

EMN
Red Europea de Migración



RESETTLEMENT AND HUMANITARIAN ADMISSION PROGRAMMES IN EUROPE – WHAT WORKS?

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GOBIERNO
DE ESPAÑA

MINISTERIO
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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@meyss.es

Internet:

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

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Abbreviations used

ACCEM: Spanish Catholic Migration Commission Association

UNHCR: United Nations High Commissioner for Refugees

CEAR: Spanish Commission for Refugee Aid

CIAR: Inter-Ministerial Commission for Asylum and Refuge

AMIF: Asylum, Migration and Integration Fund

MEYSS: Ministry of Employment and Social Security

MIR: Ministry of the Interior

OAR: Asylum and Refuge Office (Ministry of the Interior)

IOM: International Organization for Migration

TOP-LINE FACT SHEET.

Spain has experience in resettlement. In addition to the experience in resettlement gained since the early 1980s in the wake of certain events which required solidarity in response, the concept was enshrined in the law in 2009.

Since 2009, annual National Resettlement Programmes have been run constantly, albeit with lower figures than for the 2015 programme (which reached a quota of 724 resettled persons throughout 2016 and included the 130 people from the year before).

This study aims to reflect Spain's experience in order to learn how these programmes have been carried out (since 2009), about their main phases and the actors involved in them. It will do so by identifying a set of good practices and challenges.

The importance of this study is clear in the context of the decision adopted by the representatives of the Governments of Member States that met within the Council on 20 July 2015 and agreed to establish a resettlement mechanism, under which Spain would be responsible for resettling 1,449 people, and the subsequent EU-Turkey Statement. Moreover, the Commission recently presented a legislative proposal for the creation of an EU Resettlement Framework.

The main elements of the Spanish model are highlighted below.

- *Enshrinement of resettlement in legislation*

In Spain, the **current resettlement system is provided for by law**. Law 12/2009 of 30 October, governing the right to asylum and subsidiary protection, which formed the legal framework for international protection in Spain, provides for annual Resettlement Programmes in its First Additional Provision at the expense of the national Government.

In contrast, no other resettlement or humanitarian admission programme has been carried out in Spain outside the annual national programmes, as this is an exclusive competence of the State under Article 149.1(ii) of the Spanish Constitution.

- *Annual delivery of the resettlement programme: Agreement of the Council of Ministers*

This programme is delivered annually. The **Agreements of the Council of Ministers adopted for that purpose are the key component of the Spanish system**. These agreements provide details of the programme's features and the quota for beneficiaries.

At present the Agreement of 6 November 2015 is in force; it approved the National Resettlement Programme for that year, which includes the commitment to receive people from conflicts included in the global resettlement priorities identified by UNHCR and the European Union, such as the Syrian conflict. The agreement envisages collaboration with international organisations in order to implement this programme.

Between 2010 and 2014 the annual quotas were always below 130 people, while the programme for 2015 considered a very pronounced increase in the potential resettlement quota¹.

- *Resettlement as a safe way to obtain international protection*

The Spanish model is permanent. Its main objective is to achieve a **lasting solution for refugees**, by granting beneficiaries of resettlement the same legal status that is given to refugees and beneficiaries of subsidiary protection who submit their application in Spain.

Moreover, it cannot be separated from the following fact: resettlement offers not only a lasting solution for refugees but also a **legal and safe route to protection that prevents them from putting their lives in danger**.

- *Legal status of resettled persons in Spain*

Resettled persons in Spain are beneficiaries of international protection, whether through recognition of the refugee status or subsidiary protection. With regard to their rights, the first additional provision of Law 12/2009 establishes that **refugees resettled in Spain shall have the same status as those recognised as refugees under the provisions of that Law**. This equal treatment extends to their civil rights, fitness for family reunification, social and professional integration measures, and access to public services.

- *Coordination and collaboration: strength of the Spanish resettlement system*

Various public bodies are involved in the resettlement processes. The resettlement system is organised by the Ministry of the Interior, specifically through the Sub-Directorate General for Asylum of the General Directorate for Internal Affairs, and by the Ministry of Employment and Social Security, specifically through the Sub-Directorate General for the Integration of Immigrants of the Directorate General for Migration, of the General Secretariat for Immigration and Emigration.

These two ministries identify protection priorities and needs, determine profiles, establish criteria for selecting persons for resettlement and take part in selection and identification field missions.

Furthermore, the First Additional Provision of Law 12/2009 expressly provides for collaboration with the United Nations High Commissioner for Refugees and, where appropriate, other relevant international organisations. In practice, the collaboration with UNHCR and the IOM helps to incorporate the field experience and practices of these organisations.

- *Geographical distribution of resettled persons*

The National Resettlement Programmes are State programmes. Once a resettled person arrives in the country, they are redistributed according to the profile of the resettled persons and their families, and taking into account the characteristics of the available places in the national reception system.

Therefore, with regards to geographical distribution across the national territory, there are no quotas.

¹ In order to meet the commitments that Spain made in accordance with the Conclusions of the Council of 20 July 2015, and following Commission Recommendation (EU) 2015/914 of 8 June 2015 and the EU-Turkey statement of 18 March 2016.

The General Secretariat for Immigration and Emigration of the Ministry of Employment and Social Security coordinates the system, and maintains communication with the point of contact in each of the Regional Authorities.

- *Resettlement budget*

Funding mainly comes from national funds, although a portion also comes from the Asylum, Migration and Integration Fund (AMIF). The budget increased substantially for 2015; EUR 586,565.49 were allocated, which is 6.5 times greater than the 2014 budget (EUR 89,524.21) and in line with the year-on-year increase in the number of places (from 130 in 2014 to 854 in 2015).

SECTION 1. OVERVIEW OF NATIONAL CONTEXT

i. **General overview of the legal framework on resettlement or humanitarian admission in your Member States.**

a) Background

In July 1978, Spain ratified the Geneva Convention relating to the Status of Refugees of 28 July 1951 and the Protocol of 31 January 1967². 29 January 1978 marked the entry into force of the Spanish Constitution, which governs the right to asylum in Article 13.4; it states that "*the law shall establish the terms under which citizens from other countries and stateless persons may enjoy the right to asylum in Spain.*" The instrument that did so was Law 5/1984 of 26 March, which was amended by Law 9/1994 of 19 May, governing the right to asylum and refugee status, which did not govern resettlement explicitly.

Although a quota system did not exist as such, the various Governments responded positively to the calls from UNHCR to urgently transfer to Spain and receive groups in situations of emergency and other cases with an urgent need for resettlement, a possibility which this law did allow. In fact, Spain has acquired experience in accepting and transferring refugees since the 1980s, through the various resettlement quotas approved by the Government, with a high level of coordination with UNHCR and NGOs³.

In the nineties, Spain played a role as a transit country for people from Eastern Europe (from Poland, Russia, Bulgaria and the Czech Republic), and from Iraq and Iran, for resettlement mainly in the USA, Canada, Australia and Sweden⁴, and worked with processing agencies, such as the International Rescue Committee in Spain.

In the first decade of this century, a time when Spain became an attractive country for economic migration, the numbers of resettlements decreased to isolated and sporadic cases.

b) The current legal framework of the resettlement system

Law 12/2009 of 30 October, governing the right to asylum and subsidiary protection, establishes the current legal framework for international protection in Spain under the principles of solidarity and generosity, and it

² Spain's instrument of accession of 22 July 1978 (Official State Gazette (BOE) no. 252 of 21 October 1978. Correction of errors in BOE no. 272 of 14 November)

³ Since 1980, people from Laos and Vietnam, Iranian Kurds from Iraq, Iraqi victims of the Gulf War, Bosnians of Sephardic Jewish origin, former Yugoslavs, Cubans, Kosovar Albanians, Afghans, etc., have been resettled. See ACCEM. Proposal for a resettlement programme for Spain. 1984. Pg. 2

⁴ ACCEM. Outlook report for the development of a Spanish resettlement programme. Madrid, 2009. Pg. 37

refers to resettlement in its First Additional Provision, in which the following is stated: *"the protection framework provided for in this Law will apply to people received in Spain under Resettlement programmes developed by the national Government, in collaboration with the United Nations High Commissioner for Refugees and, where appropriate, other relevant international organisations. Each year, the Council of Ministers, on the proposal of the Ministries of the Interior and of Labour and Immigration, having heard the Inter-Ministerial Commission for Asylum and Refuge⁵, shall agree the number of persons that may be resettled in Spain under these programmes"*.

Furthermore, in accordance with the Eighth Additional Provision of that Law, the Government has to include the number of resettlements that have been carried out in the annual report on asylum that it submits to the Cortes Generales.

Refugees who are received in Spain as a result of the Programme, on a proposal from the Inter-Ministerial Commission for Asylum and Refuge will enjoy either the legal status of refugee or the status of beneficiary of subsidiary protection. In any case, this decision provides a guarantee of non-refoulement, the granting of a permanent residence and work permit and the issuance of identity and travel documents⁶.

As regards competence in the area of reception, the General Secretariat for Immigration and Emigration of the Ministry of Employment and Social Security is responsible for generally developing Government policy on aliens, immigration and emigration⁷. In the specific field of international protection and asylum, it is tasked with developing and managing a comprehensive reception and integration system for asylum seekers, refugees, stateless persons and people benefiting from temporary protection and other subsidiary protection statuses⁸. This function is performed, specifically, by the Sub-Directorate General for the Integration of Immigrants of the Directorate General for Migration, which is part of the aforementioned General Secretariat.

It must also be taken into account that the first additional provision expressly provides for collaboration with international organisations. The International Organization for Migration (IOM) is the body which has been mandated to transfer refugees in processes of relocation between different Member States⁹. In this context, IOM Spain is considered to be the organisation that is appropriate to be working on the resettlement programmes. For this reason, it has been awarded a direct grant to cover the costs arising from the Spanish participation in the resettlement programme¹⁰.

⁵ Governed by Article 23 of the Law on Asylum, the Inter-Ministerial Commission for Asylum and Refuge, which is a collective body under the Ministry of the Interior and composed of a representative of each of the departments with competence in foreign and internal policy, justice, immigration, reception of asylum seekers and equality.

⁶ Provision which appears in the different Agreements of the Council of Ministers which approve the annual resettlement programmes.

⁷ Article 8.1 of Royal Decree 343/2012 of 10 February, which develops the basic organic structure of the Ministry of Employment and Social Security.

⁸ Article 9.1 I) of Royal Decree 343/2012 of 10 February

⁹ Council Decision (EU) 2015/1523 of 14 September 2015 establishing provisional measures in the area of international protection for the benefit of Italy and of Greece and Council Decision (EU) 2015/1601 of 22 September 2015 establishing provisional measures in the area of international protection for the benefit of Italy and Greece.

¹⁰ Royal Decree 225/2016 of 27 May, regulating the direct award of a grant to the International Organization for Migration, IOM Spain, for collaboration in the implementation of the Refugees Resettlement Programme.

ii. Implementation of the legal framework on resettlement or humanitarian admission in your Member States.

Spain has some experience in resettlement initiatives. The current Law on Asylum of 2009 included for the first time and explicitly the annual nature of the resettlement programmes and the forecast by the Council of Ministers of the number of people that should be beneficiaries of them.

It can therefore be observed that resettlement programmes have been carried out annually since the law was adopted. TOC

	2010	2011	2012	2013	2014	2015
Date of Agreement of the Council of Ministers	29-1-2010	7-10-2011	28-12-2012	13-12-2013	19-12-2014	6-11-2015
Number of people expected	75	100	30	100	130	724

Source.-Council of Ministers

Last year, through the Agreement of 6 November 2015 the Council of Ministers approved the National Refugee Resettlement Programme for 2015 in the context of the exponential increase in people fleeing persecution or armed conflict and trying to reach European countries.

This programme provided for the resettlement of 854 people (724 and 130 from the previous year).

The Programme included criteria for selecting the beneficiaries of the resettlement measures, taking into account the priorities defined by UNHCR. These priorities may include aspects relating to nationality, family and personal characteristics, and are clearly oriented towards better social integration of the reunited people. Alignment with the priorities set by the Joint EU Resettlement Programme is also taken into consideration.

In addition, three selection and identification field missions, one every four months, are provided for as part of the implementation of the Programme. The objective of these missions is to supplement the information provided by UNHCR and to analyse the sociocultural profile of the people that may be resettled, taking into consideration the possibility of their being received and integrated into Spanish society.

So far, Spain has already undertaken one resettlement mission in Turkey, as a result of which 90 Syrian citizens will be resettled in Spain, and another in Lebanon, which will see 285 people resettled. The rest of the quota will be fulfilled in the coming months.

iii. Brief overview of national debate on resettlement in your Member State

The situation of refugees and possible resettlement measures have occupied a prominent position in parliamentary debates, in public opinion and in the activities of non-governmental organisations, in response to the international situation that arose in 2015 and 2016.

In the political field, the issue of refugees has been a key issue in parliament since September 2015. In this respect, attention should be drawn to **the agreement reached by all of the parliamentary groups** of the

Congress of Deputies of 29 September 2014, to **lay the foundations for and streamline asylum and refugee policy in Spain** in the light of the humanitarian crisis being experienced in Europe. This agreement is in favour of "*supporting a comprehensive asylum policy in the European Union*" and mentions "*strengthening, from a European and national perspective, dialogue and cooperation with third countries that enable proper assistance for refugees*".

This agreement between the parliamentary groups involved resizing the reception system that existed up until that time in Spain. On the basis of this agreement among the parliamentary groups and the Inter-Ministerial Commission, which was created on 4 September 2015, the intention is to develop a global and joint approach to the issues of asylum and immigration¹¹.

The interest in this matter also led to an invitation to the UNHCR representative in Spain to appear before the Congress of Deputies in April 2016 to present the view of this United Nations organisation on all of the aspects of the refugee crisis that concerned Spain¹².

Non-Governmental Organisations have been very active in an attempt to speed up the carrying out of the resettlements. The joint Declaration made on World Refugee Day on 20 June 2016 should be highlighted¹³.

In conclusion, it may also be pointed out that resettlement is present in public opinion, and the media gives it wide coverage, in terms of news, opinion and debates¹⁴.

No unfavourable attitudes towards resettlements or a rise in racist, xenophobic or intolerant attitudes have been detected within Spanish society. Spanish society continues to differentiate itself, therefore, by its tolerant nature. No upsurge in xenophobic political parties has occurred either.

¹¹ This Commission analyses the issues of asylum and immigration, under the authority of the Vice-President of the Government, and the following ministries are part of it: the Ministry of the Presidency; Justice; the Interior; Foreign Affairs and Cooperation; Employment and Social Security; Health, Social Services and Equality; Education, Culture and Sport; and Defence. The activities have also benefited at all times from collaboration with civil society and other authorities.

¹² Appearance of the UNHCR Representative in Spain (Francesca Friz-Prguda), to present the UNHCR's view on the measures for the treatment of refugees from Syria contained in the preliminary agreement between the heads of State and of Government of the European Union with Turkey, reached on 7 March 2016, and, in general, on all the aspects of the refugee crisis that concern Spain. In her address to the Congress of Deputies, she suggested strengthening the legal and safe access routes, and explained some examples, such as expanding and developing resettlement programmes; establishing a European humanitarian visa system; opening privately funded programmes; academic and learning grant programmes; making the criteria for family reunification more flexible, and the need to reactivate a European relocation programme. See [Official Gazette of the Cortes Generales of 12 April 2016. Number 8](#). Page 4

¹³ Out of the eleven measures put forward, the first, which relates to the fulfilment of the commitments that Spain has made on relocation and resettlement, is the most noteworthy. The organisations which signed the declaration were ACCEM, Alboan, Ayuda en Acción [Help in Action], CEAR, the CEPAIM foundation, Coordinadora de Barrios [Neighbourhoods Coordinator], Development NGOs Coordinator, Entreculturas, Jesuitas Social, Médecins du Monde, Movimiento por la Paz [Movement for Peace], Oxfam Intermón, Red Acoge [Receive Network], Save the Children and the Servicio Jesuita Migrantes [Jesuit Migrants Service]. <http://www.cear.es/category/noticias/>

¹⁴ The major national media dedicate a specific section to the issue of refugees, as part of which resettlement is a core topic. For example, the El País newspaper: [European Refugee Crisis](#); El Mundo: [European Migration Crisis](#); ABC: [Refugees](#).

SECTION 2. OVERVIEW OF THE NATIONAL RESETTLEMENT AND/OR HUMANITARIAN ADMISSION PROGRAMME

2.1 National resettlement and/or humanitarian admission programme

Q1a. Does your Member State have a resettlement programme, humanitarian admission programme or other similar programme in place, or did your Member State have one in the past?

Spain has a **national resettlement programme**, which was established by Law 12/2009 of 30 October, governing the right to asylum and subsidiary protection. Through this programme the Government determines each year the number of people that are going to participate in resettlement. Several programmes have been approved each year since 2010 as a result of the agreement of the Council of Ministers. At present, the Programme established by the Agreement of the Council of Ministers of 6 November 2015 is being implemented.

It should be noted that immigration and asylum fall under the exclusive competence of the State (Article 149.1(ii) of the Spanish Constitution) and, for this reason, it is a State programme. The other Public Authorities do, however, participate and coordinate with the State on reception and social integration tasks.

Finally, Spain does not have a humanitarian admission programme.

Q1b. Is it a resettlement programme, humanitarian admission programme or another programme?

(**Resettlement programme** / Humanitarian admission programme / Other programme)

It is a Resettlement Programme, which is named "National Resettlement Programme". Although Law 12/2009 does not provide an express definition, it does mention collaboration with the United Nations High Commissioner in order to carry out the resettlements, following, in some way, the United Nations concept.

The Agreements of the Council of Ministers which approve the annual programmes define the concept of resettlement and also subscribe to the position of the European Union. Specifically, it mentions the "*will for solidarity and reception; as well as Spain's alignment both with the rest of the EU partners and with the world's main resettlement countries that have been identified by the United Nations High Commissioner for Refugees and by the European Union*"¹⁵.

The National Resettlement Programme is designed to be a stable programme that is aimed at providing a lasting solution for refugees, by granting beneficiaries of resettlement the same legal status that is given to refugees and to beneficiaries of subsidiary protection recognised by the Spanish authorities; this sets it apart from other concepts, such as humanitarian admission. Thus, the First Additional Provision of Law 12/2009 of 30 October provides the following: "*refugees resettled in Spain shall have the same status as those recognised as refugees under the provisions of this Law*".

¹⁵ Agreement of the Council of Ministers approving the [National Refugee Resettlement Programme for 2015](#), in accordance with the First Additional Provision of Law 12/2009 of 30 October, governing the right to asylum and subsidiary protection.

Q1c. Is it a permanent (programme-based) or temporary (ad-hoc) programme?

It is a permanent programme, and it was made mandatory by Law 12/2009. The quotas of persons for resettlement are established annually. This annual forecast makes it possible to adapt to the needs of the moment. Accordingly, the number of people to be resettled under the most recent annual programme increased significantly, in order to fulfil the commitments that Spain made together with its EU partners.

Q2. Please indicate what the main objectives of the resettlement or humanitarian admission programme are

The objectives of the resettlement programme appear in the preamble to Law 12/2009 of 30 October. It aims to establish "a legal framework for the adoption of resettlement programmes, in solidarity with the international community in **the search for lasting solutions for refugees**". Furthermore, it aims to comply with the spirit of the Spanish Constitution. Thus, "the Spanish Government is authorised to undertake resettlement programmes in cooperation with UNHCR and, where appropriate, other relevant international organisations, with the aim of implementing the principle of solidarity and fulfilling the constitutional idea of cooperating with the other peoples of the Earth".

Specifically, the Agreement of the Council of Ministers of 6 November 2015, approving the National Refugee Resettlement Programme for 2015, states that "through this Programme, Spain wishes to demonstrate its will for solidarity" and "by doing so, it aligns itself both with the rest of the EU partners and with the world's main resettlement countries that have been identified by the United Nations High Commissioner for Refugees and by the European Union"¹⁶.

Moreover, the **programme is intended to put into place legal and safe routes for their arrival, thereby preventing them from putting their lives in danger.**

Finally, it is clearly oriented towards social integration, with measures before, during and after resettlement (these start with information provided in the resettled person's country of origin about the characteristics of the host culture and society), and with the subsequent participation in the activities of the national reception system.

Q3. How has your Member State set up the resettlement or humanitarian admission programme?

a) Process followed by your Member States in setting up the Resettlement Programme

As has been mentioned above, the current resettlement programme was introduced by a legal reform, specifically through Law 12/2009. This law was intended to incorporate new factors which the international protection context had been demanding, as well as integrating the set of legislative instruments that make up the Common European Asylum System and, within these, those which address resettlement.

b) the steps taken from its inception until the current status

¹⁶Approval of the National Refugee Resettlement Programme for 2015
<http://www.lamoncloa.gob.es/consejodeministros/Paginas/enlaces/06112015-enlacereasantami.aspx>

The Resettlement Programme began the year following the approval of the Law, which was the first Government decision approved in the Council of Ministers of 29 January 2010. However, it is possible to identify two stages in the programme's implementation, with the refugee crisis of summer 2015 serving as a turning point.

Before this crisis the different annual programmes dealt with figures and forecasts of no more than 130 people, which was the figure established for 2014.

In the wake of the 2015 crisis and taking into account the commitments made by Spain, the volume of people to be resettled increased significantly, making it necessary to resize the system and increase the capacity for reception. These new challenges have required greater coordination between the different Public Authorities, with the aim of organising the potential material resources for reception and social integration¹⁷.

Meetings have also been held between institutional and civil society representatives, and a number of partnerships with non-governmental organisations and the private sector have been launched¹⁸. For example, on 7 September 2015, the General Secretary for Immigration and Emigration of the Ministry of Employment and Social Security met with representatives of UNHCR, CEAR, ACCEM and the Spanish Red Cross. The collaboration with Save the Children on the treatment of refugee children in the immigrant temporary stay centres should also be noted¹⁹.

On 24 September 2015, a meeting took place between the Deputy Prime Minister, the Minister for Employment and Social Security and the secretaries-general of the CCOO and UGT trade unions, to address possible measures for the integration of refugees into the labour market²⁰. It should be noted that the social and professional integration of people who are part of the Resettlement Programme is being permanently monitored in the Tripartite Labour Commission of Immigration, under the coordination of the General Secretariat for Immigration and Emigration, with the presence of representatives of trade union organisations, business associations and the Authority with competence in this area.

As regards collaboration within the resettlement process itself, the collaboration with the International Organization for Migration (IOM) should be highlighted; the Ministry of Employment and Social Security has

¹⁷ Mention should be made of the Sectoral Conference on Integration held on the 8 September 2015 and chaired by the Minister for Employment and Social Security; counsellors of the Regional Authorities with competence in the social integration of immigrants and representatives of the Spanish Federation of Municipalities and Provinces took part in this conference.

¹⁸ In addition to the usual collaboration with UNHCR, the Spanish Red Cross, ACCEM, CEAR and Save the Children can also be mentioned. Even some private companies have shown interest in collaborating, in accordance with their corporate social responsibility policy.

¹⁹ On 5 November 2015, a meeting was held between this NGO and the Ministries of Employment and Social Security; Health, Social Services and Equality; Interior; and Education, Culture and Sport. On 16 December 2015, the collaboration started on a technical level at the Immigrant Temporary Stay Centre in Melilla.

²⁰ The meeting took place in the framework of social dialogue and the Government's activities to resize the national reception system. Both the Government and trade union organisations stressed the importance of entry into the labour market as a factor that influences refugees' autonomy and their integration into Spanish society. Both parties agreed to include the implementation of personalised labour market integration pathways for refugees in the Annual Employment Policy Programme See [Press Release of the Ministry of Employment and Social Security of 24 September 2015](#).

given a grant to this organisation to finance the internal transfers from the resettlement country and transfers to Spain, medical check-ups and the issuance of travel documents²¹.

This year, the National Resettlement Programme approved by the Agreement of the Council of Ministers of 6 November 2015 is being implemented; it provides for the resettlement of 724 people, with the addition of another 130, which were not carried out in 2014.

c) The organisational structure of the Resettlement Programme

In general, the resettlement programme is carried out by the Ministries of the Interior and of Employment and Social Security, which may request other departments to collaborate when considered necessary on account of their respective competences.

These two ministries are responsible for **identifying** protection priorities and needs, determining profiles and selection criteria for persons for resettlement. For its part, UNHCR identifies the files to submit to the Ministry of the Interior. The Ministries of the Interior and of Employment and Social Security take part in field **selection** and identification **missions**, with the aim of supplementing the information gathered by UNHCR and facilitating the examination of files and the identification of refugees. Officials from the Ministry of Employment and Social Security provide cultural orientation, which includes providing information to resettled persons on the reception country and the conditions of the resettlement programme.

At present, in the implementation phase of the 2015 programme, the selection criteria for persons for resettlement are being applied based on the priorities and protection needs identified by UNHCR, including aspects relating to nationality, personal and family characteristics, etc. The degree to which the strategic priorities included in the Joint EU Resettlement Programme are met has also been considered, as has the possibility of obtaining EU funding within the framework of that Programme, through the AMIF.

In principle, four field selection and identification missions have been planned, for the purpose of supplementing the information provided by UNHCR and analysing the sociocultural profile of the people that may be resettled, from the perspective of their reception and integration into Spanish society. Those missions were to be carried out in priority countries identified by UNHCR or the EU. For example, following the EU-Turkey statement of 18 March 2016, this country was also included as a potential resettlement State (in fact, a mission already went to Ankara at the end of May 2016).

After the persons for resettlement have been identified and selected, and having checked their fulfilment of the programme's criteria and objectives, the relevant administrative files are opened and processed.

Next, the assessment of the case is referred to the Inter-Ministerial Commission for Asylum and Refuge for examination and the drafting of the relevant decision proposal. The Ministry of the Interior is responsible for granting the status of refugee or subsidiary protection.

Once the granting decision has been announced, the documentation required for transfer to Spain is processed. The International Organization for Migration (IOM), through a grant from the MEYSS, is responsible for carrying out the internal transfers in the resettlement country and for travel to Spain, medical check-ups and issuing travel documents.

²¹ Royal Decree 225/2016 of 27 May, regulating the direct award of a grant to the International Organization for Migration, IOM Spain, for collaboration to implement the Refugees Resettlement Programme.

The reception in Spain and distribution of the resettled persons around the territory is carried out in accordance with the criteria established by the Ministry of Employment and Social Security and integrated into the Reception and Integration System for applicants and beneficiaries of international protection that is developed by that Department; it may benefit from collaboration with other Public Authorities, and with NGOs specialised in the reception of refugees.

Q4. Please provide the main characteristics of the resettlement or humanitarian admission programme by completing the table below.

Question	Answer					
When did your Member State start the resettlement programme and/or humanitarian admission programme?	<p>In 2009, with the entry into force of Law 12/2009 of 30 October, governing the right to asylum and subsidiary protection, which requires the government to adopt resettlement programmes and to agree each year on the number of people to be resettled in Spain.</p> <p>The first Agreement of the Council of Ministers was reached on 29 January 2010²².</p>					
Has your Member State set geographical priorities in resettlement or humanitarian admission during the 2011-2016 period? (such as regions, nationalities)	<p>Yes. The criteria for selecting people to be resettled are determined on the basis of the priorities and protection needs identified by UNHCR, and are established in the Resettlement Programme for the relevant year. Under the 2016 Programme, refugees coming from conflicts included in the global resettlement priorities identified by the United Nations High Commissioner for Refugees and the European Union will be resettled.</p>					
<i>Have nationals of countries in the following regions been included in resettlement or humanitarian admission for the years 2011-2016?</i>	North Africa	Sub-Saharan Africa	Middle East	Other parts of Asia	Americas	Other, please specify
Yes	Yes	Yes	Yes			
<p>Does the resettled/admitted person need to have been recognised as a refugee by UNHCR or a third country?</p> <p>Can the person be a beneficiary of subsidiary protection?</p>	<p>After processing of the relevant administrative files and examination in the Inter-Ministerial Commission for Asylum and Refuge, refugees who are received in Spain as a result of the Programme will either be granted the status of refugee or beneficiary of subsidiary protection, in accordance with the provisions of the Law governing the right to asylum and subsidiary protection, of 30 October 2009. This status guarantees the right to non-refoulement, to obtain a permanent residence and work permit and that they are issued identity and travel documents. In addition, they may receive the reception and integration benefits that correspond to their particular situation.</p>					
Does your Member State reassess the recognition of persons for resettlement/humanitarian admission by UNHCR?	Yes	<p><i>If yes, when is this done?</i></p> <p>Interviews are conducted in the place in which they are located by Spanish social workers on mission.</p>	<p><i>If yes, where is the reassessment carried out?</i></p> <p>In accordance with the judgement of the Spanish social workers, resettlement to Spain is carried</p>	<p><i>If yes, how is the reassessment carried out?</i></p> <p>The decision is adopted finally by the Inter-Ministerial Commission, which is the ordinary</p>		

²² [Agreement of the Council of Ministers of 29 January 2010](#), which approves the Refugee Resettlement Programme in Spain for 2010.

Question	Answer					
			out	competent body, in accordance with Spanish law.		
Does your Member State set an annual or multi-annual quota for resettlement/humanitarian admission?	<p>Spain carries out its resettlement work on the basis of annual resettlement programmes.</p> <p>At the EU level, Spain has committed to a biennial resettlement quota, which is reflected in the Conclusions of the Council of Ministers for Justice and the Interior of 20 July, of a total of 1,449 resettlements in two years.</p>					
<i>If applicable, please indicate the regular quota per year</i>	2011	2012	2013	2014	2015	2016
	80 ⁽²³⁾	30	100	130	724	
<i>If applicable, please indicate the emergency quota per year</i>						
How are the quotas determined and applied?	<p>The annual quota is decided in the Council of Ministers on the proposal of the Ministries of the Interior and of Labour and Immigration and having heard the Inter-Ministerial Commission for Asylum and Refuge.</p> <p>For 2016, the quota provided is 854 people, 724 of whom correspond to the 2015 quota (to which the 130 still pending from 2014 are added) from the Syrian conflict and are located in the neighbouring countries in the region.</p>					
In the period 2011-2015, have the quotas differed significantly from the actual number of persons resettled/admitted? If so, by how much and why?	<p>In previous years, quotas were lower. As the number of resettlement pledges has increased very significantly, Spain aligns itself with the growing number of resettlements carried out by the other EU partners and with the world's main resettlement countries. Furthermore, it shows its solidarity with refugees from conflicts included in the global resettlement priorities identified by UNHCR and the European Union.</p>					

²³ In the Agreement of the Council of Ministers, up to 100 places had been approved (7-10-2011)

2.2 Pre-departure and departure phase

Q5. Please indicate in the table below which authority/actor is responsible for each of the actions/measures indicated and briefly explain their responsibilities.

Action/measure	Authority/actor responsible	Explanation of responsibilities (when, how and what)
<p>Polymaking on national resettlement or humanitarian admission programme/strategy (including objectives, geographical focus, priorities, etc.)</p>	<p>National Government and, specifically, the Ministries of the Interior and of Employment and Social Security.</p>	<p>As well as its initiative in regulatory issues, the Government approves the annual resettlement programmes, which are carried out the following year.</p> <p>In each programme the selection criteria are defined based on the priorities and needs identified by UNHCR, including aspects relating to nationality, family and personal characteristics.</p> <p>In each programme, the number of field selection and identification missions and the competent authorities are established.</p> <p>In each programme, the annual number of people that are being considered for resettlement is approved.</p>
<p>Identification of the candidate for resettlement/humanitarian admission</p>	<p>UNHCR</p>	<p>Pre-identification of potential candidates for resettlement.</p> <p>Submission of administrative file to the Asylum and Refuge Office.</p>
<p>First selection of the candidate for resettlement/humanitarian admission</p>	<p>Asylum Office (Ministry of the Interior) on a proposal from UNHCR</p>	<p>Study of files.</p> <p>Organisation, if appropriate, of selection missions to conduct the relevant personal interview with candidates.</p>
<p>Security screening</p>	<p>State Secretariat for Security</p>	<p>Fingerprinting and photographs of applicants' faces, after submission</p>

	(Ministry of the Interior)	of the application. Submission of the prints to national information services.
Interviews with pre-selected persons	Asylum Office. General Directorate for Internal Affairs. Ministry of the Interior Ministry of Employment and Social Security. Sub-Directorate General for the Integration of Immigrants (General Secretariat for Immigration and Emigration)	They are conducted in situ, as part of a selection mission
Health checks	Ministry of Employment and Social Security, with the collaboration of the International Organization for Migration.	These checks are performed once the applicant has completed the application form and before being transferred to Spain.
Decision on the final selection of a candidate for resettlement/humanitarian admission	Ministry of the Interior on a proposal from the Inter-Ministerial Commission for Asylum and Refuge.	It determines whether the resettlement applicants will be granted international protection that is either refugee status or subsidiary protection.
Pre-departure assistance/measures	Ministry of Employment and Social Security, with the collaboration of the IOM. Documents are issued by the Ministry of Foreign Affairs and Cooperation.	
Departure and travel	IOM	
Provision of information to the selected person (before departure)	Social Workers. Sub-Directorate General for the Integration of Immigrants. General Secretariat for Immigration and Emigration. Ministry of Employment and Social Security.	Information on the National Reception System
Provision of cultural orientation to the selected person (before departure)	Social Workers. Sub-Directorate General for the Integration of Immigrants. General Secretariat for Immigration and Emigration. Ministry of Employment and Social Security.	Knowledge of the Spanish context and society, such as education, transport, employment, how banks operate, and information and immediate assistance upon arrival, the provision of interpreting services and the development of information and cultural

		understanding courses.
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Q6. How does your Member State approach the identification of persons for resettlement/humanitarian admission in terms of first steps and relations with key stakeholders (such as UNHCR and third countries)?

Persons that could be beneficiaries of resettlement are identified in cooperation with UNHCR, by formally requesting file submissions.

The Annual Programme approved by the Council of Ministers provided for three selection and identification field missions, one every four months, for the purpose of supplementing the information provided by UNHCR and analysing the sociocultural profile of the people that are to be resettled in Spain, in terms of their reception and social integration in the country²⁴.

Q7. Please indicate which methods are used for the selection of persons for resettlement/humanitarian admission

Method	Existence of a defined method (Yes/No)	Further explanation
<u>Selection missions</u>		
Selection missions to the third country	Yes	Missions composed of officials from the Asylum and Refuge Office, the National Police and the Ministry of Employment and Social Security are organised.
<i>If selection missions are carried out, a) how often? b) are they carried out to all countries from which persons are resettled?</i>		Before resettlement is carried out, a mission to the third country is conducted, with the presence of members of the Ministry of the Interior and the Ministry of Employment and Social Security. The first mission will be led by the Director General for Internal Affairs and the other two by technical staff from the Ministry of the Interior and the Ministry of Employment and Social Security. Although it is not a legal requirement, it is provided for under the Agreements of the Council of Ministers which establish the Annual Programme; the carrying out of these mission is a long-standing practice in Spain. One or several missions can be organised each year, depending on the volume of resettlements set for that year and the States considered to be priorities.
Personal on-site interviews with candidates	Yes	Staff from the Asylum Office (Ministry of the Interior). The aim of this interview is to obtain as much information as possible in

²⁴ Agreement of the Council of Ministers of 6 November 2015, which approves the National Refugee Resettlement Programme in Spain for 2015.

Method	Existence of a defined method (Yes/No)	Further explanation
<i>(If yes, please indicate who carries out the interviews)</i>		order to determine the legal status that the applicant deserves (refugee or subsidiary protection)
Dossier-based selection (i.e., UNHCR submission of file)	Yes (dossiers and interviews)	Work usually starts using the dossiers sent by UNHCR, which are supplemented after and during the selection mission.
Video/telephone interviews with candidates	No	Interviews are held face-to-face
Consultations with UNHCR/IOM (tripartite consultations) <i>(If yes, please indicate when and how often)</i>	Yes, throughout the procedure	They are planned in the CIAR (Inter-Ministerial Commission for Asylum and Refuge).
Consultations with EASO <i>(If yes, please indicate when and how often)</i>	No	
Consultations with civil society/NGOs on criteria for selection of candidates	Yes	Permanent communication for the reception of files and organisation of selection missions and transfers
Consultations with authorities of the country where the resettled person is present	Yes, depending on the resettlement country	
Arrangement of interpreters for interviewing candidates	Yes	At least one interpreter usually goes on the mission from Spain. Other interpreting services can be hired in the resettlement country.
<i>Other method, please specify</i>		

Q8a. Does your Member State use criteria to prioritise the selection of persons for resettlement/humanitarian admission (either official or in practice)? These criteria should be understood as additional ones to the key requirement of being eligible for international protection and those applied by UNHCR in its selection

Yes. Under the National Resettlement Programme, the criteria for the selection of persons for resettlement are determined based on the priorities and protection needs identified by UNHCR, thus contributing to the global resettlement agenda. In addition, the degree to which they meet the strategic priorities included in the Conclusions of the JHA Council of 20 July 2015 will also be considered. Finally, the candidate's integration prospects will also be taken into consideration.

Q8b. If yes, who sets such criteria and how?

The main criteria are:

- a) Existence of networks (family or personal ties) in Spain
- b) Family units are preferable.

Q8c. If yes, please indicate the relevant criteria to prioritise the selection of persons for resettlement/humanitarian admission.

Note.- In this column we will only refer to those criteria in which a degree of priority is considered.

Criterion <i>(in italics some suggested)</i>	Please comment on the degree of priority attributed to the criterion and explain the circumstances when this one is applied
Assessed degree of vulnerability of the person(s)	
<i>Survivors of violence and/or torture</i>	
<i>At risk of violence and/or torture and people at serious risk of violence and/or torture due to persecution</i>	
<i>Lack of Foreseeable Alternative Durable Solutions</i>	
<i>Internal displacement inside the country of origin is not possible</i>	
<i>Persons in need of medical assistance, including critical illness, treatment for genital mutilation</i>	
<i>Persons at serious risk of persecution due to their sexual orientation or gender identity</i>	

Criterion <i>(in italics some suggested)</i>	Please comment on the degree of priority attributed to the criterion and explain the circumstances when this one is applied
<i>Persons at serious risk of persecution due to Religion/beliefs (also specific focus on non-believers)</i>	
<i>Persons at serious risk of persecution due to political beliefs</i>	
<i>Persons at serious risk of persecution due to belonging to specific ethnic group, social group or belonging to minority, indigenous group, nationality</i>	
<i>Legal and/or physical protection needs of the refugee in the country of refuge (this includes a risk of refoulement);</i>	
<i>Other criterion, please specify</i>	
Other criteria	
Sex (men, women)	
Age (i.e. adults, children, elderly)	
Religion / (non-) religious group	
Family unit: preference to resettle entire family groups.	Priority
Presence of family members in the Member State	Priority
Nationality/ethnic group he/she belongs to	
Integration potential or assessed/expected motivation to integrate	Yes. This criterion is important due to the fact that integration potential is a pre-requisite of the success of the resettlement programme.
<i>Other criterion, please specify</i>	

Q9a. Does your Member State use criteria to exclude/deprioritise certain persons for resettlement/humanitarian admission?

Criteria to exclude persons are not used.

As such criteria are not used, questions 9b and 9c cannot be answered.

Q9b. Who sets the criteria for excluding/deprioritising and how is this approached in practice?

Q9c. Please indicate if there are criteria for excluding/deprioritising certain persons from the selection for resettlement/humanitarian admission (either official or in practice).

Criterion <i>(in italics some suggested)</i>	Please comment on the importance of the criterion and explain the circumstances when it is applied
<i>Knowledge of substantial abuse of law or criminal record of the refugee</i>	
<i>Refugees assessed to lack integration potential</i>	
<i>Refugees with family composition issues</i> <i>(unresolved child custody issues, under-age marriage, etc.)</i>	
<i>Refugees with complex profiles, including:</i> <i>High-ranking members of government/authorities, judges, prosecutors</i>	
<i>Individuals involved in the military or private security, intelligence branches, paramilitary and militant groups</i>	
<i>Members of police forces</i>	
<i>Staff at prisons or detention centres</i>	
<i>Informers</i>	

Criterion <i>(in italics some suggested)</i>	Please comment on the importance of the criterion and explain the circumstances when it is applied
<i>Individuals on the EU sanctions list²⁵</i>	
<i>Individuals who (allegedly) committed serious (non-political) crimes in their country of origin</i>	
Persons who have direct family members engaged as combatants	
<i>Other criterion, please specify</i>	

Q10a. What is the overall procedure followed in the immediate aftermath of the decision to resettle/admit?

Within the overall resettlement procedure, the following phases can be distinguished:

1st. Determination of the profiles and criteria for the selection of persons for resettlement based on the priorities and protection needs identified by UNHCR in relation to resettlement. The definition of those profiles will also take into account the priorities identified at the European level.

2nd. Selection of the refugees for settlement based on the previously established eligibility criteria, following examination of the refugee files submitted by UNHCR. As many field selection and identification missions as are necessary will be carried out, for the purpose of supplementing the information gathered by UNHCR and facilitating the subsequent examination of files and the identification of refugees. During the missions resettled persons will also be provided with information about Spain and the conditions of the resettlement programme to avoid creating false expectations. Where applicable, the relevant medical examinations will be performed. Candidates will be issued with travel documents; other organisations may be requested to collaborate on this process.

3rd. Determination of the protection status to be granted to the refugees who will be resettled, in accordance with the provisions of the First Additional Provision of Law 12/2009 of 30 October. After the persons for resettlement have been identified and selected, and having checked their fulfilment of the programme's criteria and objectives, the relevant administrative files will be opened and processed. They will then be submitted to the Inter-Ministerial Commission for Asylum and Refuge for examination and drafting of the relevant decision proposal, according to which the right to asylum or subsidiary protection is granted.

4th. Transfer to Spain at the expense of the National Authorities or in collaboration with other organisations, such as the IOM, after the relevant medical examinations have been performed. It must be noted that Article 4 of Royal Decree 225/2016 of 27 May, regulating the direct award of a grant to the International Organization for Migration, IOM Spain, for collaboration on the implementation of the Refugees Resettlement Programme,

²⁵ Consolidated list of persons, groups and entities subject to EU financial sanctions, accessible at http://eeas.europa.eu/cfsp/sanctions/consol-list/index_en.htm

mentions a series of roles for the IOM, specifically:

- a) Assistance in processing cases: support in beneficiary selection missions.
- b) Pre-departure medical arrangements, healthcare and health assessments.
- c) Support in providing information, pre-departure sessions and sociocultural orientation.
- d) Transfer and accompaniment of resettled persons from their location to the relevant airport in Spain, including internal and international ticket arrangements, the provision of an escort if necessary, and assistance during departure, transit and arrival.

5th. Reception in Spain and referral to the resources of the National Reception and Integration System for applicants and beneficiaries of international protection, according to the criteria established by the Ministry of Employment and Social Security, which may collaborate with other Public Authorities, and with NGOs specialised in the reception of refugees.

6th. Development of integration pathways, which may also involve collaboration with NGOs specialised in the reception of refugees.

Q10b. Is there a formal agreement signed by both the resettled/admitted person and Member State after selection and before departure?

No. The resettled person is informed of the decision to grant international protection before arriving in Spain.

Q11a. How is the person actually transferred to the Member State?

The Ministry of Foreign Affairs and Cooperation (MAEC), through the relevant consulate, issues the necessary travel documents.

The IOM is involved in organising and managing transfers, according to the criteria, needs and dates set by Spain and, if applicable, the State from which the candidates will be resettled.

Q11b. Are there specific services available for vulnerable persons when they are being transferred to the Member State?

Yes. The IOM provides tailored assistance to people with special needs.

2.3 Post-arrival and integration phase

Q12a. Is policy and law for the integration of resettled refugees different than integration policy/law for recognised refugees after an asylum application?

The First Additional Provision of Law 12/2009 of 30 October, governing the right to asylum and subsidiary protection, establishes that resettled persons have the **same status as refugees**, which includes the same

rights and obligations in relation to social integration.

Specifically, the Agreement of the Council of Ministers of 6 November 2015, approving the National Refugee Resettlement Programme for 2015, states that, after processing of the relevant administrative files and the study in the Inter-Ministerial Commission for Asylum and Refuge, refugees received in Spain under the Programme will acquire either the status of refugee or beneficiary of subsidiary protection, as applicable in accordance with the provisions of the Law governing the right to asylum and subsidiary protection, of 30 October 2009. These statuses mean the right to non-refoulement, to obtain a permanent residence and work permit and that they are issued identity and travel documents²⁶.

Therefore, the rules applied in the post-arrival phase and the integration measures are the same for resettled refugees and refugees who have sought asylum in Spain.

Q12b. Who are the key players/actors and what are their responsibilities in the post-arrival and integration phase?

Player	Responsibilities
Ministry of Employment and Social Security. General Secretariat for Immigration and Emigration	Design and Development of the National Reception System. Coordination with different players
NGOs specialised in the reception of asylum seekers	They offer the following services: Information and orientation, social intervention, temporary reception, financial aid, psychological care, legal assistance, translation and interpreting and employment.
Other Public Authorities (Regional Authorities and Local Bodies)	Health, education, general social services, housing, active employment policies.

Q13. What is the immediate support available upon arrival (presumably by plane) for resettled/admitted persons?

Measure	Yes/no	Further explanation
Airport pick-up	Yes	Reception by the General Secretariat for Immigration and Emigration of the MEYSS and accompaniment and transfer to the destination centres by

²⁶Approval of the National Refugee Resettlement Programme for 2015
<http://www.lamoncloa.gob.es/consejodeministros/Paginas/enlaces/06112015-enlacereasantami.aspx>

		NGOs and, where applicable, public centres
Provision of (temporary) documentation	Yes	
Food	Yes	Provided by NGOs and, where applicable, Public Centres
Lodging	Yes	Provided by NGOs and, where applicable, Public Centres
Clothing	Yes	Provided by NGOs and, where applicable, Public Centres
Medical examination	Yes	The public health services
Other form of health care	Yes	The public health services
Interpreting	Yes	Interpreters provided by NGOs
<i>Other, please specify</i>		

Q14a. What status is granted to the person resettled or admitted under humanitarian admission? Does it differ from the status given to persons granted international protection for 'regular' asylum applications?

Resettled persons are beneficiaries of international protection whether they are granted refugee status or subsidiary protection, as established by the First Additional Provision of Law 12/2009 of 30 October, governing the right to asylum and subsidiary protection, and recalled by the Agreement of the Council of Ministers of 6 November 2015, approving the National Refugee Resettlement Programme for 2015.

It does not differ from other beneficiaries of International Protection.

Q14b. If the person is not granted the 'standard' international protection status and related residence permit upon arrival, what legal title is granted?

Type of programme	Permit/residence title granted	Initial duration of the permit (in months)	If applicable, extensions possible for the permit	Please provide further details where necessary/applicable
Resettlement Programme				
Humanitarian Admission Programme				

Q15a. Do resettled persons or persons admitted under humanitarian admission have the right to family reunification?

Yes

Q15b. If yes, to what extent is the right to family reunification for resettled persons or persons admitted under humanitarian admission different to that for other persons granted refugee status?

The right to family reunification is the same as for other persons granted refugee status, as they have the same legal status. Law 12/2009 of 30 October, governing the right to asylum and subsidiary protection, guarantees the maintenance of the family of resettled persons and beneficiaries of subsidiary protection through the family extension of the right to asylum or to subsidiary protection (Article 40) or through family reunification (Article 41).

The possibility of family reunification was an innovation introduced by the Law, taking into account the provisions of Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification. The aim was to facilitate a solution for those cases in which the people in the family unit of the protected person did not themselves require protection, but they did need a residence status and benefits that would enable the family unit to be maintained.

The law does not make a distinction between beneficiaries of international protection after applying for it in Spain and beneficiaries of that protection as a result of taking part in Resettlement Programmes, in regulating the procedures for family extension of the right to asylum and to family reunification.

Q15c. Do resettled persons or persons admitted under humanitarian admission have access to naturalisation/citizenship?

Yes

Q15d. If yes, to what extent is access to naturalisation/citizenship for the resettled person or person admitted under humanitarian admission different than for other persons granted refugee status?

Resettled persons gain access to Spanish nationality under the same terms as persons who have been granted the status of international protection through a procedure started in Spain. However, it must be noted that the refugee status and the subsidiary protection status do have different requirements for access to Spanish nationality²⁷. Thus, Article 22 of the Spanish Civil Code lays down a requirement for legal, continued residence immediately prior to the application. Refugees are required to have been residents for five years. In the case of beneficiaries of subsidiary protection, the Civil Code does not mention them explicitly; therefore, the general term of ten years of legal, continued residence immediately prior to the application, which this article establishes, is applied to them. All of this is without prejudice to the interested parties' ability to meet the requirements of other ways to access nationality provided in the Civil Code.

But these requirements similarly concern both beneficiaries of international protection through an asylum procedure started in Spain and participants in a Resettlement Programme, by virtue of the type of international protection decision that they received.

Q16a. Is there geographical distribution in the Member State of the resettled persons or admitted under humanitarian admission?

Yes. Once the resettled persons arrive in Spain, they are distributed according to the profiles and characteristics of the places available throughout the territory; the best solution for the resettled person is always sought. However, there is no quota-based distribution system.

If no, go to question 17. If yes, please answer 16b.

Q16b. Who decides on geographical distribution and how does it work in practice?

Geographical distribution takes place according to the resettled person's profile and the availability of places. When the Spanish asylum and reception system was being resized, the available reception places were mapped. A total of 2,696 places were recorded electronically; they were assessed with regard to the state and quality of facilities, duration and proximity of basic resources.

In relation to the resettled person's profile, the beneficiary's personal and family characteristics are analysed, in order to decide which type of place is best suited to them, taking into consideration the type of services and benefits that they require (municipal registration, medical cards or school places). This mapping helps to assess those places with regard to the facilities' state of maintenance, duration, proximity of basic resources, among other considerations.

²⁷ MINISTRY OF EMPLOYMENT AND SOCIAL SECURITY. Granting of Spanish Nationality on the basis of Residence. Methodology. <http://extranjeros.empleo.gob.es/es/Estadisticas/operaciones/concesiones/metodologia/METODOLOGIA-Nacionalidad.pdf>. Consulted 07-07-2016.

The General Secretariat for Immigration and Emigration coordinates the system, and maintains permanent communication with the point of contact in each of the Regional Authorities.

Q17a. Please indicate which types of accommodation are available to resettled persons or admitted under humanitarian admission upon arrival, and how accommodation is arranged in your Member State by indicating the maximum duration and who provides the accommodation.

Accommodation for resettled person(s)	Yes-always Yes-Often Yes-Seldom/rarely Not used	Maximum duration (months/permanent)	Who provides the accommodation? (e.g. government, NGOs, resettled person, religious institutions)	Further explanations
Accommodation in reception centres	Yes	6-9 months	Public Centres and NGOs	The initial reception phase may continue with an integration programme involving support and financial aid for housing rent and for meeting basic needs, for a maximum of the 24 months that a pathway can last.
Accommodation in temporary shelter/housing (tents, converted buildings such as schools)	Not used			
Accommodation in social/council housing	Not used			
Accommodation in hotels or other types of housing (formerly) foreseen for tourists	Not used			
Accommodation in regular/private housing	Yes-Often	6-9 months	NGOs with funding from the MEYSS	The initial accommodation reception phase may continue with an integration programme involving support and financial aid for housing rent and for meeting basic needs, for a maximum of

Accommodation for resettled person(s)	Yes-always Yes-Often Yes-Seldom/rarely Not used	Maximum duration (months/permanent)	Who provides the accommodation? (e.g. government, NGOs, resettled person, religious institutions)	Further explanations
				the 24 months that a pathway can last.
Other, please specify				

Q17b. Is a resettled/admitted person allowed to freely move elsewhere within the Member State after his/her arrival or once accommodation has been allocated?

Yes, because they enjoy the same status as refugees, as established in the First Additional Provision of Law 12/2009 of 30 October, governing the right to asylum and subsidiary protection.

Yes, when certain conditions have been satisfied, which are:

In order to continue enjoying the benefits of the National Reception System, transfer to another province requires the authorisation of the MEYSS.

Q17c. Is a resettled person allowed to freely travel to another Member State once housing has been allocated?

Resettled persons who are part of the national reception system cannot be transferred from the Spanish province in which their place is found. Only in certain assessed cases, with the authorisation of the General Secretariat for Immigration and Emigration, is travel to other Spanish provinces permitted²⁸.

²⁸ MINISTRY OF EMPLOYMENT AND SOCIAL SECURITY. Reception and Integration System for applicants and beneficiaries of international protection. Management Manual. Pg. 14

Q18. Please indicate in the table below which integration measures are available specifically to persons admitted under resettlement and/or humanitarian admission, and who provides them.

They are the same social integration measures as for the other refugees; we therefore refer to the response provided in the 2015 Case Study on *“Integration of beneficiaries of international/humanitarian protection into the labour market: policies and good practices.”*

Q19a. What funding is made available specifically for resettlement or humanitarian admission, to whom is it made available, and how is this allocated?

The budget is an annual fixed sum, which is determined by the main costs of the resettlement programmes, with the following main blocks of expenditure:

- Regular six-monthly resettlement selection missions.
- Provision of medical certificates and transfers of resettled persons to Spain, under the agreement with the IOM.

Funding mainly comes from national funds, although a contribution is also made from European funds (AMIF).

These funds are specifically for the resettlement programme and are common to the categories included in the budget for the reception and integration System for applicants and beneficiaries of international protection.

Q19b. Please indicate the annual funding available for resettlement or humanitarian admission (only resettlement activities until the arrival in the Member State, not including the budget/funding for post-arrival services).

<i>If yes, please indicate the quota</i>	2011	2012	2013	2014	2015	2016
	80	30	100	130	724	
Budget for resettlement	€123,147.25	€35,586.03	€115,981.98	€89,524.21	€586,565.49	
What does it include?	Regular resettlement missions by officials from the MIR and MEYSS. Provision of medical certificates and transfers of resettled persons to Spain, under the contract with the IOM.					

Q20a. To what extent is information and cultural orientation provided to resettled persons admitted under humanitarian admission programmes upon arrival? Please include the information in the table below and indicate to what extent the information and orientation provided under resettlement and humanitarian admission is different from the one provided to other persons granted international protection by your Member State.

What information/cultural orientation is provided	When is the information/cultural orientation provided	Who provides the information/cultural orientation?	How is the information/cultural orientation provided	Is the information/cultural orientation different from what is provided to other persons granted international protection (not under resettlement)?
Spanish context	Pre-arrival	MEYSS and IOM when it is not possible by the MEYSS	Face-to-face	The cultural orientation is no different from the orientation offered to the other refugees. They are offered access to contextualisation.
The information is oriented towards integration through education, the acquisition of social skills through socio-cultural context awareness workshops, Spanish language learning activities and training for social integration and entry into the labour market	It starts on their arrival and a complete support pathway is planned that will last for the duration of the reception	The social workers from the NGOs that receive the resettled person	The information is provided orally and in writing	It is the same type of information

Q20b. How is the receiving community at local level prepared for the arrival of the resettled/admitted person(s) through the provision of information?

Continuous and permanent work is carried out on the following: training in values, motivation for the change, advice and support for groups of young people and adults in schools and colleges, associations, social institutions, with the support and involvement of public centres and the NGOs to which they are linked.

Q20c. How are government officials, municipalities, local NGOs, citizens and other people at local level informed/trained on how to deal with the arrival of resettled/admitted persons? Who provides and who receives this information/training, how is it provided and what qualification/background does the training staff have?

There are government information campaigns, and these are supplemented by the awareness-raising work performed by NGOs. The MEYSS also informs the Regional Authorities about the arrival of the resettled persons who are going to be received in their territory in advance of their transfer.

2.4 Member states without or currently setting up a resettlement or humanitarian admission programme

Q21. Are there any plans to establish such a programme in the foreseeable future?

Yes / No

Please substantiate your answer below.

Q22. Is there a debate in your Member State about whether to set up a resettlement programme? Please indicate the pros and cons presented whether or not to have a national resettlement programme

Q23. Please indicate what the current status of your resettlement programme is, what is the time-frame for carrying out the first resettlement activities and what are the challenges/obstacles/difficulties in setting up a resettlement programme?

SECTION 3: NATIONAL LEGISLATION AND POLICIES ON PRIVATE SPONSORSHIP PROGRAMMES

Q24. Does or did your Member State have a private sponsorship programme for enabling resettlement of third country nationals? If yes, are they permanent programmes or ad-hoc ones?

Yes/ No

SECTION 4: EVALUATIONS AND IDENTIFIED CHALLENGES, GOOD PRACTICES AND LESSONS LEARNT

4.1. Challenges and obstacles for designing and implementation of resettlement programmes and/or humanitarian admission programmes

Q32. Are you aware of any evaluations at national, regional or local level of resettlement programmes and/or humanitarian admission programmes in your Member State from 2011? If so, what were the main findings?

Two evaluation documents may be mentioned: the 2013 Participatory assessment conducted by UNHCR and the monitoring reports of the MEYSS.

Q33. In your Member State, have any practical challenges/obstacles related to designing, implementing and running resettlement /humanitarian admission programmes been identified?

Phase	Challenges (if any)
<i>Pre-departure and departure (including identification and selection)</i>	Difficulties in receiving files from UNHCR that meet the criteria set by Spain, above all the existence of family ties.
<i>Arrival and post-arrival (including integration)</i>	The problems detected in the integration of beneficiaries of the resettlement programme were: difficulties in language learning, in access to employment in cases of persons arriving with a low level of education, difficulties in adapting to the new environment due to a lack of social support networks and problems relating to gender equality or the equitable distribution of work as a result of past cultural barriers regarding roles in childcare.

4.2: Good practices and lessons learnt

Q34a. If there are specific examples of good practices or lessons learnt of the resettlement programme in your Member States worth highlighting, please complete the box below.

With regard to the areas that have been evaluated positively by resettled refugees, those which relate mostly to core elements of protection stand out in particular. This opinion has been observed particularly in groups of women and appeared to be closely linked to future opportunities, which they thought resettlement meant for their children. The reception by Spanish society was regarded positively, as well as the successful integration of children in schools, which demonstrates the work carried out by the Government and the NGOs in preparing the host community for resettled persons.

The centres and the stay in them were also viewed very highly, as well as the facilities at the centres and the specialist staff responsible for orientation and support tasks. The language learning classes and professional training classes are examples of good practices implemented as part of the resettlement programme.

In addition, continuous communication is maintained with social and financial players, with regular meetings held within the framework of the Tripartite Labour Commission of Immigration and attended by representatives of the Government, trade union organisations and business associations. Their duties include monitoring the needs of the people that take part in the resettlement programmes and analysing possible measures for facilitating their potential social and professional integration.

SECTION 5: CONCLUSIONS

The current Spanish resettlement system is the result of Law 12/2009 of 30 October, governing the right to asylum and subsidiary protection, which was intended to go beyond the approach that existed before its adoption; the previous system consisted of ad-hoc practices and did not give resettlement, in its narrow sense, a legal status. Under this law a resettlement system has been consolidated based on annual programmes, which are implemented through the relevant agreements of the Council of Ministers. These programmes have existed since the law was adopted until the present time.

Since 2010, the system has been evolving, and this has been marked by the major turning point that summer 2015 represented. From that point onwards, the National Resettlement Programme grew significantly, both in terms of the number of resettlement places and the budget allocated to fund them. At the same time, the national reception system was also significantly resized. It must be remembered that Spain is trying to fulfil the provisions of the Conclusions of the Council of 20 July 2015, through the structure that has been designed around this programme, without any other specific or complementary programmes.

The issue of resettlement has sparked the interest of Spanish society, and it has received significant coverage in the media and parliament. It is particularly remarkable that the Spanish society remains a tolerant society, and no upsurge in xenophobic or racist behaviour or support for xenophobic political parties has been detected. Non-Governmental Organisations have also been very active in this area; they have adopted an attitude of cooperation with public authorities and have carried out dissemination and awareness-raising work.

The Spanish resettlement system is coordinated by the National Authorities, specifically through coordination between the Ministries of the Interior and of Employment and Social Security and in contact with the Regional Authorities and Local Institutions. The regional and local authorities take part in social integration and reception tasks, under the coordination of the General Secretariat for Immigration and Emigration, by exchanging information and remaining in continuous contact. Resettled persons are not distributed around the country on the basis of quotas, but rather by taking into consideration the suitability of the places for the personal and family needs of the programme's beneficiaries.

The implementation of the National Resettlement Programme involves collaboration with international organisations; for example, UNHCR is involved in pre-selecting potential beneficiaries, and this work is supplemented in the field by officials and representatives of the Ministries of the Interior and of Employment and Social Security; and the IOM, which receives funding for its contribution to the programme, which involves providing medical check-ups and pre-departure orientation and travel to Spain.

Resettled persons in Spain receive an international protection decision – which can consist of the granting of the status of refugee or of subsidiary protection – from the Ministry of the Interior on a proposal from the Inter-Ministerial Commission for Asylum and Refuge. In both cases, resettled persons enjoy the same legal status as persons who have been granted the international protection status through a procedure carried out in Spain. These rights include family reunification, rights related to social and professional integration and access to public services.

The Programme has had to respond to some challenges, such as managing to bring the pre-selection of files by UNHCR into line with the criteria established by Spain or responding to difficulties in social integration. These have included difficulties in language learning, problems in finding employment in low-skilled areas, a lack of family and personal networks and gender inequality ingrained in some cultures.

In terms of successful features, the Programme has been evaluated positively by the resettled persons themselves, in terms of the protection provided, the possibilities for social integration, involvement in public

services, the quality of the various facilities and the reception by Spanish society. In addition, there has been good communication and collaboration with civil society organisations, including non-governmental organisations, trade union and business organisations. This coordination and communication work has been carried out from the perspective of bilateral meetings, such as multilateral commissions and forums, within which the situation of resettled persons and their needs for social and professional integration have been addressed regularly.

ANNEX 1. STATISTICS

Table A.1: National Statistics

Indicator	Year					Source	Method used to n well as any cave accuracy
	2011 (total)	2012 (total)	2013 (total)	2014 (total)	2015 (total)		
Total number of persons resettled under the humanitarian admission programme (where possibly disaggregated by sex, age, citizenship and country of transit). <i>This data is additional the data available on Eurostat</i>							
Total number of persons resettled by country of transit							
Total number of persons resettled under the private sponsorship programme							

Table A.2. Characteristics of persons that have taken part in the resettlement programmes (2012-2015)

Country of Transit	Nationality	Age Range	Sex	2012	2014	2015	Total	
TUNISIA	Eritrea	0-13	male	1			1	
			female	1			1	
			Total 0-13	2			2	
		18-34	male	1			1	
			Total 18-34	1			1	
		35-64	female	1			1	
			Total 35-64	1			1	
		Total Eritrea			4			4
		Ethiopia	0-13	male	4			4
				female	6			6
				Total 0-13	10			10
			14-17	female	2			2
				Total 14-17	2			2
			18-34	male	15			15
				female	13			13
				Total 18-34	28			28
			35-64	male	1			1
				Total 35-64	1			1
			Total Ethiopia			41		
	Sudan							

	0-13				
		male	5		5
		female	8		8
	Total 0-13		13		13
	14-17				
		male	2		2
		female	3		3
	Total 14-17		5		5
	18-34				
		male	1		1
		female	5		5
	Total 18-34		6		6
	35-64				
		male	6		6
		female	2		2
	Total 35-64		9		9
	Total Sudan		33		33
Total Tunisia			78		78
Jordan					
	Syria				
	0-13				
		male	10	25	35
		female	5	16	21
	Total 0-13		15	41	56
	14-17				
		male	1	2	3
	Total 14-17		1	2	3
	18-34				
		male	1	18	19
		female	5	15	20
	Total 18-34		6	33	39
	35-64				
		male	6	9	15
		female	2	7	9
	Total 35-64		8	16	24
	Total Syria		30	92	122
Total Jordan			30	92	122
Overall total			79	30	92
					200



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