

Spain  
2014

# ANNUAL IMMIGRATION AND ASYLUM POLICY REPORT



GOBIERNO  
DE ESPAÑA

MINISTERIO  
DE ASUNTOS EXTERIORES  
Y DE COOPERACIÓN

MINISTERIO  
DE JUSTICIA

MINISTERIO  
DEL INTERIOR

MINISTERIO  
DE EMPLEO  
Y SEGURIDAD SOCIAL

---

The European Migration Network (EMN) is an initiative of the European Commission. The EMN has been established via Council Decision 2008/38/EC and is cofinancially supported by the European Union.

Its objective is to meet the information needs of EU 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).

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

#### Contact

Deputy General Directorate for Legal Affairs of the General Secretariat for Immigration and Emigration.

(Co-ordinator of the National Contact Point for the European Migration Network)

José Abascal, 39. 28071 Madrid

E-mail: [rem@meys.es](mailto:rem@meys.es)

Internet:

<http://extranjeros.empleo.gob.es/en/EuropeanMigrationNetwork/index.html>

NIPO: 270-15-082-5

This document is available from:

Internet:

<http://extranjeros.empleo.gob.es/en/EuropeanMigrationNetwork/index.html>

[http://ec.europa.eu/dgs/home-affairs/what-we-do/index\\_en.htm](http://ec.europa.eu/dgs/home-affairs/what-we-do/index_en.htm)

**2014 ANNUAL REPORT ON IMMIGRATION AND ASYLUM POLICIES  
NATIONAL REPORT SPAIN (PART 1)**

**2104 NATIONAL CONTRIBUTION TO THE ANNUAL REPORTS OF THE  
COMMISSION AND OF THE EUROPEAN ASYLUM SUPPORT OFFICE (EASO)**

## 1. LEGAL MIGRATION AND MOBILITY

### 1.1. Key statistics

To be completed separately on 31 March 2015.

### 1.2. Economic migration

#### 1.2.1. *Satisfying labour market needs – admission policies*

##### 1. International mobility

In 2014, **Section 2 of Title V of Law 14/2013, of 27 September, on support for entrepreneurs and their internationalisation** (henceforth, Law 14/2013), devoted to *"international mobility"*, **was fully and effectively implemented**. This Law has positioned Spain as a country which promotes the attracting of talent, entrepreneurship and foreign investment by means of eliminating obstacles which, with regard to migration, existed in relation to certain categories of foreigners of general economic interest. The categories set out in Law 14/2013 are:

- Investors who make a significant capital investment
- Entrepreneurs who undertake an activity of special economic interest for Spain
- Highly qualified professionals
- Researchers who undertake research activities in both public and private organisations, promoting private investment in R&D&I activities, and teachers contracted by universities, higher education and research bodies or centres or business schools
- Professionals who undertake intra-corporate movements. The new Directive 2014/66/EU, of the European Parliament and of the Council, of 15 May 2014, subsequent to Law 14/2013, follows this same line of facilitating the entry and residence conditions in the framework of intra-corporate transfers. Given this, many of the aspects governed by European regulations are already included in the national system (an aspect on which the Commission has already been formally notified), except in relation to intramobility, the transposition of which is underway.

In relation to these groups, and in order to effectively facilitate the entry and stay of third-country nationals, the following innovations have been introduced:

- A streamlined and specific procedure to process these permits has been drawn up. This procedure is characterised by: shorter processing times (visas are

processed within 10 working days and residence permits within 20), centralisation into a single point of contact and specialised staff.

- A single permit has been established. The residency permit authorises the holder to live and work and is valid throughout the country, thus removing the barriers to the unity of the market.

- The national employment situation (labour market test) does not apply, since their activities and projects contribute to economic growth, drive the internationalisation of the economy and provide added value.

- Facilitated procedures for family reunification are established: joint processing of the residence permits of spouses and children and the possibility for the spouse to work.

## **1.2 Promotion actions**

Due to its recent approval and the special circumstances of its target group (international subjects), in 2014 and 2015 a variety of **promotion actions** for Section 2 of Title V of Law 14/2013 were carried out. In a joint and coordinated manner, the General Secretariat for Immigration and Emigration, the State Secretariat for Trade, the Ministry of the Interior and the Ministry of Foreign Affairs and Cooperation have promoted a major dissemination programme with various agencies, both public and private, for the purpose of publicising and explaining the Law. Emphasis has been placed on acting with agencies which can multiply diffusion of the Law through a capillary system. See section 3.1.

## **1.3 Evaluation of the latest definition of Spanish migration policy**

In the last four months of 2014 and the first quarter of 2015 work was carried out to **prepare an Evaluation Report** on the international mobility section. This Report complies with the provisions in the Eleventh Final Provision of Law 14/2013 which indicates the following: *"as a joint proposal with the Ministries of Foreign Affairs and Cooperation, of the Interior and of Economy and Competitiveness, the Ministry of Employment and Social Security shall present an annual report at the Council of Ministers on the application of Section 2, Title V of this Law"*.

It can be concluded from the report that the new regulation has managed to make the control of migration flows compatible with the economic and trade needs that Spain faces in a globalised environment and, as a result, to remove obstacles to investment, talent and foreign entrepreneurship. However, it is necessary to continue working towards improving the efficiency of the system for attracting talent, entrepreneurship and foreign investment.

In accordance with the Report, over a year after its entry into force, the value of the investment received has risen to 694 million euros and, with regard to creating employment, it has been estimated that 12,685 jobs have been created, of which 8,581 are directly created jobs while 4,104 are jobs created indirectly under the Law.

#### **1.4 Actions planned for 2015**

##### Promotion actions

The promotion actions (i.e. dissemination actions, signing of international agreements aimed at achieving reciprocal opening for Spanish companies in other key States, etc.) will be continued.

##### Legislative actions

The Evaluation Report contains some recommendations for increasing the potential impact of the new mobility framework. The legislative recommendations stand out among these. In view of these recommendations, in 2015 work will be done on (1) modifying certain aspects set out in the international mobility section and on (2) approving its implementing regulatory text.

#### 2. Instruments relating to trade-related migration

As an example of the growing link between migration and trade, on 10 June 2014 a Memorandum of Understanding was signed between Spain and Mexico with the aim of easing entry and stay in the respective countries, for reasons of mutual economic interest, of investors, entrepreneurs, highly qualified professionals, researchers, professionals who make intra-corporate transfers within a single company or group of companies, and the families of the abovementioned persons. To this end, the elimination of unjustified administrative obstacles and barriers that make it difficult for these groups to enter and stay will be promoted, and efforts will be made to shorten the processing times of visas and permits as far as possible. Furthermore, work is also being carried out to sign similar instruments with other countries with which there is mutual economic interest.

From a multilateral perspective, Spain has actively participated in preparing and signing the Veracruz Declaration: a document resulting from the 24th Ibero-American Summit held in early December, which expressly refers to talent as *"one of the driving forces of development"* and to *"the mobility of these talents within the Ibero-American Area"*. The Declaration includes an agreement to produce a future *"Ibero-American Framework Agreement, with voluntary participation, that will enable the promotion within the Ibero-American Area of: the facilitation of work placements (...); the intra-corporate movement of management and workers; the mobility of qualified professionals and researchers, and the mobility of investors and entrepreneurs. This Framework Agreement must consider (...)*

*the best channels for removing obstacles to this mobility, whether of a migratory, professional or educational nature (...)*”.

### 3. Bilateral agreements for the mobility of young professionals

In September 2014, a new agreement was signed between the Government of the Kingdom of Spain and the Government of Australia relating to the mobility programme for young people aimed at broadening their life experience, practising foreign languages and acquiring professional or life experience.

Improvement has also been achieved in applying the agreements in force with Canada and New Zealand for the mobility of young professionals.

As actions planned for 2015, together with the possible signing of similar agreements with other countries, work will be done on promoting these agreements, with the aim of increasing knowledge among the nationals of the signatory countries.

### 4. Labour migration

The Spanish Government has concentrated its efforts on tempering the consequences of the crisis on the foreign population. In order to achieve this aim, two main actions can be distinguished: on one hand, encouraging the recruitment of already-resident foreigners and nationals and on the other hand, preventing overstay. The two actions are explained below.

#### **4.1 Encouraging the recruitment of already-resident foreigners and nationals**

With regard to the recruitment of already-resident foreigners and given (1) their profile (generally low- and medium-skilled) and (2) current Spanish labour market needs, improvement of employability (for the purpose of adjusting labour skills and capabilities, both national and foreign, to the needs of the labour market) becomes a cornerstone of immigration and employment policy through active employment policies (see section 2.1.1). This encouragement of recruiting already resident foreigners in turn corresponds to an adjustment of foreign recruitment to the needs of the labour market.

#### Improvement in employability

In the interests of continuing to improve the coordination between the various Governments involved in taking active employment policy actions and measures aimed at achieving efficient use of the resources devoted to facilitating integration, approval has been given to the 2014 Annual Employment Policy Plan (Resolution of 16 September 2014, of the State Secretariat for Employment,

through which the Council of Ministers Agreement of 5 September 2014 is published)<sup>1</sup>. This Plan constitutes the annual specification of the 2014-2016 Spanish Activation Strategy for Employment. The services (actions) and programmes (measures) of the 2014 Plan, which are developed by the Public Employment Services, are grouped, in summary form, around the following five strategic objectives:

1. Improve the employability of young people and start up the Youth Guarantee Implementation Plan in Spain.
2. Foster the employability of other groups particularly affected by unemployment: people over 55, the long-term unemployed and beneficiaries of the PREPARA Plan.
3. Improve the quality of professional training for employment.
4. Reinforce the link-up of the active and passive employment policies.
5. Promote entrepreneurship.

In their capacity as workers, third-country nationals will be able to take part in the services and actions promoted.

As an example of this participation, among the requirements for registering in the National Youth Guarantee System, Article 97 of Law 18/2014, of 15 October, which approves urgent measures for growth, competitiveness and efficiency, establishes a reference to *“foreign holders of a permit to reside in Spanish territory which enables them to work”* (foreigners who will be able to register in said System).

The boost to the recruitment of already-resident foreigners (by improving their employability) has been accompanied by an alignment of foreign recruitment with labour needs. This implies that the instruments which permit the hiring of non-resident third-country nationals (the National Shortage Occupation List and recruitment through the contingent) have been exclusively maintained with regard to the countries with which there is a cooperation agreement for the management of labour migration flows and for agricultural activities (due to the fact that they are considered good practice in circular migration and cooperation with the countries of origin, as occurs with Morocco).

Specifically, during 2014<sup>2</sup> the validity was extended of Order ESS/1/2012, of 5 January, which regulates the collective management of recruitment in countries

---

<sup>1</sup> It should be noted that the Annual Employment Policy Plan is a yearly instrument for coordinating the National Employment System, of which both the State Employment Public Service and the Public Employment Services of the Regional Authorities form part. In every tax year, this plan specifies, on the one hand, the objectives of the Spanish Employment Strategy to be achieved throughout the country and in the various Regional Authorities and, on the other hand, the indicators to be used in order to ascertain the degree to which they are fulfilled. It is therefore formed as an instrument for evaluating the actions and measures of active employment policies developed both by the State Employment Public Service and the employment services of the Regional Authorities.

<sup>2</sup> Order ESS/2445/2013, of 23 December, extending the validity of Order ESS/1/2012, of 5 January, which governs the collective management of recruitment in countries of origin for 2012.

of origin exclusively for the purposes of hiring workers for seasonal agricultural campaigns and aimed at countries such as Morocco, with which there is an agreement on flow regulation.

#### **4.2 Preventing overstay**

Secondly, one of the pivots of migration policy in 2014 is still that of preventing overstay. By means of the Integration Effort Report, foreigners can continue to maintain their migration status even when they have lost their employment and cannot find an offer of work. The aim is thus to prevent foreigners who have integrated into Spanish society and contributed to the social security system from finding themselves in an illegal situation when facing the difficulties of accessing the labour market. See Section 2.1.1

#### ***1.2.2. Efforts to avoid "social dumping"***

##### Measures for preventing social dumping.

The general immigration regulations provided for **prior checking of employment aspects** when granting a residency and paid employment permit. To this effect, the documents that must be presented include the employment contract, and the conditions established in this contract must comply with those set forth in current legislation and the collective agreement which applies to this activity, professional category and location.

With regard to the permits provided for in Law 14/2013, the Large Companies Unit (UGE) checks the social security registrations in order to guarantee that the conditions are maintained, as the legislation requires that the **Social Security** and **tax obligations** are met, as one of these conditions. The UGE also conducts an individual analysis of the working conditions in the case of permits for highly qualified professionals. This analysis is conducted in order to determine that the foreigner is actually going to perform a task as a highly qualified person and to prevent the employment of this tool as a mechanism aimed at facilitating the employment of low-skilled non-resident foreigners.

In addition, as a form of **follow-up control**, the inspection operation is vital. The Labour and Social Security Inspectorate verifies that the labour and social security obligations are also being met in the framework of recruitment of foreigners.

In 2014, work was carried out on the Draft Law governing the work inspection and Social Security system. The Draft Law involves updating current legislation, which dates from 1997, and will enable the Inspectorate to become an improved instrument in combating labour fraud.

In the field of combating fraud, in 2014 the Comprehensive Action Plan of the Labour and Social Security Inspectorate implemented in 2013 (as was reported last year) was continued, with operational functions, especially in undertaking tasks to combat illegal employment and Social Security fraud.

### **1.2.3. Facilitating admission**

#### **A. Highly qualified professionals**

Law 14/2013 established a specific system for admission and residence in cases of general economic interest and specifically for highly qualified professionals. This is constructed as an element for attracting foreign talent to this country and retaining it.

These provisions coexist with those of Organic Law 4/2000 and its implementing regulations regarding work permits for highly qualified workers holding a blue card (resulting from the transposition of the Blue Card Directive).

The provisions of the Law (together with the innovations in general incorporated into Law 14/2013: see Section 1.2.1) are characterised by the following elements.

- The highly qualified professional is at all times **sponsored** by the company/employer.
- It is set up as an **employer-led system**.
- A **case-by-case analysis** is performed
- **The national employment situation does not apply.**

#### **B. Intra-corporate transfers**

Law 14/2013 has established a specific admission and residence regime for **intra-corporate transfers** (Article 73), which are defined as: "Foreign nationals seconded to Spain in the context of an employment or professional relationship or for professional training reasons, with a company or group of companies established in Spain or another country".

Therefore, the personal scope of application of Law 14/2013 includes transfers between companies or groups of companies, as well as independent professionals (IPs) and those employed by service providers (CSSs), seconded by virtue of an agreement between two companies not forming part of one same group but which do have a business relationship. These last two categories are in turn inserted into the MODE 4 categories negotiated in the framework of the commercial agreements. Spain's negotiating position in the business sphere has thus been enhanced.

In the light of Law 14/2013 and the ICT Directive, it is concluded that the sphere of application of intra-corporate transfers set forth in the Law is broader than that established in the ICT Directive (only applicable to management, specialists and workers in training). This difference in the scope of application and by virtue of the authorisation contained in Article 2(3) of the Directive, which provides for the maintenance of parallel national regimes in the categories not regulated by the EU acquis, determines that the Evaluation Report of the Law includes, as a legislative recommendation, making a distinction in Law 14/2013 between:

-authorisation for ICT-EU intra-corporate transfers for the cases within the scope of the Directive

-and authorisation for national intra-corporate transfers for the remaining cases (without intra-mobility).

### **C. Seasonal workers**

For 2014, Order ESS/2445/2013 extended the validity of Order ESS/1/2012, of 5 January, which regulated the collective management of recruitment in countries of origin for 2012, for the exclusive purpose of hiring workers for seasonal agricultural campaigns and preferably with the countries with which there is an agreement on the regulation of migratory flows.

Its maintenance is due to the fact that it is considered as good practice in circular migration in cooperation with the countries of origin, as occurs with Morocco (see Section 1.2.1).

2014 saw the approval of Directive 2014/36/EU of the European Parliament and of the Council, of 26 February, on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers. Its provisions are already included in Spanish legislation; therefore, no additional transposition measures are planned.

### **D. Foreign entrepreneurs**

Law 14/2013 introduced a specific, selective regime for the admission and residence of foreign entrepreneurs who wish to undertake an activity of special economic interest in Spain.

There are two types – a visa of up to one year for carrying out exploratory actions and a residence permit that foreigners with a business project of economic interest for Spain and who are already resident or are outside national territory can request. This element becomes crucial due to the fact that, in accordance with the OECD Open for Business study, one of the main sources of foreign entrepreneurship is the group of foreigners already living in the country, with facilitating the change in status being paramount. This means that the enterprising potential of international business school students is being exploited.

The main features of this system are:

- An **analysis of the project** is carried out by the Ministry of Economy and Competitiveness from an economic-commercial perspective, which addresses the **business plan** and how the project influences the country's general interest.

- A single permit is issued which permits residence and employment.
- There are no barriers to the unity of the market as the permit is valid throughout Spanish national territory.

This new regime has been valued positively by organisations as well as the international press.

In 2015, dissemination of this system is going to be stepped up in order to increase its use by foreigners.

#### **E. Au pairs**

No action concerning this group of foreigners has been taken.

#### **F. Others**

##### **Foreign investors**

Until September 2013, Spanish immigration regulations lacked a regime specifically designed for the foreign investor category that suited their needs and characteristics. This forced investors to apply for a visa (which in no case entitled them to residence) and a residence-only permit which required effective residence in the country in order to be renewed, despite the fact that due to their profile, investors travel from one country to another and stay for longer or shorter periods in order to see how their investment is progressing.

For this group, the entry into force and application of Law 14/2013 has involved the establishment of a specific policy for attracting foreign investment to this country insofar as they make significant capital investments, which are defined considering the following parameters:

##### a) Investment in moveable capital:

- \*Two million euros in Spanish government debt securities.
- \*One million euros in shares or equity holdings in Spanish companies.
- \*One million euros in bank deposits in Spanish financial institutions.

##### b) Investment in property assets in Spain to a value equal to or greater than five hundred thousand (500,000) euros.

c) The start-up of a business project intended to be carried out in Spain and which is deemed and approved to be of general interest, in which case it will be assessed to determine whether it fulfils one of the following conditions:

- \*Creation of employment.

\*Investment with an important socio-economic impact in the geographical area in which the activity will be carried out.

\*Important contribution to scientific and technological innovation.

Both the residence visa for investors and the residence permit are regulated flexibly, taking into account the specific profile of the category. In this respect, they are not required to have effective residence.

Taking into account the recommendations of the Evaluation Report, in 2015 work will be carried out on a possible regulatory reform of the international mobility section as well as its regulatory implementation with the aim of furthering or specifying important aspects for this group with a view to greater legal security in order to promote the efficiency of the scheme.

#### **1.2.4. Guaranteeing certain rights for third-country nationals who are already legally resident on the territory**

##### **A. Long-term residence**

The immigration regulations establish that long-term residence is the situation which permits living and working in Spain indefinitely, under the same conditions as Spanish people. It is regulated in Article 32 of the Organic Law on Immigration (LOEX) and Article 147 et seq. of the Regulations of the Organic Law on Immigration (RLOEX) and distinguishes between a national system and long-term EU residence. The text of these articles underwent no changes in 2014.

In accordance with these articles and without being exhaustive, those who have had temporary residence in Spain for five years continuously and who meet the conditions stipulated in the regulations shall be entitled to long-term residence. For the purposes of obtaining long-term residence, prior periods of continuous residence in other Member States as a holder of the blue EU card shall be taken into account.

Foreigners with long-term residence in another Member State of the European Union may apply on their own behalf and obtain a long-term residence permit in Spain when they are going to undertake an activity as employees or on a self-employed basis, or for other purposes, under the conditions stipulated in the regulations. Furthermore, in the case where foreigners with long-term residence in another Member State of the European Union wish to maintain their long-term resident status acquired in the first Member State, they can request and obtain a temporary residence permit in Spain.

##### **B. Equal treatment**

Organic Law 4/2000 establishes an extensive catalogue of foreigners' rights in Spain, characterised by equal treatment.

In particular, Article 2a states that *“all the Public Administrations shall base the exercising of their immigration-related powers on respect for, among other principles, the recognition of the principle of non-discrimination and, as a consequence, **the recognition of equal rights and obligations for all those who live or work legally in Spain**”*.

Meanwhile, **Article 3 of the LOEX indicates that** *“In Spain foreigners will have the same rights and freedoms recognised in Title I of the Constitution under the terms established in international treaties, under this Law and under those that regulate the exercise of each of them. As a general interpretative criterion, it shall be understood that foreigners exercise the rights conferred to them under this Law on an equal basis with Spanish people”*.

Finally, Article 23 prohibits discriminatory acts, which are defined as follows: *“discrimination represents all acts which, directly or indirectly, involve distinction, exclusion, restriction or preference against a foreign person based on their race, colour, ancestry or national or ethnic origin, religious convictions and practices, the aim or effect of which is to destroy or limit the recognition or exercise, on an equal basis, of human rights and fundamental freedoms in the political, economic, social or cultural fields.”*

The extensive catalogue of rights did not undergo any substantial variations during 2014. The provisions of the Single Permit Directive (Directive 2011/98) were already widely recognised by Spanish law and the legislator has made no use of the limitations permitted by the Directive.

### **C. Intra-EU mobility**

No modifications were made during 2014 with regard to the right to intra-EU mobility, which certain Directives recognise for third-country nationals and which were transposed into Spanish legislation.

## **1.3. Students and researchers**

### **1. Internationalisation and Mobility Strategy for Spanish Universities**

The Ministry of Education, Culture and Sport, in coordination with the General Secretariat for Immigration and Emigration of the Ministry of Employment and Social Security, the Ministry of Economy and Competitiveness and the Ministry of Foreign Affairs, and with the participation of representatives of the Spanish university sector, has created the Internationalisation of Universities Working Group, aimed at coordinating the tasks involved in preparing the Internationalisation Strategy for Spanish Universities.

The Internationalisation Strategy is charged with coordinating and strengthening the initiatives which the Ministry of Education has been promoting in recent months, such as

the signing of agreements to foster university cooperation and mobility with countries such as Brazil, Ecuador, China, Kenya, Turkey and Morocco. It is based on an analysis of the strengths and weaknesses, as well as of the opportunities and threats which may arise, and it develops an **executive plan** based on specific actions which can enable the Spanish university system to prominently **position itself** on the international scene based on an attractive and competitive offer founded on two cornerstones: language and quality.

The Strategy was presented in September 2014 with the main aim of consolidating a strong and internationally attractive university system which promotes the entry and exit mobility of the best students, teachers, researchers and administration and service personnel; educational quality; the potential of Spanish as a language for higher education and the internationalisation of the training programmes and R&D&I activities, thus contributing to Spain's attractiveness and international competitiveness, as well as to the socioeconomic development of its immediate surroundings based on knowledge.

## **2. Removal of the obstacles to university entrance for students from foreign education systems**

### -Entrance examinations

The internationalisation of Spanish universities requires the elimination of the procedural elements which hinder entrance to them by students coming from foreign education systems. According to the Ministry of Education, Culture and Sport, the main reason behind the low number of foreign students in official university degree education is that its entrance requirements represent a real obstacle for students coming from foreign education systems.

In its Article 38, the LOMCE<sup>3</sup> has therefore modified the entrance requirements to the Spanish university system. This new regulation means that students coming from foreign education systems no longer need to pass the university entry exam as an entry requirement, and the secondary school leaving certificate or equivalent will be taken into account instead and, where applicable, they must pass the procedures established by the universities themselves for this purpose.

In the case of those holding European and international secondary school leaving certificates and students coming from education systems of Member States of the European Union or from other States with which reciprocal international agreements have been signed that apply in this regard, the credential issued in accordance with current regulations is established as an entrance requirement and the same entrance criteria that the universities may set for students holding the Spanish Education System qualification is established. Students coming from education systems with which reciprocal international agreements for recognising qualifications have not been signed shall be able to enter official

---

<sup>3</sup> Organic Law 8/2013, of 9 December, for improving educational quality.

degree studies after having their studies validated and certified, in accordance with the specific entrance criteria established by the universities and governed under specific regulations.

#### **-Working group on visa systems and residence permits**

In 2015, in the context of the Internationalisation Strategy, an intra-ministerial working group has been created, made up of representatives of the General Secretariat for Immigration and Emigration, the Ministry of Education, Culture and Sport, the Ministry of the Interior, the Ministry of Foreign Affairs and Cooperation and the Spanish Institute of Foreign Trade (ICEX).

With regard to international students, this group has agreed the following short-term measures:

In collaboration with the Ministry of Foreign Affairs and Cooperation (MAEC), the establishment of mechanisms to simplify the processing of visas for international students.

-The preparation of sets of pamphlets for international students (EU and third countries)

-The publicising of mobility agreements for young people signed with Canada, Australia and New Zealand

-Participation in the events of the Spanish Universities Internationalisation and Cooperation Committee (CICUE)<sup>4</sup> with a session explaining the visa and permit system for students.

### **3. Attraction of foreign researchers and teachers: specific entrance and residence system**

Law 14/2013 includes a specific and facilitating admission system aimed at foreigners who wish to undertake training, research, development and innovation activities in public or private organisations, and includes:

i) Researchers

---

<sup>4</sup> The Spanish Universities Internationalisation and Cooperation Committee (CICUE) is made up of the heads of internationalisation and development cooperation policy of the Spanish universities and its main aim is to lead and coordinate the actions of universities with regard to internationalisation and development cooperation in order to strengthen closer collaboration between them.

a) The research personnel to which Law 14/2011 on Science, Technology and Innovation refers.

b) The scientific and technical personnel who carry out scientific research, development and technological innovation work in business organisations or R&D&I centres established in Spain.

c) Researchers working for public or private research bodies in the framework of an agreement, under the conditions specified by the regulations.

ii) Teachers hired by universities, higher education and research bodies or centres, or established business schools.

This system, which makes it easier to hire researchers and teachers, has been set up as a key element for attracting and retaining foreign talent. However, in 2015 the working group has found that there is still great ignorance on the part of potential beneficiaries of the Law, making it necessary to make efforts to publicise it.

To this end, the following measures are being taken:

- Preparation of sets of pamphlets on the recruitment of teachers and researchers. And
- Participation in the CICUE events with a session explaining the new model

#### **1.4. Family reunification**

Although during 2014 there were no regulatory innovations on family reunification, it should be remembered on this point that Law 14/2013 introduces a specific regime for family reunification characterised by the joint processing (joint and simultaneous or successive application) of the visas and permits of foreigners as well as of their family members: spouse and children under 18 years or people above this age who are not objectively able to provide for their own needs due to their state of health.

The permits issued for these family members are considered as single permits and therefore enable them to work (if they are over working age).

For the family reunification of groups not included in Law 14/2013, the general regulations on family reunification established in Organic Law 4/2000, of 11 January, on Rights and Freedoms of Foreigners in Spain and their Social Integration (articles 16 to 19), and in its Regulation, approved by Royal Decree 557/2011, of 20 April (Articles 52 to 61), still apply, as there have been no significant changes in the regulation of the matter.

## **1.5. Managing migration and mobility**

### **1.5.1. *Key statistics***

To be completed separately on 31 March 2015.

### **1.5.2. *Schengen Governance***

On one hand, Spain did not reintroduce temporary controls at the internal borders in 2014.

On the other hand, the actions necessary to adapt to the new Schengen Evaluation Mechanism are being adopted, in accordance with Regulation 1053/2013, by means of designating experts in border control and in return evaluations, as well as in relation to the national contact point for unannounced visits at the national borders.

### **1.5.3. *Ensuring that all Member States have efficient migration management systems in place in order to be prepared for fluctuating migration pressures***

#### Importance of collaboration

Collaboration with the countries of origin and transit of immigrants is an essential element for controlling foreign borders as part of preventing and combating illegal immigration, and it enables an appropriate response to changes in migratory pressures.

In particular, the Spanish authorities actively collaborate with those of third countries on preventing and combating illegal immigration, as well as on advising and training the police authorities of these countries which are charged with these duties, principally with West African and South American countries. This cooperation is aimed at improving the effectiveness of investigations, strengthening the fight against human trafficking and detecting the forging of identity and travel documents.

Alongside these actions, the bilateral agreements on regulating and organising the migratory flows of workers are a vital component of the Spanish migration model which, on the one hand, enable the supply and demand of labour to be matched and, on the other hand, allow progress to be made on the fight against illegal immigration. To date, Spain has signed six bilateral agreements of this type with Colombia, Ecuador, the Dominican Republic, Morocco, Mauritania and the Ukraine. No new bilateral agreements on immigration were signed during 2014, although due to their importance, work is ongoing in the framework of the already existing agreements, as is the case with Morocco, for the collective recruitment of seasonal workers.

#### Situation of Ceuta and Melilla

In the first half of 2014, the high migratory pressure to which Ceuta and Melilla are subjected intensified, as was reflected by the greater number of attempts to climb over the fence.

The FRONTEX Report on border control for the third quarter of 2014 shows a slight reduction in migratory pressure due to the technical and operational improvements introduced<sup>5</sup>. However, the high figures illustrate the importance of accompanying each country's individual efforts with measures adopted on a European scale, so that the State can adequately confront the changes in migratory pressures.

In addition, the higher number of illegal entries has created a clear situation of over-occupation in the Immigrant Temporary Stay Centres (known as CETIs) in Melilla. Great effort is being made to guarantee adequate reception of foreigners at all times.

Work is underway in 2015 to reform the Aliens Act in order to produce an adequate response to the special situation of Ceuta and Melilla while safeguarding respect for the principle of non-refoulement. It is especially important to highlight the opening of international protection offices at the border crossings of Ceuta and Melilla.

## **2. INTEGRATION**

### **2.1. Key statistics**

Relevant statistics will be provided directly by Eurostat.

#### **2.1.1. *Promoting integration through: socio-economic participation***

The financial crisis and the deterioration of the labour market have particularly severely affected the foreign population resident in Spain. The great majority of these people occupied low-skilled jobs in sectors especially affected by the crisis (construction and services).

To alleviate the effects of this situation a twin-track approach is being taken:

- the general social policy
- the migration policy on integration

With regard to the first, the 2013-2016 National Action Plan for social inclusion identifies the immigrant population as one of the groups in Spanish society vulnerable to the greatest impact of the crisis and the highest poverty rates. This means that additional efforts towards social inclusion must be concentrated on this group.

Secondly, integration policy is constructed as one of the basic lines of action of migration policy in Spain, with its main goal being to alleviate the effects of the crisis on the foreign population through a large number of measures.

## **A. Measures aimed at improving the language skills of migrants and performance in the education system**

### Comprehensive reception programmes

These comprehensive programmes for addressing basic needs and supporting the integration of immigrants who are socially vulnerable or at risk of social exclusion prioritise people who are particularly vulnerable: women, young people, children, elderly people, illiterate or disabled people and victims of human trafficking for the purpose of sexual exploitation. These programmes are aimed at providing immigrants with the tools necessary to achieve a sufficient level of autonomy in order to access goods and services, exercise their rights and fulfil their obligations under the same conditions as the native population. Other actions are undertaken in the context of these ones:

- Teaching the language of the host society.
- Provision of materials or financial assistance to cover basic needs.
- Health and pharmaceutical costs not covered by the Public Health system.

### Teaching the language

Knowledge of the language is vital to foreigners' integration. The integration effort report, which will be referred to later, therefore addresses learning of the language for the purpose of maximising foreigners' integration into the society of residence, and knowledge of the language shall be made a requirement for access to nationality in the reform envisaged for access to nationality through residence.

### Immigrants' performance in the education system

Education is the main environment for integration of minors, as it stands as the main instrument of social mobility (helping to overcome economic and social barriers and improving expectations for the future).

In the case of Spain, education is compulsory and free for all children under 16, regardless of their administrative status. Furthermore, proof of the schooling of minors is a requirement imposed on parents when renewing their residence permits, and it will also have to be proven when applying for long-term residence.

In addition, the considerable increase in foreign pupils in Spanish schools has made inter-cultural education one of the Ministry of Education's great lines of interest. In this regard, the following have been identified as principles of the education system: quality of education for all pupils, regardless of their status and circumstances, as well as fairness, to guarantee equality of opportunities, educational inclusion and non-discrimination and to act as an element that

compensates for personal, cultural, economic and social inequalities. These principles were already included in Organic Law 2/2006, on Education (henceforth LOE) and were reinforced with the passing in 2013 of Organic Law 8/2013, of 9 December, for the Improvement of Educational Quality (henceforth LOMCE)<sup>6</sup>.

The equality of all persons in exercising the right to education is guaranteed through a series of measures and programmes that present the following objectives:

- a. Preventing segregated schooling
- b. Improving coexistence between pupils: Coexistence Plans
- c. Promoting the social, cultural and educational inclusion of children (the MUS-E Programme as part of the cooperation agreement between the Ministry of Education and the Yehudi Menuhin Spain foundation began in Spain during the 1997-1998 academic year at schools in Ceuta and Melilla)
- d. Training of teachers and teaching professionals in respect for Human Rights

Along with the abovementioned actions, cultural diversity, lack of knowledge of the Spanish or regional language, late or irregular schooling or other circumstances create educational imbalances which must be corrected by means of **extra-curricular education programmes** aimed at satisfying the specific needs for educational support, compensation of inequalities in education, prevention of school absenteeism, participation of the families at the school, the risk of early school leaving or awareness-raising in the classroom on violence and racism. These extra-curricular education programmes are run by non-profit social organisations by means of subsidies from the Directorate General for Migration or, in its corresponding territorial scope, from the Ministry of Education, Culture and Sport and the education administrations of the Regional Authorities.

## **B. Integration of migrants into the labour market**

The integration of migrants into the labour market is organised through **active employment policies** (see Section 1.2.1) aimed at developing programmes and measures of orientation, employment and training for the purpose of improving the chances of access to employment of unemployed people in the labour market and adapting training and requalification for the employment of workers, as well as fostering the spirit of enterprise and the social economy.

The design of these active employment policies takes into account the needs of those seeking work, as well as the professional requirements of companies and

---

<sup>6</sup> <https://www.boe.es/boe/dias/2013/12/10/pdfs/BOE-A-2013-12886.pdf>

**pays special attention to groups with greater difficulties in entering the labour market**, whether for structural or cyclical reasons.

The foreign workers group participates in and benefits from the active employment policy measures, under the same conditions as unemployed people with Spanish nationality, provided that they are in the circumstances established as requirements in the actions undertaken in the framework of these programmes.

Together with the programmes already in existence last year (namely, recruitment support programmes; information, orientation and the seeking of employment and self-employment; professional training for employment, in both its supply and demands aspects; the PREPARA programme and, closely connected to professional training for employment, professionalism certificates) and specifically aimed at employment of young people, in 2014, Law 18/2014, of 15 October, on the adoption of urgent measures for growth, competitiveness and efficiency was passed. Article 97 of this law establishes the requirements for registering in the **National Youth Guarantee System**. In particular, Section a) establishes that "*foreigners holding a permit to reside on Spanish territory which enables them to work*" may register.

In addition, in order to avoid the situation of the labour market negatively affecting foreigners fully integrated into Spanish society but who, on having lost their employment, do not reach the minimum period of contribution to the Social Security system required by our regulations for renewing permits, the so-called **integration effort report** is taken into account. This report notes the migrant's level of integration into society and seeks to **prevent overstay**, so that foreigners who are fully integrated into Spanish society are not negatively affected by the current labour market situation. If this possibility does not exist: foreign workers integrated into Spanish society will be subjected to a situation of illegality due to the impossibility of renewing their permits. This aim makes them a cornerstone of Spanish integration policy, as they meet its objective: to alleviate the effects of the crisis on the foreign population.

### ***2.1.2. Promoting integration through participation: rights and obligations, achieving equal treatment and belonging***

The participation of immigrants in the sphere of public actions is carried out through different mechanisms, among which the promotion of associations stands out.

The **Forum for Social Integration of Immigrants** is the state body which channels participation and dialogue in the search for solutions required by the immigrant population, jointly with other organisations and institutions. A new Forum Chairperson was appointed in 2014 and the process to renew its members (speakers) representing

associations of immigrants and refugees and social support organisations has begun . Specifically, 32 requests have been received to take part in the selection process to cover:

- 10 Memberships for Immigrants' Associations
- 6 Memberships for Social Support Organisations
- 2 Memberships for Trade Union Organisations
- 2 Memberships for Business Organisations

This renewal process will continue in 2015.

As an example of good practices mention should be made of the work currently being done by the Forum for Social Integration of Immigrants to support and raise awareness of registration on the Electoral Census of Foreigners Resident in Spain so that they can take part in the May 2015 municipal elections.

Spain has signed bilateral agreements with twelve countries , whose nationals have been given the right to vote in the municipal elections under the conditions established in them. The Forum has had an initial meeting with the heads of the Electoral Census Office and the Ministry of the Interior aimed at exchanging information and seeking mutual support in order to raise awareness of, streamline and facilitate the registration of these nationals on the Electoral Roll.

Meanwhile, the **Council for the Promotion of Equal Treatment and Non-Discrimination of Persons** on the grounds of Racial or Ethnic Origin promotes the principle of equal treatment and non-discrimination of persons on the grounds of racial or ethnic origin in fields such as education, health and access to benefits, social services, housing, employment and training, etc.. It includes non-profit organisations which work in the sphere of promoting equal treatment and non-discrimination of people on the grounds of their racial or ethnic origin.

Together with the abovementioned bodies, which promote the participation of immigrants in public action, in 2014 work was carried out on two important pieces of draft legislation relating to the organisations and volunteers which work in support of the most vulnerable groups, namely the **laws on Voluntary Work and on the Third Sector of Social Action**. These new regulations reinforce the role of the social organisations in the design and execution of the public policies in the field of the social services (struggle against poverty, support to vulnerable groups, etc.).

Finally, the Spanish Government grants a series of subsidies to **non-profit social organisations** (which play an essential role in integration) so that they can develop programmes which, for example: foster associations, participation and cooperation; promote inter-cultural mediation in the education, health, neighbourhood and social fields and programmes aimed at employment through individual itineraries, extra-curricular education programmes, programmes on introduction to the host society and on equal treatment and non-discrimination.

### **2.1.3. Promoting integration of specific groups**

#### Childhood

The aims of the second National Strategic Plan for Children and Adolescents 2013-2016 (II PENIA), which is an instrument for the integration of the policies on childhood and adolescence in Spain, include that of boosting care and social intervention for children and adolescents in situations of risk, vulnerability and/or in situations of social exclusion. To this end, measures are being considered aimed at intensifying the actions on children in families of foreign origin, such as fostering and reinforcing the temporary stay programmes for foreign minors in Spain. The group of unaccompanied foreign minors receives special attention.

See Section 6.1.

#### Applicants for and/or beneficiaries of international protection: Comprehensive attention strategy

In order to achieve the general aim of supporting the reception and integration of this group, the General Secretariat for Immigration and Emigration has an established comprehensive attention strategy, which comprises the following lines of action:

\*A state reception network, which encompasses the Reception Centres for Refugees, under the authority of the Directorate General for Immigration, aimed at applicants for and beneficiaries of international protection, as well as other reception services subsidised by the Ministry of Employment and Social Security and managed by collaborating organisations, aimed at the same group.

\*An integration strategy that promotes progressive autonomy, following the finalisation of the stay in reception centres or services, through supplementary programmes and resources, which help the beneficiaries to cope with their new environment, access jobs and integrate into the host society.

These programmes are managed through subsidies granted by means of competitive bidding from non-profit organisations in order to carry out a programme aimed at applicants for and beneficiaries of international protection and vulnerable immigrants, as well as through programmes co-financed by the European Refugee Fund (ERF) and the European Social Fund (ESF).

The route to integration basically comprises the following two phases: a reception phase and an integration phase.

With regard to the reception phase, following provisional accommodation in an initial reception resource, applicants for international protection are transferred to reception centres or services, either managed by the Directorate General for Migration or by organisations receiving subsidies from the General Secretariat for Immigration and Emigration for this purpose. The stay at the reception centre includes the following services: accommodation, maintenance, clothing, basic personal expenses and training activities.

With regard to the second phase of the route, the integration phase, this begins on leaving the reception centre or service. This phase of the programme is managed exclusively by the subsidised organisations and is supported by the development of an itinerary of integration and progressive autonomy in which direct financial assistance is offered to the beneficiaries for the purpose of meeting the costs of renting and maintenance, as well as transport, education and health expenses.

#### **2.1.4. Non-discrimination**

The comprehensive strategy against racism, racial discrimination, xenophobia and other connected forms of intolerance, which was already mentioned among other activities in the previous report, has been developed by the various institutions commissioned with designing policies to combat these types of attitude. At present, the Spanish Observatory on Racism and Xenophobia has begun an assessment of the progress of the Strategy over the last two years.

Although this assessment has not yet concluded, it is expected that the assessment report will be completed soon. This report will constitute a highly useful tool for studying the achievement of the objectives of the Strategy and also for detecting possible deficiencies and the possibilities of some of the policies produced in this field, as a first step towards improving them.

The comprehensive Strategy against racism, racial discrimination, xenophobia and other connected forms of intolerance has enabled several good practices to be developed, among which the collaboration between different public bodies stands out.

Among these practices, some of which were already mentioned in the previous report, the European "Training on the Identification and Recording of Racist Incidents" project is worth noting. The objective of this project is to train the members of the State Security Forces and Corps to detect and record incidents related to several articles of the Penal Code on racism, xenophobia and intolerance. As a result of this project, in 2014 the Ministry of the Interior published a report on the incidents recorded in 2013, which compiles a total of 1,172 incidents classified as hate crimes and broken down into different categories according to the profile of the victims and the motivation behind the aggression.

In this same line of action, the Spanish Observatory on Racism and Xenophobia has developed a similar project in the framework of PROGRESS, in this case in the field of primary and secondary education, aimed at training teachers, school principals and tutors in the prevention, detection and recording of incidents related to racism, xenophobia and intolerance in schools.

Finally, as was already mentioned in the previous report, the Spanish Observatory on Racism and Xenophobia has also promoted an agreement among several ministries, the General Prosecutor's Office and the General Council of the Judiciary to train Justice officials for this purpose. These training programmes are planned to commence in 2015.

Among the projects launched by the Spanish Observatory on Xenophobia and Racism, the "Diversity Management in Small and Medium-sized Enterprises" project stands out. This project is aimed at managing the diversity of immigrants and ethnic minorities in the workplace and, in particular, in SMEs. The start-up of this project was announced in the previous report, but it concluded in 2014 with the holding of the Final Conference in Madrid .

In its capacity as a national point of liaison with the European Union Agency for Fundamental Rights (FRA) and with the OSCE Office for Democratic Institutions and Human Rights (ODIHR), the Spanish Observatory on Racism and Xenophobia has participated in international conferences organised by these institutions. Among these, the hate crime Working Group organised by the FRA deserves special mention. The inaugural meeting of the Working Group for improving the preparation of reports and the reporting of hate crimes in the EU was held in Rome on 4 November 2014 and was attended by 43 participants from 25 Member States of the European Union, from the European Commission and from the OSCE Office for Democratic Institutions and Human Rights (ODIHR). The meeting was organised jointly by the FRA and the Italian Presidency of the Council of the European Union. The results of the working group meetings were characterised by their specificity and usefulness and have helped the FRA to increase its collaboration with the national administrations. The production of the comprehensive strategy against racism, xenophobia and other connected forms of intolerance and the aforementioned project "Training on Identification and Recording of Racist Incidents" are listed in the Working Group's conclusions among the good practices selected for the fight against hate crime.

### ***2.1.5. Cooperation, consultation and coordination of stakeholders and promoting actions at local level***

In 2014, the Spanish Government continued its policy of supporting local organisations in the area of integration through subsidies and collaboration agreements with the inclusion of programmes to support the participation of the immigrant population, for example: programmes which foster associations, participation and cooperation and promote inter-cultural mediation in the education, health, neighbourhood and social fields.

These types of programme are co-financed by the European Integration Fund for third-country nationals (EIF).

In addition, the Integra Local web portal remains in operation, and its main objective is to become a point of reference for local organisations, which can be used to access various services and information related to immigrant integration on a municipal level. The aim has been to create a channel of useful and interesting information for the local organisations, which:

- Compiles actions on immigrant integration by the local organisations. Good practices carried out by the local organisations have been selected and disseminated.
- Assists local organisations to prepare projects.
- Provides links with other portals and online resources.

- Promotes the pooling of solutions and experiences among local actors.
- Starts up a personalised advice service through experts on aspects of immigrant integration.

For further information see Section 2.1.2.

### **2.1.6. *Involvement of countries of origin***

The involvement of the countries of origin in the case of circular migration and seasonal workers is noteworthy. This recruitment has been maintained in the agricultural sector and with Morocco, due to the importance this country represents to Spain. (see Section 1.2.1).

With regard to **language teaching**, in 2014 the Instituto Cervantes, a public institution which promotes the Spanish language and culture, continued its work of promoting and teaching the Spanish language. By means of the reform relating to the granting of Spanish nationality, it is envisaged that this institution's role will be reinforced, having been accepted as the competent body for designing the test to assess knowledge of the Spanish language and culture, which must be passed as a prerequisite for access to nationality.

In the return stage, the support of the countries of origin in the context of the **return programmes** is vital. Of the three voluntary return programmes, namely: on social and productive assistance and supplementary aid for the accumulated and early payment of the contributory benefit; the productive return programme favours returning in the framework of a feasible and sustainable production project. It also favours networking with organisations located in the countries of origin for the purpose of boosting the success of the process.

Spain's participation in the OSS-LAC project is also maintained: One Stop Shops-Sustainable reintegration for Latin-American vulnerable returnees, promoted by the Organisation of Ibero-American States. The aim of the project is to start up "single points of contact" in the countries of Latin America, which can offer streamlined, accessible, coordinated and efficient services of initial reception and psychosocial, educational and employment reintegration, with individualised itineraries constructed jointly with the returnee and sustained by state resources and/or those of private organisations in each country. The single points of contact thus aim to improve the reintegration of those people who have returned since 2011 or who will return during 2014, without thereby refusing to receive new returnees in the following years.

## **3. PROMOTION, INFORMATION AND AWARENESS RAISING**

### **3.1. Routes to and conditions of legal migration**

Together with the continuous work of updating the information available in the offices of the General Secretariat for Immigration and Emigration and of the Immigration Portal

relating to the conditions for admission, stay and residence of third-country nationals established in the immigration regulations (listed in the 2013 Report ), in 2014 an effort was made to promote Law 14/2013.

The actions referring to the promotion of Law 14/2013 have concentrated on various information platforms:

1. A website has been created for the Residence Programme for Investors and Entrepreneurs (PRIE) (<http://prie.comercio.es/es>), driven by the Secretariat of State for Trade, and in which the Ministries of Employment and Social Security, Foreign Affairs and Cooperation and Economy and Competitiveness participate.

This website offers information in several languages – Spanish, Portuguese, Russian and Chinese, for the moment – on (i) general aspects of the PRIE and (ii) questions specific to each category – investors, entrepreneurs, highly-qualified staff, researchers and intra-corporate transferees.

This website is a hub of information for those interested, giving them an overview of the requirements that must be met and the formalities to be completed.

2. On the Immigration Portal of the General Secretariat for Immigration and Emigration's website (<http://extranjeros.empleo.gob.es/es/>) the official models for initiating the formalities regulated under Law 14/2013 can be downloaded. With the aim of making them easier to complete, for information purposes they have been translated into English, French, German, Russian, Chinese and Arabic.

This Portal also features a specific section on the Large Companies Unit, in which:

i) Information pamphlets are offered on each of the categories of Law 14/2013 in Spanish and English. These contain general practical information for those interested in each of them.

ii) Two e-mail addresses are provided for submitting queries:

→ [movilidad.internacional@meyss.es](mailto:movilidad.internacional@meyss.es).

→ [unidadgrandesempresas@meyss.es](mailto:unidadgrandesempresas@meyss.es).

iii) A system is opened for requesting an appointment with the Large Companies Unit.

3. Also, the website of the General Directorate for Trade of the Ministry of Economy and Competitiveness (<http://www.comercio.gob.es/es>) offers information on the PRIE and specifically on the operations carried out by the Directorate General for International Trade and Investment (DGCOMINVER) and the Spanish Economic and Commercial Offices in the process of obtaining a visa and/or residence permit for investors, entrepreneurs and highly qualified staff; an e-mail address is provided where this process can be advanced and queries on the matter can be submitted ([informes.movilidad@comercio.mineco.es](mailto:informes.movilidad@comercio.mineco.es)).

4. The Ministry of Foreign Affairs and Cooperation also offers specific information on the visas and residence permits that fall within the framework of

implementation of Law 14/2013, through the website (<http://www.exteriores.gob.es/>)

In addition, a **Framework Plan** has been drawn up **to disseminate the new international mobility system** through conferences, information sessions and seminars essentially aimed at *three types of actor*:

- *Individuals responsible for implementing the new system*, as they must be aware of its limits and of the opportunities it offers, and be able to transmit them to potential recipients, as the success of its implementation depends on this.

- *Representatives of other States*.

- *Centres for attracting investment talent*, such as Invest in Spain, representatives of the business sector, lawyers' offices, universities and business schools of acknowledged prestige.

### 3.2. Prevention of unsafe migration

It has already been indicated in Section 1.5.4 that the Spanish authorities collaborate actively with the authorities of third countries in order to fight against human trafficking and detect the forging of identity and travel documents, among other purposes.

Furthermore, although no specific campaign was conducted on the matter in 2014, there is a ban on working without authorisation as well as recruiting immigrants who do not have the relevant work permit. Non-compliance with this prohibition results in serious administrative penalties for both foreigner and employer (in the latter case these may be of a criminal nature).

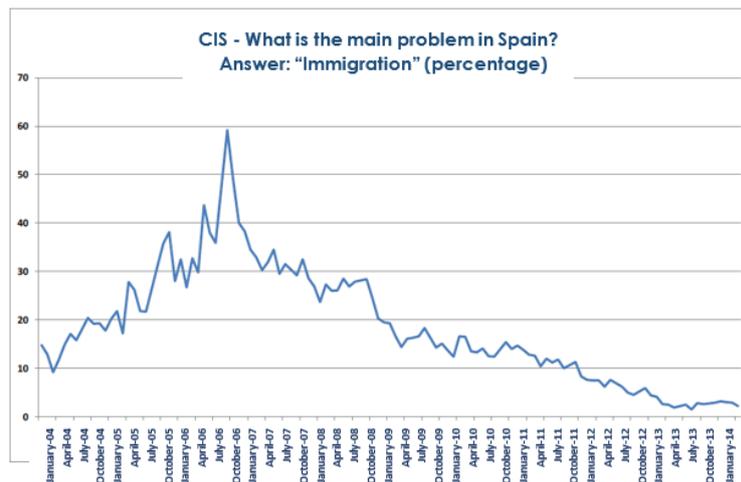
### 3.3. Awareness raising in the host society

In the final quarter of the 20th century, the Spanish population saw the arrival of millions of foreign workers. Despite the considerable increase in the foreign population (Spain became one of the main immigration destinations), no events have occurred of special relevance to peaceful coexistence.

This is reflected by the opinion surveys (barometers) produced by the Centre for Sociological Research (CIS), which show that Spanish society does not see immigration as a problem and that there has been no increase in xenophobic attitudes, an aspect highlighted by the OECD as one of

the most positive on migration in Spain (and which marks a striking difference in comparison with other neighbouring countries).

## Public opinion on immigration in Spain



**Source:** Extracted from the report on hate crime in Spain during 2013. CIS barometer on the consideration of immigration as the main problem in Spain

For its part, the study "Growing up in Spain. The integration of the children of immigrants"<sup>7</sup> confirms this trend from the perspective of the immigrant and classifies the adaptation process as positive in general terms and observes "a psychological and cultural convergence between children of immigrants and of the native population". According to the study, in Spain there are no indications of cultural rejection or majority reactive identities among immigrants or their children.

However, the context of the crisis and higher unemployment compels the authorities to be alert to a potential increase in racist and xenophobic behaviours or actions against immigrant groups, as is occurring in other neighbouring countries. To prevent this, the actions carried out in the educational sphere, as well as different training programmes on racism in two new fields, are crucial: the teacher and the administration of justice. See Sections 2.1.1 and 2.1.4.

## 4. IRREGULAR MIGRATION AND RETURN

### 4.1. Key statistics

Relevant statistics to be provided directly by Eurostat.

<sup>7</sup>

Available at: [http://obrasocial.lacaixa.es/deployedfiles/obrasocial/Estaticos/pdf/Estudios\\_sociales/vol38\\_es.pdf](http://obrasocial.lacaixa.es/deployedfiles/obrasocial/Estaticos/pdf/Estudios_sociales/vol38_es.pdf)

## **4.2. Enhanced border management at the external borders**

### **4.2.1. *Border control measures: technology, equipment and infrastructure, including systems linked to EU instruments and actions to coordinate different types of border checks***

The Spanish border crossing points were modernised in 2014 with the acquisition of 332 new computers, 332 document readers and 332 fingerprint scanners.

The ABC system, already in use at Madrid and Barcelona airports, has been installed at Malaga airport with the revolving door configuration. The system comprises seven identification booths, three access doors and two control cabins. This system is the basis for future installations of the EES and RTP systems.

More visa issuing posts have also been installed in the countries bordering Spain and there are currently 76 posts in operation.

The National Police Force is using 69 new vehicles exclusively for border control tasks.

In compliance with the regulations in force since October, fingerprints are checked in the VIS.

The Spanish Integrated External Surveillance System, included in EUROSUR, has been deployed for performing border surveillance tasks on the Spanish coasts since 2002. This system is based on five technological mainstays: radar, optronic sensors, integration of sensors, centralised control and monitoring and interoperability with external systems. The system was updated in 2014 in order to increase its technical capabilities in Malaga, Granada and Ceuta. In 2015, the updates will reach Las Palmas, Almería and Huelva. These updates include new optronic sensors, new hardware and software to improve the surveillance capabilities and enable integration with similar systems, the improvement of security in the facilities and the modernisation of the communications between the stations and control centres. 14 mobile surveillance units (MSUs) support the system.

In 2014, the Civil Guard Offices of Ceuta, Melilla, Algeciras, Malaga, Almería, Murcia, Alicante, Valencia, Barcelona, Tarragona, Gerona and Granada were provided with technical equipment that includes all-terrain vehicles, motorcycles, binoculars, night vision devices, thermal imaging cameras, video cameras and heartbeat detectors.

### **4.2.2. *Border control measures: other activities to improve the effectiveness of controls at external borders***

For the purpose of guaranteeing more effective control at external borders, the following actions were taken during 2014.

The National Police organised 74 training activities on border control:

- Basic border control.
- Specialised course in border control.
- Document checking course.
- Airport security course.
- Basic training on airport security.
- Advanced training on airport security.
- FRONTEX training courses:
  - Expert frontline training.
  - Expert second line traini
  - EBGT (European Border Guard Teams).
  - "Travelling exhibition" on forged documents.
  - Communication in English course for border guards.
  - Training for Schengen Evaluators.

In the local context, national specialists have provided training on using the new technical equipment (previously described).

A protocol for action has been established relating to Ebola disease for the border police. This protocol can be consulted on the internet and is regularly updated.

Over the year, around 600 alerts have been sent to border crossing points on exit restrictions on minors, forged documents, etc.

As regards the Civil Guard, in 2014 workshops on border surveillance and combating illegal immigration were also organised, concentrating on improving officers' professional skills and aimed at regularisation in the framework of the European Border Guard Teams.

The Civil Guard is using European funds to provide language information (English, French) according to criteria of efficiency and professionalism.

#### ***4.2.3. Preventing and combating irregular immigration by ensuring reinforced cooperation with third countries in the area of border management***

No new bilateral agreements were signed in 2014. Those listed in last year's report are still in force.

Operations are underway at the two centres of police cooperation with Morocco and within the joint investigation teams with Mauritania (since 2008) and Morocco (2013). Preparations are underway to establish a joint investigation team with Niger and mobile intelligence teams with other countries of West Africa.

#### **4.3. Better tackling of misuse of legal migration channels**

##### ***4.3.1. Irregular migration caused by visa liberalisation***

There are no significant problems resulting from the visa liberalisation processes. The countries benefiting from this liberalisation – basically countries in Central America and South America – have a rich tradition of cooperation with Spain with regard to returns, thanks to cultural and historical links, as well as a long tradition of common migratory flows. As a result of this rich tradition of cooperation, the readmission in these countries (beneficiaries or non-beneficiaries of visa liberalisation) of immigrants presents no problems for Spain.

##### ***4.3.2. Irregular migration through misuse of family reunification***

Abuse is much more frequent in the case of (alleged) relatives of EU citizens than in the context of reunification.

Special efforts are being made to check the documents from the country of origin, with the help of liaison officers, consular representatives abroad and local authorities.

Work is also ongoing on detecting and combating the typical forms of abuse: false declarations of kinship and marriages of convenience.

##### ***4.3.3. Irregular migration through misuse of student migration***

The migration of students does not represent a significant number of cases of illegal immigration in Spain. However, a thorough check is made on the conditions of access to residence permits for studying and checks are made in particular to verify that the study centres are official or authorised.

##### ***4.3.4. Irregular migration caused by use of false travel documents***

In 2014 (until November), 3,805 forged documents were detected at Spanish border crossings. These documents can be broken down as follows:

- 121 stamps (3.2%)
- 764 identity documents (20.1%)
- 1,913 passports (50.3%)

- 659 residence permits (17.3%)
- 252 visas (6.4%)
- 84 driving licences (2.2%)

In addition, 1,766 criminals were arrested in 1,282 police Operations

#### **4.4. The fight against facilitation of irregular migration (“smuggling”)**

There have been no significant changes since the response to the Ad-hoc Query on “Facilitation of irregular immigration (migrants smuggling)”.

##### **4.4.1. *Key statistics***

To be completed separately on 31 March 2015.

##### **4.4.2. *Activities to monitor smuggling***

Spain has made some modifications to the data collection system of late, aimed at adapting it to the recent changes in EU acquis.

The checks and inspections aimed at detecting cases of trafficking of immigrants across the entire national territory are also subject to strict central monitoring.

##### **4.4.3. *Monitoring and identifying migration routes***

The routes used for irregular migration from sub-Saharan Africa which affect Spain are as follows:

- Atlantic route: this passes through Senegal, Mauritania, the Western Sahara and Morocco. Its use has been reduced in recent years due to the work of the joint investigation team created with Mauritania, among other factors. The destinations in Spain are the Canary Islands, the south of the peninsula, and Ceuta and Melilla.
- Central routes: these pass through Niger and Algeria. Immigrants coming from the Gulf of Guinea and Mali reach Morocco and Algeria. From there, they cross the Strait of Gibraltar or try to enter Ceuta or Melilla.

As appeared in the 2013 Report, the provenance or origins of the immigrants is intelligence information compiled by our immigration liaison officers and is obtained through various channels: through our joint investigation teams in Mauritania and Morocco, the police cooperation centres in Morocco, information sessions, illegal border crossings and attempts, etc.

#### **QUESTIONS ON RETURN**

**4.5. Strengthening cooperation with third countries of transit and origin on migration management**

**4.5.1. *Ensure implementation of all EU readmission agreements to their full effect***

<b>EU readmission agreement (country)</b>	<b>Progress at national level</b>	<b>Date of the agreement (if relevant)</b>
Serbia	AGREEMENT authorising the signing of the Protocol between the Government of the Kingdom of Spain and the Government of the Republic of Serbia to apply the Agreement between the Republic of Serbia and the European Community on the readmission of persons residing without authorisation.	19.09.2014
Georgia	The negotiations for signing the Protocol have begun	

**4.6. Enhancing migration management including cooperation on return practices**

PLEASE NOTE THAT THIS SECTION OF THE SYNTHESIS REPORT WILL CONSIST OF THE FOLLOWING

**4.6.1. *Summary of the EMN REG return and reintegration activities developed during 2014 (To be drafted by the EMN Service Provider)***

**4.6.2. *Summary of the Frontex Joint Return Operations (JTOs)(To be provided by Frontex)***

**4.6.3. *Description of the activities within FREMM (To be provided by COM)***

**4.6.4. *Maximising the potential of a common EU approach in the field of return, both voluntary and forced, in compliance with existing EU acquis (To be drafted by COM)***

**4.6.5. *Please describe any new or planned measure to develop Swift, sustainable and effective return using a common EU approach and in particular actions relevant to:***

i) Record the prohibitions on entry in the SIS and facilitate the exchange of information on prohibitions on entry

Entry bans are recorded regularly in the SIS at the time when the exit occurs.

iii) Other actions

The Spanish Ombudsman supervises forced returns.

#### ***4.6.5 Key statistics***

To be completed separately on 31 March 2015.

## 5. INTENATIONAL PROTECTION INCLUDING ASYLUM

### 5.1. Common European Asylum System

#### 5.1.1. *Key statistics*

NB relevant statistics will be collected directed from Eurostat by COM.

#### 5.1.2. *The implementation of the European Common Asylum System*

Various measures were taken during 2014 for the purpose of meeting the requirements of the Common European Asylum System. Below is a brief description of the measures adopted with regard to the following points.

ii) Access to the asylum procedure (including the requests submitted at the border and in detention)

The Ministry of the Interior has created two assistance units for applicants for international protection at the Ceuta and Melilla border posts set up for this purpose. Another new initiative has thus been launched to provide a response to the unique situation of Ceuta and Melilla, which are the only EU land borders with the African continent and which have recorded serious migratory pressure in recent years.

Although it was already possible to submit applications for international protection in Ceuta and Melilla, the new facilities have reinforced the guarantees of the international protection system and will permit the requirements of the Common European Asylum System to be better fulfilled.

The facilities, which are set up in the border control zone, are clearly identified as places for formalising requests for asylum or international protection, thereby avoiding the applicant having to be transferred outside the border zone in order to both provide them with the information necessary to proceed with submitting these requests and to formalise these.

In these offices, always with the assistance of a lawyer and an interpreter – one of the guarantees of the international protection system – immigrants who may be potential applicants for international protection are identified. The immigrants can thus formalise their applications with the authorities in charge of the border post (National Police Force) and the applications are dealt with by the Asylum and Refuge Office.

In this context, since December 2014 over 200 applications have been registered at the border posts of the Autonomous Cities.

vii) Special procedures (prioritising procedures)

Due to the growing number of applications for international protection, examining the applications submitted by Syrian nationals has been given priority in order to attend to the needs for protection more efficiently.

xiii) Especially vulnerable groups

For the purpose of improving the coordination and effectiveness of the actions with regard to unaccompanied foreign minors, on 22 July 2014 a Framework Protocol was adopted on certain actions relating to Unaccompanied Foreign Minors. The Protocol was signed by the various ministerial departments affected, including the Ministry of the Interior, of Justice, of Employment and Social Security, of Health, Social Services and Equality, the General Prosecutor's Office and the Ministry of Foreign Affairs and Cooperation.

With regard to the field of international protection, the Protocol stipulates that UAMs who wish to request asylum must be duly informed by the Public Body for the protection of minors responsible for their care and that the person designated by said body assists the minor in both formalising the application and throughout the procedure, with a view to guaranteeing the best interests of the minor and completing their capacity to act whenever necessary.

#### xv) Resettlement

In the context of the National Resettlement Programme, the Government organised an identification and selection mission in Jordan. As a result, 127 refugees of Syrian origin were resettled in Spain. A first group of this contingent, made up of 30 refugees, arrived in Spain on 17 December 2014. It is expected that the rest of the contingent will arrive in the early months of 2015.

With the aim of continuing Spain's effort and political commitment to resettling, on 19 December 2014 the Council of Ministers adopted a new National Resettlement Programme. By means of this Programme, which will run throughout 2015, Spain is demonstrating its willingness to receive 130 refugees from the Syrian conflict who are located in neighbouring countries of the region.

### **5.1.3. Institutional and legislative changes**

#### Legislation changes

\* Modification of Art. 40 of Law 12/2009, of 30 October, on the right to asylum and subsidiary protection, for the purpose of transposing Directive 2011/95/EU. The Directive broadens the concept of family members, increasing the spectrum of possible relatives who may be recognised as beneficiaries of international protection by family extension (including the adult who is responsible for the beneficiary of international protection, in accordance with current Spanish legislation, when said beneficiary is an unmarried minor), as well as abolishing the requirement of dependence in the case of descendants who are minors. This circumstance justifies the aforementioned legislative modification in the interests of the appropriate consistency of the Spanish legal system on the subject of international protection with the advances in European Union law.

\* The bulk of the transposition of EU acquis, which constitutes the second stage of the CEAS, will be carried out through the implementing Regulation of Law 12/2009, of 30 October, the adoption of which is subject to the completion of the corresponding internal procedure.

In 2014, a series of rulings were issued which gave rise to feedback actions as it was considered that the administrative decision did not sufficiently detail the reasons why a request for international protection was refused.

#### **5.1.4. Jurisprudence**

In 2014, a series of rulings were issued which gave rise to feedback actions as it was considered that the administrative decision did not sufficiently detail the reasons why a request for international protection was refused.

#### **5.1.5. Efficiency and Quality**

##### Efficiency of the procedure

As regards efficiency in the procedure (and as put forward in Section 5.1.2), the examination of the applications of Syrian nationals has been prioritised for the purpose of attending to this group's protection needs more quickly, as there has been a marked increase in the number of requests.

##### Quality

In the context of quality, internal changes have been introduced in the decision-making process for international protection. This is aimed at improving the quality and motivation of individualised decisions on international protection requests. This initiative is leading to greater legal security for the interested party, as it is possible to have clearer knowledge of the factual and legal basis upon which international protection is granted or denied, as well as faster decision-making and notification of the interested party.

Measures have also been taken to improve the quality of the procedure by means of staff training measures at the Asylum and Refuge Office, such as organising a training session on credibility in sexual orientation or by experts on prevention and detection of torture, including the production of reports in accordance with the Istanbul Protocol. The Asylum and Refuge Office also collaborated with the ECRE in its study on internal protection, based on the analysis of over 100 decisions taken by the Spanish authorities.

#### **5.1.6. Challenges in the asylum field**

One of the greatest challenges is the increase in the number of cases handled by the Asylum and Refuge Office (21% more applications), including a marked increase in those relating to the Dublin Regulation (a 29% increase in Dublin applications). To address this challenge, measures have been taken which include speeding up the processing of certain cases. Thus, as previously mentioned, a special plan has been drawn up aimed at prioritising the processing of international protection requests by Syrian citizens.

Furthermore, with the aim of responding to the requirements of the judicial decisions which will give rise to feedback action in the interests of more detailed motivation of the

decisions, an improvement process has been started up for the individualised motivation of the decisions on international protection.

## **5.2. Cooperation with the European Asylum Support Office**

### **5.2.1. *Participation in EASO activities***

For the purpose of continuing to improve the quality of the Asylum and Refuge procedure, throughout 2014 it continued to participate actively in the activities organised by the EASO:

-Training activities: participation in training on the COI portal given by the EASO in Portugal to officials from Portugal and Spain and participation in developing the contents of a training module (Procedures Directive) through a national expert.

-Practical cooperation and quality: participation in the various workshops and seminars, such as the seminar on Iraq or the quality meetings relating to applicants with special needs, access to the procedure and special procedures.

-Support teams: in the framework of the Special Support Plan to Italy, a national expert participated in the activities envisaged in Measure 5 (support Italian emergency capacity).

### **5.2.2. *Provision of support by EASO to the Member States***

See Section 1.2.1.

## **5.3. Intra-EU solidarity including relocation**

### **5.3.1. *Support to national asylum systems including relocation***

There have been no significant innovations.

### **5.3.2. *Key statistics***

To be completed separately on 31 March 2015.

## **5.4. Enhancing the external dimension including resettlement**

### **5.4.1. *Cooperation with third countries including resettlement***

In the framework of the National Resettlement Programme, the Government carried out a selection and identification mission in Jordan (19-26 October 2014). As a result of this mission, the November Interministerial Committee on Asylum and Refugees (CIAR) agreed to propose granting international protection to 127 Syrian nationals residing in Jordan after having fled from the conflict in their home country. These refugees will come to Spain in stages. The first group of 30 refugees arrived on 17 December 2014.

With the aim of continuing Spain's effort and political commitment to resettlement, on 19 December 2014 the Council of Ministers adopted a new National Resettlement Programme. By means of this Programme, which will be implemented throughout 2015, Spain is demonstrating its willingness to receive 130 refugees from the Syrian conflict who are located in neighbouring countries of the region.

#### **5.4.2. Key statistics**

To be completed separately on 31 March 2015.

#### **5.4.3. Enhance the capacity of countries of origin and transit to manage mixed migration flows**

- a) Describa las novedades concretas en el proceso de dotación a terceros países de primer asilo de los medios necesarios para garantizar la protección al refugiado y para gestionar mejor los flujos migratorios mixtos, incluida la legislación nacional en materia de asilo y los marcos de las políticas de asilo (por ejemplo, a través de programas regionales de protección).
- b) Si se dispone de datos corroborados, describa los resultados de estas novedades (por ejemplo, el incremento del número de solicitudes de asilo tramitadas en países de primer asilo).

There have been no significant innovations.

## **6. UNACCOMPANIED MINORS AND OTHER VULNERABLE GROUPS**

### **6.1. Unaccompanied minors**

**PLEASE NOTE THAT THE SYNTHESIS REPORT FOR THIS SECTION WILL PROVIDE A SHORT SUMMARY OF THE RESULTS OF THE EMN STUDY 2014 ON UNACCOMPANIED MINORS.**

#### ***Summary of the EMN Study on Unaccompanied minors***

On 22 July 2014, an agreement was signed approving the Framework Protocol for Unaccompanied Foreign Minors (UAMs) by the ministries of Employment and Social Security, of Justice, of Health, Social Services and Equality, of the Interior, of Foreign Affairs and Cooperation and the General Prosecutor's Office

This established the bases for the **coordination** of the various institutions and administrations with regard to actions on Unaccompanied Foreign Minors: from locating 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.

In addition, the clear objective of the Protocol is to achieve the **successful operation of the UAM Register**, as a source of reliable information on the number and situation of the UAMs received in Spain.

## **6.2. Other vulnerable groups**

As previously stated in Section 2.1.3, the comprehensive reception programmes for covering the basic needs and for supporting the integration of immigrants in situations of social vulnerability or at risk of social exclusion constitute one of the most significant aspects of the integration policy. People in situations of special vulnerability are understood to be: women, young people, children, elderly people, illiterate or disabled people and victims of human trafficking for the purpose of sexual exploitation.

## **6.3. Key statistics**

To be completed separately on 31 March 2015.

# **7. ACTIONS ADDRESSING TRAFFICKING IN HUMAN BEINGS**

## **7.1. Key statistics**

To be completed separately on 31 March 2015.

## **7.2. Improving the identification of and provision of information to victims**

Incluyendo una referencia a las medidas o actuaciones desarrolladas en el ámbito de la asistencia y apoyo a las víctimas, incluidos los menores de edad.

### Actions adopted in the framework of the Police Plan against human trafficking for the purpose of sexual exploitation

The 2013 Report refers to the adoption by the National Police of the "Police Plan against human trafficking for the purpose of sexual exploitation". In the context of this Plan, a campaign has been launched in which two videos have been disseminated informing about the various channels set up for both public collaboration and victims' complaints. These channels provided are the free 24-hour telephone line – 900 10 50 90 – answered by specialised police officers of the Central Anti-Human Trafficking Brigade, and the e-mail address [trata@policia.es](mailto:trata@policia.es). Both of these channels guarantee user confidentiality. This Plan has also created a space of its own on the official website of the National Police, which serves as an additional channel of information on this crime: [www.policia.es/trata](http://www.policia.es/trata).

Thanks to these channels, 234 investigations have been launched, 42 victims have been rescued and 47 people have been arrested.

### Actions carried out within the competence of the General Secretariat for Immigration and Emigration (SGIE)

Within the competence of the SGIE, during 2014 both (1) regulatory measures and (2) other types of measures were developed, aimed at: (i) promoting and providing financial support to the organisations specialising in attending to victims of human trafficking (HT), (ii) raising the awareness of the general public and (iii) training all the actors specialising in the fight against HT.

### **1. Regulatory measures**

As part of the Framework Protocol on Protection of Victims of Human Trafficking, the competence allocated to the SGIE basically consists of the three following lines of action:

- a) Detecting possible victims of trafficking in the migration centres, in the assistance/social centres managed by the Authorities or in resources of organisations and bodies that provide assistance to the victims.
- b) Providing the State Security Forces and Corps with information on the detection of possible victims.
- c) Informing the victims and referral to assistance resources.

On the basis of these lines and addressing the demands of organisations and professionals, in 2014 a **Common Protocol** was adopted which homogenises the practices of detection, intervention and coordination. Its objective is to establish guidelines for detection and intervention in possible cases of human trafficking for the purpose of sexual exploitation which may arise in centres of the public migration network: Social Work Unit (UTS) in the Asylum and Refuge Office (OAR), Refugee Reception Centres (CAR) and Immigrant Temporary Stay Centres (CETI), dependent on the General Secretariat for Immigration and Emigration of the Ministry of Employment and Social Security. It will also apply to migration centres and attention services of the NGOs in which programmes subsidised by the SGIE are run.

With regard to trafficking victims who are minors, emphasis should be made on the Unaccompanied Foreign Minors Protocol (see Section 6.1), which is aimed at protecting minors who are at the mercy of the human trafficking criminal organisations and intended to be a standard for good practices in Spain.

### **2. Assistance, training and awareness-raising measures**

On an annual basis, the SGIE has been providing financial support through subsidies (in certain cases co-financed by EU funds) to non-profit organisations which run programmes aimed at the complete integration of victims of human trafficking, at raising awareness and at creating support networks, as well as other actions aimed at the eradication of trafficking.

Assistance resources have been earmarked to guarantee HT victims, where appropriate, comfortable and safe accommodation, material support,

psychological help, medical care, interpreting services and legal advice. In addition, when the victim's consent is given, referral shall be provided to the services of the organisations and institutions with proven experience in assisting victims of trafficking, in particular those which provide comprehensive assistance and participate in the public administration programmes for their assistance and protection.

In the case of victims of trafficking who are unaccompanied minors, they shall be referred to the services for protection of minors of the Regional Authorities, as established in the UAM Protocol.

Between 2011 and 2014 over one million euros were granted in the form of subsidies to comprehensive assistance programmes for victims of HT for the purpose of sexual exploitation, including those financed by General State Budgets and those co-financed by the European Social Fund and the European Integration Fund.

In addition, in 2014 almost 32,000 euros (co-financed by the ERF) were granted to programmes of comprehensive support for women victims of HT requesting asylum.

Among the training and awareness-raising activities, the following may be highlighted:

\*Training actions for professionals who provide services in the centres affiliated with the SGIE (CAR and CETI).

\*Programme for training professionals and volunteers on this matter, given by the CEPAIM Foundation, aimed at NGO professionals who work with immigrants and/or victims of trafficking.

\*APRAMP (Association for the Prevention, Reintegration and Care of Prostituted Women) "Social-Health Project: a mediation and training proposal" is a project for mediation with prostituted women and victims of trafficking and for specialised training aimed at health professionals.

\*Programme of training courses on "Detection and intervention with victims of human trafficking" run by the Spanish Red Cross and aimed at professionals involved in dealing with victims of trafficking.

\*National Seminar "Human trafficking for the purpose of labour exploitation: gender perspective".

There has also been participation in and/or financing of several projects, both national and international projects, aimed at creating networks among all the actors involved (public and private) in various countries and at improving the prevention and assistance of these victims.

## **8. MAXIMISING DEVELOPMENT IMPACT OF MIGRATION AND MOBILITY**

### **8.1. Progress towards mainstreaming of migration in development policies**

In 2014, Spain paid particular attention to the task of capitalising on the positive relationship between migration and socio-economic progress.

On this aspect, the efforts are directed at maximising the socio-economic opportunities by establishing migration policies aimed at making progress in close collaboration with the receiving countries; support for the national processes of development or rehabilitation and reconstruction in developing countries, the economies of which are in transition or are emerging from situations of conflict, by means of the return and socio-economic reintegration of competent and qualified nationals who are currently abroad, and the introduction of development policies and mechanisms which promote migrants' remittance transfer services, thus increasing their impact on development.

Specifically:

In 2014, the General Secretariat for Immigration and Emigration, in collaboration with the Spanish Agency for International Development Cooperation (AECID), organised two seminars on different matters in the framework of the PIFTE Programme . Firstly, a seminar was held in October 2014 in Bolivia on "Racism, xenophobia and other connected forms of intolerance and Management of Cultural Diversity", and secondly, in December 2014 a seminar on international mobility was held at the Training Centre in Cartagena de Indias, Colombia, titled "International mobility. Facilitating investment and talent through migration policy. Migration policy as an element of competitiveness". The aim of this training activity was to highlight the growing importance of economic and business-related migration and to explore the contribution of migration to economic progress, development and international trade.

The General Secretariat has in turn participated in the technical assistance for international cooperation of the Ministry of Employment and Social Security: Labour migration. Challenges for Social Security, which was undertaken in Mexico.

In the Framework of the Mobility Partnership with Morocco to which Spain belongs, along with other Member States (Belgium, Germany, France, Italy, the Netherlands, Portugal, Sweden and the United Kingdom), Spain is undertaking important projects of technical support and advice for the Moroccan authorities in the design and start-up of the renewed Moroccan migration policy, which affects the protection of human rights. By way of example, special emphasis may be given to the projects being carried out by the Ministry of Employment and Social Security in cooperation with the Moroccan Employment Agency (ANAPEC) of support and technical assistance projects in the design of the new Moroccan immigration policy. To this end, experts from the General Secretariat for Immigration and Emigration went to Morocco for the purpose of explaining aspects to the officials of the various Moroccan ministries with responsibility for

migration, such as: Spanish immigration policy, the Spanish legal and institutional framework as regards immigration (paying special attention to procedural rights), types of permits or the presentation of the legal and institutional framework on integration. A delegation of Moroccan experts also came to Spain to find out about the operation of Spanish migration policy in person.

#### Actions in the field of political dialogue

One of the principal aspects of the foreign dimension of Spanish migration policy is its focus on prevention, based on cooperation with the countries of origin and transit of the illegal immigration targeting this country. Political dialogue is an essential tool that enables communication channels to be kept open and continuous contact to be maintained, as well as guidelines for migration management to be agreed. This dialogue is supplemented with specific cooperation projects.

In this respect, Spain has continued to participate actively in a variety of multilateral cooperation forums (in both the European Union context and outwith this organisation).

#### Policy coherence for development (PCD)

The 2013-2016 Master Plan for Spanish Cooperation also works progressively on the five global PCD challenges proposed by the EU: food security, trade and tax evasion, immigration, security and climate change. With regard to immigration, an initial analysis has been attempted of the aspects of its policy which are more in keeping with this PCD principle.

### ***8.1.1. Cooperation with partner / third countries for economic migration***

Please describe any new or planned relevant activity - e.g. studies, development of approaches to make migration an integral part in sectoral policies (e.g. agriculture, health, education etc.), solidarity development projects, etc. – to mainstream migration in development policies.

<b>Type of agreement</b> (EU or bilateral)	<b>Situation of the agreement</b> (negotiated, signed, ratified, applied) <b>and the date of</b>	<b>Participating third countries,</b> including countries of the Southern Mediterranean <sup>8</sup> and of the	<b>Principal objective and justification of the agreement (including relevant items of the</b>	<b>Does the agreement permit circular migration? YES/NO</b>
---	---	--	--	---

<sup>8</sup> Morocco, Algeria, Tunisia, Libya and Egypt.

	<b>the action</b>	Eastern Partnership <sup>9</sup>	<b>content)</b>	
Bilateral	In force	Colombia	Regulation of migration flows of workers	YES
Bilateral	Provisional application	Ecuador	Regulation of migration flows of workers	YES
Bilateral	In force	Morocco	Regulation of migration flows of workers	YES
Bilateral	In force	Dominican Republic	Regulation of migration flows of workers	YES
Bilateral	Provisional application	Mauritania	Regulation of migration flows of workers	YES
Bilateral	In force	Ukraine	Regulation of migration flows of workers	YES

### **8.1.2. Efforts to mitigate “brain drain”**

As was included in the EMN Study on attracting qualified and highly-qualified workers, Article 38 ter (3) of Organic Law 4/2000 establishes that, for the granting of permits to highly-qualified professionals, the need to protect the sufficiency of human resources in the country of origin abroad may be taken into account.

Also, in some fields such as health, coordinated work is being carried out with the countries of origin in order that the migration process may be in the interest of all parties.

<sup>9</sup> Ukraine, Belarus, Moldova, Georgia, Armenia and Azerbaijan.

However, as the OECD states in its publication "The Global Competition for talent", the mobility of talent is not a zero-sum game. On the contrary, it may create benefits for the receiving society, for the individual, for the society of origin (through the enrichment and breadth of knowledge) and for global knowledge in general. All of this is due to the fact that it contributes to the diffusion and creation of knowledge, especially the so-called tacit knowledge, not formal or codified, which cannot be transferred through articles, conferences and reports.

In this context, the notions of brain drain/brain gain are being replaced by brain circulation: or what is the same, the importance of the circulation of talent to creating global knowledge. Intelligent remittances are increasingly relevant for the destination and origin countries of migration.

### **8.2. Migrants' Remittances**

The remittances sent from Spain are still mainly directed towards Latin America. In this regard, Spain is aware of the importance of the remittances in driving economic activity in the receiving countries, and they are being increasingly used for developing entrepreneurial projects (microenterprises).

### **8.3. Working with diasporas**

The Ministry of Employment and Social Security supports associations and the potential of diaspora groups as an element for integration into the receiving society and for maintaining links with the society of origin.

Furthermore, the Forum for the Social Integration of Immigrants, a body dedicated to consultation, information and advice on immigrant integration, includes immigrant associations among its members.

\*\*\*\*\*



GOBIERNO  
DE ESPAÑA

MINISTERIO  
DE ASUNTOS EXTERIORES  
Y DE COOPERACIÓN

MINISTERIO  
DE JUSTICIA

MINISTERIO  
DEL INTERIOR

MINISTERIO  
DE EMPLEO  
Y SEGURIDAD SOCIAL