain has widely implemented the Automated Border Control (ABC) system for EU/EEA/CH citizens based on e-passport at its airports.</p>

Desired outcome:

- Continued investment leading to an enhanced use of interoperable modern technologies in line with European standards where they exist. For example ABC gates for EU citizens should also be able to be used for the future Registered Traveller Programme (RTP) component of the smart borders initiative, by implementing fingerprint readers. Spain is encouraged to use ABC also at the sea borders.

Comments from the Member State:**Key policy issue 13: Development of EUROSUR**

The proposal for a Regulation establishing EUROSUR (proposal COM(2011) 873) foresees the development of a surveillance system for the EU external land and sea borders. Depending on the outcome of the negotiations, currently in progress, it may also apply to air borders and checks at border crossing points.

Development of EUROSUR is of particular relevance for Spain, considering the geographical position of the country. Spain has established a National Coordination Centre (NCC) in 2009, with major EBF funded upgrade in 2013. Liaison officers from Navy have been designated, but not yet from Police and Customs services.

Desired outcome:

- Further enhancing real-time exchange and cooperation of NCC with other authorities (e.g. Police, Customs), e.g. by seconding liaison officers to NCC.
- Establishment of analysis layer of national situational picture (NSP).

Comments from the Member State:

Information Systems

Key policy Issue 14: The implementation of Visa Information System (VIS) and increasing the 'consular coverage' in Schengen visa issuance

VIS has been in operation since 11/10/2011; however it is necessary to ensure its full roll-out. Due to the fact that "first time applicants" shall have to appear in person in order to provide their fingerprints, Spain, even though it has a rather wide consular network in comparison to several other MSs, could still consider concluding further representation arrangements with other Member States in order to ensure synergies.

Desired outcome:	
<ul style="list-style-type: none"> • Efficient operations and customer-friendly service to visa applicants through increased consular cooperation by establishing Common Visa Centres (i.e. representation by/from other MS, or resource pooling with other MS, or joint cooperation with external service providers involving several MS). • Full implementation of VIS including VISMAIL available and in operation; VIS roll-out in consulates from the third and last set of regions. • The Fund would also contribute to operations, maintenance and evolution of the National Systems. 	
Comments from the MS:	
Key policy issue 15:	The implementation of Schengen Information System II, including development of backup capability
<p>SIS II has been in operation since 9 April 2013. As the SIS II is fundamental for the functioning of the Schengen Area, maintaining it fully operational should present a core priority for all Member States, in particular by ensuring the necessary infrastructure for the system and for its operation, and allowing the evolution of the national components in line with the evolutions agreed for the central system. Equally important, the running of the SIRENE offices should also be treated as a high priority, both in terms of adequate staffing and appropriate technical support.</p> <p>As a mission critical system for the security of the Schengen area and the management of migration, SIS II is a high availability system, requiring 24/7 access for users. Therefore, it is essential that it has a full disaster recovery/business continuity plan.</p> <p>Desired outcome:</p> <ul style="list-style-type: none"> • SIS II available and in operation. • SIS II disposing of a full disaster recovery/business continuity plan which includes, depending on national architecture, elements such as: full national system redundancy on identified key components/processes, with a stand-by arrangement guaranteeing industry standards, continuity of service, as well as a further fall-back plan, with mechanisms to switch to queries in central SIS II when national queries are no longer available from the national site. 	
Comments from the MS:	

<p>Development of communication strategy aiming at raising general awareness on EU Home Affairs policies</p>	
<p>In view of strengthening EU policies in the area of Home Affairs, each EU Member State is invited to develop communication strategies that would allow to raise the awareness of the population in</p>	

general and target groups in particular on the measures being taken at EU level.

Comments from the MS: